

SENATE—Thursday, November 20, 1980

(Legislative day of Thursday, June 12, 1980)

The Senate met at 10 a.m., on the expiration of the recess and was called to order by Hon. CARL LEVIN, a Senator from the State of Michigan.

PRAYER

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

Let us pray.

Our Father God, in whose peace our restless spirits are quieted, help us in this opening moment of a new day's agenda to draw near to Thee in tranquility, in humility, and in sincerity. Weary of the fierce storms sweeping across the world and enervated by the stress and strain of the swift changing scene, we turn to the infinite calm of Thy changeless love, that we may find inner sustenance, wells of living water—truth and the peace which the world cannot give. Lift us up, take our hearts and minds, lead us, strengthen us, and endow us with gentleness, goodness, and compassion. Make us ready for the severe discipline and self-control demanded of the age in which we serve. With Thy benediction may we face the tasks before us with honest dealing, clear thinking and tender spirits, striving ever to set forward Thy kingdom.

We pray in the Name that is above every 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 20, 1980.
To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.
Mr. LEVIN 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 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.

RECOGNITION OF THE MINORITY LEADER

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

Mr. BAKER, Mr. President, there are two occasions I would like to call to the attention of the Senate this morning. One I find to be an extraordinarily sad occasion for me and the other a very happy one. Let me speak of the happy occasion first.

HAPPY BIRTHDAY TO THE MAJORITY LEADER

Mr. BAKER, Mr. President, I take this opportunity to join in the celebration of the distinguished majority leader's birthday today. I notice that his tie is graced by yet another fiddle, in this case a golden fiddle, which must symbolically represent the quality of his performance, which we all appreciate.

In all sincerity, Mr. President, I take this opportunity to extend our best wishes for a happy birthday and a prosperous and happy new year to my colleague, the majority leader, and my friend, the Senator from West Virginia.

Mr. ROBERT C. BYRD, Mr. President, I thank the distinguished minority leader.

THE RETIREMENT OF SENATOR RIBICOFF

Mr. BAKER, Mr. President, on the other matter, I suggest that this day, as well, is an important day to the Senate and a sad one for me, because Mr. President, as I understand it, this is the last day on which this Chamber and this body will be graced by the presence of a man of compelling thoughtfulness, unflagging energy, unsurpassed dedication, and inspiring compassion.

This is the final day of public service on the floor of the Senate by the most distinguished senior Senator from Connecticut (Mr. RIBICOFF). ABE RIBICOFF and his wife, Casey, will leave tonight for a trip abroad to attend to duties in Europe in connection with the public affairs of this Nation and will not return, I am afraid, until the day after Congress is scheduled to adjourn sine die on December 5.

As we all know, Senator RIBICOFF is retiring from Government service at the conclusion of this Congress; a choice he made and announced many months ago, a choice that all of us regretted, and I am sure I speak for every Member on both sides of the aisle in that respect, but most of us understood. That

retirement, in any event, will be a great loss to the Senate of the United States and I believe to the Nation as a whole.

For the past 18 years, Senator RIBICOFF has stood as a beacon of decency and civility in the Senate. His voice has been a clarion of reason and benevolence for all of us so privileged to serve with him.

As the most able chairman of the Committee on Governmental Affairs for the past 8 of those years, he has worked tirelessly to improve the integrity and efficiency of the services of the Federal Government.

As we all know, prior to his service in the Senate, ABE RIBICOFF served as President Kennedy's Secretary for Health, Education, and Welfare, the first one after the creation of that Department. He was a member of the organizational cabinet of that administration which did so much to set a tone and style for this Nation for many years. He served as the most distinguished Governor of his native State of Connecticut for 6 years. It is from that service, I am sure, in part, at least, from which stems his obvious affection for his native State, his sense of gratitude to the people of Connecticut for giving him the opportunity to serve in these capacities for so many years of his life.

He served as a member of the U.S. House of Representatives for 4 years; as a jurist in Connecticut for 6 years; and as a member of Connecticut's General Assembly for 4 years. In the aggregate, a record of public service that is seldom rivaled in its diversity and almost never equaled in its quality.

In all, Mr. President, ABE RIBICOFF has given his State and his Nation a remarkable 42 years of devoted service. It is a debt which can never be repaid, but one for which this country should be eternally grateful.

The nature and composition of the Senate is changing, Mr. President, and, while the partisan spirit within me delights at that change, I am, nonetheless, overwhelmed with sadness by the imminent departure of this great statesman, who sits across the aisle from me at this moment.

As we all know, personal friendships formed in this Senate transcend political affiliations. My wife, Joy, and I have had the great pleasure of sharing such a friendship with Casey and ABE RIBICOFF. And as grateful as we are to the Ribicoffs for their public service, we are all the more grateful for their friendship. We shall miss them very much and we wish them every happiness.

Mr. ROBERT C. BYRD, Mr. President, will the distinguished minority leader yield?

Mr. BAKER. I yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I join with the minority leader in expressing our sorrow that Mr. RIBICOFF will be leaving the Senate.

Through the years ABE RIBICOFF has been an inspiration to me. I have leaned upon him for his counsel and his wisdom. I shall miss that counsel and sage advice now that he will be leaving.

He has served in the three branches of Government—the executive, the legislative, and the judicial. He is a man of experience and innate wisdom. He is judicious; he is considerate of others; he is even-handed and fair; and he has been an extraordinarily effective Senator.

He has served in the leadership as a chairman and as a member of the Policy Committee. He has made a fine contribution, not only to the welfare and future of his State, not only to the welfare and future of the Nation, but also to the past, present, and future of the U.S. Senate.

He is highly respected and highly regarded on both sides of this aisle which separates the two parties in the Senate. When he leaves the Senate he will leave a host of friends. I express the hope that he will not be leaving except for intervals, that as he returns to Washington from time to time he will come back to the old haunts and visit with his old friends. We will not forget him. He has left his imprint upon our lives and upon our memories.

ABE RIBICOFF's many offices and accomplishments have been cited. I need not repeat all that he has achieved, the history books will record that in ample detail. I will say that ABE is the essence of the American dream. When he ran for Governor of Connecticut there were rumors about whether a Jew should hold that position for the first time. ABE gave a famous speech called the "American Dream" saying that any American could aspire to the greatest in this land. And that he was not about to repudiate that wonderful dream.

Mr. President, ABE RIBICOFF has fulfilled the American dream. He has enriched the Senate and the Nation. He has served with dignity and distinction. Connecticut has had a special gift in this Chamber, and it has been a privilege to be associated with him.

I know of no more courageous and skilled legislator. It is hard to imagine that ABE will not be here. But his legacy will be enormous and will be with the U.S. Senate and the Nation forever.

To ABE and Casey, I know my wife Emma joins me in saying may the road rise to meet you, may the Sun always be upon your face, may the wind always be at your back, may the soft rains fall freely upon your fertile fields, and as we hope to meet again from time to time until we meet, may God keep you both in the hollow of His hand.

Mr. BAKER. Mr. President, have I time remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes and 20 seconds.

Mr. ROBERT C. BYRD. How much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

Mr. BAKER. I yield to the distinguished Senator from Delaware.

Mr. ROTH. I thank my distinguished leader.

Mr. President, I have had the rare experience of serving with the distinguished Senator from Connecticut on two different committees. Senator RIBICOFF, of course, is chairman of Governmental Affairs, of which I am a member. He is also a member of the Finance Committee, as well as chairman of the Subcommittee on Trade on which I serve as the ranking minority member.

I say it has been a rare experience because I know of no one in Congress with whom it could be a greater pleasure to serve than ABE RIBICOFF.

As chairman of the Trade Subcommittee, I think he is one of two people primarily responsible for the multinational trade agreements. I give him credit for that because, as chairman of the Subcommittee on Trade, he works diligently with everybody, the Republicans as well as the Democrats. It was his leadership in this area, along with Bob Strauss in the executive branch, that I think resulted in the agreement being enacted with very little or practically no opposition in the Congress.

I would also say that he has been a most helpful person to me in my efforts to make this country a leading trading nation. We worked diligently, arduously in trying to restructure the Government to promote the export of American products. We worked very hard to get a reorganization that would make trade on the cutting edge of this Nation's efforts. I am pleased that this distinguished man has agreed that even though he is leaving the halls of the Senate, he is going to continue to play a leadership role in bringing about the necessary changes in this area.

Mr. President, I think ABE RIBICOFF has done a great service for this country, but perhaps above all and the most important, he has made us proud of being public servants. Too many people have not lived up to the qualifications, to the requirements, of providing strong moral leadership to do what is right even though sometimes it is very hard. But ABE RIBICOFF has met that measure, and I wish him and his lovely wife Casey the best in the years ahead.

Mr. BENTSEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to Mr. BENTSEN.

Mr. BENTSEN. I thank the majority leader.

Mr. President, my friendship with ABE RIBICOFF goes back over many years when I served with him in the House of Representatives. When I came back to the Senate, one of the people who helped

me get started again was ABE RIBICOFF, with his wise counsel, his assistance, and his encouragement.

Here is a man who has had a most distinguished career: The Governor of his State, a member of President Kennedy's Cabinet, and for the past 18 years as a U.S. Senator. He is a man who is a humanitarian. Whenever we've had a piece of legislation before us ABE would ask, "Well, is it fair? Does it really take care of the people?"

He took some very courageous stands along the way, some of them not popular at all. But ABE took them because he thought they were right.

I believe public service is one of the highest callings available in our democracy. Some people can preach, some can teach, some can heal, and others can serve the public.

ABE RIBICOFF has served the people of Connecticut and the American public with high distinction. He has shown us what is finest and most noble in public service.

We do not often use the term "statesman" until a fellow has been gone for 25 years, but we can say today, with great certainty, that ABE RIBICOFF is a statesman. He is wise, he has great integrity, and total character; he has fulfilled a role that few have filled in this body.

ABE RIBICOFF has been a bipartisan man, while serving and supporting his party well. He has sought to find ways to work with both parties in protecting and promoting the vital interests of our country. I am delighted to find that we will continue to have his counsel in the years to come.

I know what a partner he has in Casey, his lovely wife; how much she has been part of his thoughts, his efforts, and his inspiration.

B. A. and I wish both of you great happiness, and we look forward to seeing you often in the future.

Mr. BAKER. Mr. President, I yield my remaining time to the Senator from New York.

Mr. JAVITS. Mr. President, ABE and Casey are close personal friends of mine. I, like Senator BENTSEN, served with ABE in the House. I think I was there when he came 2 years after I did. Our lives have had very parallel paths.

There are two outstanding characteristics about ABE which are proper to memorialize on the floor of the Senate as he leaves us and, indeed, as I do.

One is that he is one of the most considerate human beings I have ever met.

I believe his almost unparalleled success in the chairmanship of the Committee on Governmental Affairs has been attributable to that fact. I have seen no irritation or explosion in that committee, which is almost routine in any other I have served on; sometime, somehow, somebody gets irritated and just cannot take any more. Never in the case of ABE RIBICOFF.

That committee has operated on time. It has completed its agenda. It has

operated with celerity. Almost always, it has gotten together in a consensus; hence its remarkable success on the floor.

His second characteristic, to quote my own father, a janitor on the lower East Side of New York, ABE's standard of judgment on legislation and on policy is what is good for America. What is good for America? That is his only question. What is good for our country? This betrays or reveals, I think, the other dominant passion in his life, aside from Casey. That is a burning and fervent love for and devotion to this country.

I have seen him here, on the floor—and he and I have differed on it—taking positions which are completely contrary to everything he ever believed in because the measure failed to meet the test of what is good for the country. He had to meet that test, even though it might be unpopular and might get what we are all deeply concerned with, a lot of dead cats and brickbats on his head at that particular moment.

So, to me, Mr. President, he is the finest example here of these two great qualities; unflinching civility and unflinching accommodation to the needs of his colleagues and a deep sensitivity to those needs, and the other criterion, expressed in very curbstoep language, but very accurate, what is good for America.

ABE, I hope that you and Casey, in the years ahead, may always have that standard, added, however, to one other which I now think takes equal rank: What is good for Casey, always.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

Mr. ROBERT C. BYRD. I yield to the Senator from Ohio.

Mr. GLENN. Mr. President, I want to associate myself with all these remarks this morning. I always have mixed emotions when we go through some of these remarks when people leave the Senate, because, ABE, it sounds as though you are dropping off the planet. If I know you, as I do, I know that it will not be that you will be putting forth any less energy for your country or for interests in the things that are going on in the world; it will just be that you are channeling your efforts into a little different direction.

Mr. President, I planned to put a little more complete statement in the record, or give it here on the floor at a later time, which I still plan to do, but I think my estimate of ABE and his activities here would best be expressed by saying that I tried very hard to talk him out of his decision not to run again. That is not any indication of lack of confidence in his replacement, but I know of no one here whose counsel and advice I value more highly and that I want to continue to share in, even though he will not be here as a Member of the Senate.

Mr. President, I shall have some more

remarks at a later time, before we are out of session this year, but I want to associate myself with all the remarks being made today. No one could have been more helpful to me when I came to the Senate 6 years ago or was more considerate. I think Senator JAVITS' remarks about ABE as chairman of our Governmental Affairs Committee and his always being able to get a consensus are accurate. Even though we start out with completely divergent views, there always seems to be a consensus somehow worked out through his efforts.

ABE, I do not look at this as past. I look at it as continuing to seek your counsel and advice. We wish you and Casey the best. I appreciate all the help you have given to me, as I know so many of us do in this body.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. One minute and 30 seconds.

Mr. ROBERT C. BYRD. I yield that to the minority leader.

Mr. BAKER. I thank the majority leader, Mr. President, I yield the time to Senator STAFFORD.

Mr. STAFFORD. Mr. President, I remember, back in the mid-1950's, the New England States were experiencing some severe problems with moving traffic accidents and deaths upon our highways. I had the privilege of serving Vermont at that time as its attorney general and I think JACK JAVITS was then the attorney general of New York. We had a conference in Atlantic City. The then newly elected Governor of Connecticut, ABE RIBICOFF, was one of the principal speakers at our conference, describing for us the methodology he had adopted in Connecticut to reduce very substantially the death rate for moving vehicles in his State. That was my first chance to become acquainted with the distinguished senior Senator from Connecticut.

A little later, I had the privilege of serving with him as a brother Governor in the Governors' Conference of the Nation and in the New England Governors' Conference. I remember very vividly a New England Governors' Conference in ABE RIBICOFF's capital in Connecticut. And I met with him again when I landed here, in Washington.

Mr. President, I think he has had an extraordinarily successful career as Governor of his State and as U.S. Senator from Connecticut. I compliment him upon it. I think his constituents in the Nation have been most adequately, most beautifully served by him in this body. I hate to see him leave, as all of us do. I think the Senate will be diminished by his absence. I join all others in wishing him all success in the future.

I thank the Chair.

(As will appear later in the RECORD, the time for tributes to Senator RIBICOFF was extended by unanimous consent.)

Mr. PERCY. Mr. President, I have had

the privilege, as the ranking Republican on the Governmental Affairs Committee, of serving with Senator RIBICOFF for a number of years. I do not know of anyone I have ever worked with in any capacity—business, Government, education, whatever it might be—that I have admired more and who has added more enrichment and joy to my life. My life has been made more productive because of having that experience of working with him and observing, in close proximity, the remarkable qualities that he has brought to the U.S. Senate and to public life throughout most of his adult life—qualities that are in the best of the Senate and the U.S. tradition. I am filled with admiration for what he has accomplished, whether leading a delegation to the Soviet Union, in which he participated in a leadership role, or representing his Government and the American people in his travels abroad, accompanied sometimes by his beloved wife, Casey, who is a remarkable ambassador for the United States abroad and at home.

Mr. President, he is a man of tremendous decency in whom one can have explicit trust. His word is his bond in every instance. He has a high level of intelligence. He pursues a course for what is right, not what is partisan.

He has conducted his affairs in a totally bipartisan manner, always asking the question which Senator JAVITS raised, "What is right for the United States of America?"

He runs the committee on a business-like basis.

In order that we will run the Senate as effectively as Senator RIBICOFF has run his Governmental Affairs Committee, I am now presenting a resolution to the new majority that all committees shall begin on time. If they do not begin within a 5-minute grace period, the next ranking member will take over the gavel and bring it to order.

There is a deep sense of gratitude to ABRAHAM RIBICOFF, but not in any sense a feeling that we will lose him. He is a part of the Senate, a part of us. The most marvelous part of this body is that once we are a Senator, we are always a Senator. We are always welcome here. We shall always feel privileged to turn to him for advice and counsel, for encouragement, and for help.

What he has contributed to the Senate is permanent and we shall all benefit from it. The U.S. Senate is a better body of men and women and a better institution because of his powerful presence here.

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I should like to continue the remarks which have been made by my colleagues. Most especially those by my revered senior Senator JAVITS and Senator PERCY, with respect to the impact that ABRAHAM RIBICOFF has had upon this institution and the Nation which it reflects.

He has been one of the preeminent

public men of his age, adding distinction and maintaining a tradition of public service in this body, in the Cabinet, and in his State of Connecticut, which he served as chief executive.

I would like to suggest something further. I would like to suggest that he has added a dimension to American Government—and particularly to the work of the Congress—that was not present before him, the onset of which has been but little noticed and could only have occurred in the course of a legislative career that has now passed almost two decades.

He has changed the way we do our business. I speak to the whole question of the evaluation of social programs and Government policy.

It is the particular genius of this man to be able to see conditions arising which require a response long before others are even aware that these conditions exist.

In 1966, at the height of the period of innovations in social policies of President Johnson's administration—there have only been three such moments in this century: One under Woodrow Wilson, one under Franklin Roosevelt, and one under Lyndon Johnson; there probably will not be another—at a time when bills were coming out of this Congress that had been talked about for generations and never acted upon, ABRAHAM RIBICOFF began to ask questions and hold hearings in his Committee on Government Operations. Do these things work? How will we know? Is there any measure of performance that we can set against expectation and congressional intent?

In his slow, effective manner, he brought into being the evaluation procedures that are now embodied in the General Accounting Office, an office whose elemental beginnings were in auditing business and Government activities. Two or three generations later, the evaluation of social programs has become a wholly new part of our oversight of the activities of Government. In this oversight, we ask, far beyond the question of, are the moneys properly spent, the higher question, do they have the intended effect?

I think Senator RIBICOFF may not be aware of this, but just recently I was talking with the Administrator of the General Accounting Office, Mr. Elmer Staats, who told me that as a consequence of Senator RIBICOFF's interests, and the development of this field, almost half the activity of the Government Accounting Office today consists of evaluation.

The GAO is a particular branch of the Government that we associate with the Congress. Half of what it does today, it does because of what ABRAHAM RIBICOFF set out to have it do almost 15 years ago.

This will seem to some a routine matter. It is anything but. It might even seem to others a pedestrian one. It is hardly that, because what ABRAHAM RIBICOFF addressed himself to at the height of the innovative enthusiasms of the 1960's was the oldest and most American

question of all. Will it work? Does it work?

This is a tradition that we associate with Ralph Waldo Emerson and to which we give the large appellation "pragmatism."

This pragmatism is at the center of the American experience. It is the secret of our success. No one in this generation has so advanced it as an effective philosophy than our beloved friend from Connecticut, ABRAHAM RIBICOFF.

We shall not miss him, for his presence will be with us as long as any of us here who knew him remains.

I would like to express to my colleagues my particular affection for his wife, Casey, and wish them every happiness in what will be their new State, alas not their new residence for political purposes. They will add to the distinctions of New York as he has illuminated the U.S. Senate.

We look forward to his new career practicing in Manhattan.

I thank the Chair.

Senator RIBICOFF seems always to have regarded the improvement of governmental policy and management functions as a continuous and logical process. He urged that as our society learned new and better ways of performing these functions, these new ways be incorporated into our public policy institutions. Program evaluation, in particular, seemed to him to hold high promise for the improvement of public management, and he became concerned, as early as 1967, that the executive branch might develop and maintain a monopoly with regard to evaluative information needed by the Congress. At that time he stated on the floor:

This is the information that tells us how well—or how poorly—our programs are working out. It tells us what needs revision and how it might be revised. It is essential to the operation of an effective and modern government that is responsive to the people and the times. And at the present moment, such information is not available to the Congress.

This problem is reaching critical proportions. In recent years Congress has enacted hundreds of programs costing billions of dollars. But once a bill is passed, the Congress often loses control over the program. The result is that the Congress is denied access to adequate knowledge on the daily operation of the program. (THE CONGRESSIONAL RECORD, June 8, 1967, p. 15250.)

In his legislative endeavors to improve the way Government operates, Senator RIBICOFF has been particularly sensitive to the fact that Government activities are conducted and performed by people, and particularly realistic in his recognition that the rules and regulations governing public management must be reasonable and the goals set for Government to achieve must be, in fact, achievable. At the same time, and moving toward the same goal but from another direction, he has advocated the use of evaluation, audit, and investigation, realizing that improved Government efforts and more responsive public man-

agement depend, over the long term, upon independent appraisal.

In the past and more recently, Senator RIBICOFF's work with the General Accounting Office has led to the establishment of Inspectors General in various Federal agencies. Similarly, the kinds of legislation he has supported and the establishment of evaluation requirements in that legislation, reflect his awareness of the need for evaluative information, especially as it contributes to congressional oversight and program accountability. Included here, as well, must be his efforts to strengthen the role and operations of the General Accounting Office, Congress primary oversight arm, again toward the same goal: That the Congress receive the best evaluative information available on the results of public programs.

In 1967 Senator RIBICOFF introduced a bill (S. 1929) into the Senate to establish a Commission on Legislative Evaluation which would explore the best ways to set up an independent office of the Congress to do legislative evaluations. He proposed that the Commission be chaired by the Comptroller General and came back to Congress with its recommendations.

The process continued in 1969 when hearings were held by Senator RIBICOFF as chairman of a government operations subcommittee responsible for the oversight of GAO. These hearings grew out of an agreement reached in the Senate on the military procurement authorization bill. Postponing action on amendments calling for studies by GAO of defense procurement activities, Senator RIBICOFF made a commitment to hold hearings on GAO's capability to audit and analyze defense expenditures.

Senator RIBICOFF's actual inquiry focused upon a broader agenda, however: Whether in fact the GAO could provide the Congress with the kinds of evaluative information the Department of Defense was providing for itself, thus improving the Congress oversight capability vis-à-vis the executive branch. The hearings became a forum in which the Comptroller General presented his views on how GAO could better help the Congress, and spelled out what GAO needed to get its job done. Following the hearing there was general agreement that GAO's capabilities could best be strengthened through separate legislation to be sponsored by Senator RIBICOFF.

Thirteen months later, legislation emerged containing seven titles and providing, in particular, that the GAO would:

Review, analyze, and evaluate ongoing Federal programs.

Assign staff to committees to prepare analyses.

Analyze and review legislative proposals.

Provide status reports on major weapons systems, construction programs, research and development programs, and others.

All in all, the Ribicoff bill was designed to strengthen and broaden GAO's authority in order to provide more effective service to the Congress. In its report on this legislation, the Senate Committee on Government Operations said:

It has long been the judgment of many Members of Congress, and of this committee, that the work performed by the General Accounting Office would be far more meaningful and useful if attention were focused upon ongoing programs, current activities, and new proposals. This approach, it was felt, would enable the Congress, and its committees, to have the benefit of the General Accounting Office's findings and recommendations in time to halt unsound practices and activities, or those of doubtful value or legality. It would also make the activities of the General Accounting Office more meaningful and relevant and afford the Congress an opportunity to select the most effective program alternatives.

As is well known, the bill passed the Senate in October 1970 with little debate and no dissent, but the House failed to act and the bill died when Congress adjourned.

This report, however, played an important part in the later enactment of provisions on the Legislative Reorganization Act of 1970 and the Congressional Budget Act of 1974 which established a strong charter for current GAO program evaluation efforts which today represents one-half of GAO's activities.

What is clear, however, is that in this case as in others, Senator Ribicoff viewed the provision of evaluative information to the Congress as essential to the proper performance of the oversight function, and that he viewed the strengthening of GAO as prerequisite to the provision of that information. In this sense, the GAO is directly linked to insuring that congressional oversight and monitoring of Federal programs are secured. It seems fair to say that Senator Ribicoff's views of program evaluation, and of the GAO role with respect to it, have been of critical importance in shaping the GAO of today.

I thank the Chair.

Mr. CRANSTON. Mr. President, I join in paying tribute to a warm friend and a truly great American with whom it has been a tremendous pleasure to serve through all the time I have been in the Senate.

Mr. President, this year marks the end of ABRAHAM ALEXANDER RIBICOFF's 18 years of service in the U.S. Senate. It will be hard for me, and for my colleagues, to imagine the Senate without ABE RIBICOFF. In his quiet, but firm way, ABE RIBICOFF has helped direct the course of National Government for two decades. He has repeatedly helped force compromises on extremely controversial and emotional issues.

He has been able to do that because he has had the respect and trust of every Senator, regardless of philosophy of party, and of so many Americans outside the walls of the Senate.

He has instituted major reforms, and has served the people of Connecticut and the United States with compassion,

commitment, and dignity. His record of accomplishment here in the Senate, as well as during his previous years as a State legislator, Member of the House, Governor of Connecticut and Secretary of HEW, is one that has rarely been matched, not only in our time, but in all the time of our Republic.

I first recall working with ABE in 1970, on his consumer protection bill. Since then, Congress after Congress, he has pressed for creation of a consumer protection agency with the determination and dauntlessness that marks his pursuit of every policy he believes is in the public interest. It is one of the very few dreams Senator Ribicoff has not pursued into reality. Most of our key traffic and highway safety laws originated with him. The Department of Housing and Urban Development and the Department of Education owe a great deal to his initiative and genius for organization. His efforts to reform and revitalize our social programs—from family assistance to manpower to health to children's programs—have benefited countless in our society who are most in need of help.

I do not believe anyone can look at ABE RIBICOFF's experience and achievements without feeling a deep sense of respect and gratitude. He has dedicated his life to realizing the American ideals of social justice and social service. He has not hesitated to speak out when there was a need. He has cared. He has cared deeply.

It is thus with deep admiration and abiding affection that I join my colleagues in thanking ABE RIBICOFF for the leadership he has shown and in wishing him and his family well-earned happiness, fulfillment, and peace in the years ahead.

We will miss him in the Senate, but ABE, I know that we can count on your advice and counsel in the difficult days and the challenging days that lie ahead. We know that you always will be within reach, and we will be reaching out to you very often in the days to come.

Mr. LONG. Mr. President, at the close of this session, we will lose a Senator who will be a legend to this body. I refer, of course, to the senior Senator from Connecticut, ABRAHAM RIBICOFF.

No Member of this body has a more proper claim to the role of statesmanship than ABRAHAM RIBICOFF. Many times, in our very difficult and arduous efforts to resolve the problems that confront Americans, ABE RIBICOFF has risen above party, above region, above prejudice, to provide us guidance in meeting national needs.

For example, in the very difficult problem of the busing of children to achieve racial integration, ABRAHAM RIBICOFF has insisted that this matter be resolved for the best interests of the children rather than for the political advantage of any section or any group anywhere in this country. In doing so, he has met with scorn on occasion, in some areas, by people who did not understand his efforts to benefit Americans.

He has presented similar leadership in

grave international difficulties involving war and peace, such as settling the impassioned issues of the Near East. Although his heart tends to be for Israel, as his background would suggest, he has had the courage to stand here and advocated positions which would suggest that both sides must be compassionate and understanding with regard to the problems of others, that both sides must be willing to make concessions in order to live at peace with their neighbors, for the good of both sides and for the ultimate survival of mankind.

In some of those cases he has been misunderstood and unfairly criticized, but he has had the courage to stand his ground, completely worthy of those statesmen whose careers were discussed in John F. Kennedy's book, "Profiles in Courage."

In settling issues such as health care and help to the poor, ABE RIBICOFF has a strong feeling for the poor, for the disadvantaged. Yet, he has been able to see all sides of those problems and has had the courage to speak for what he believes best for the individual and best for the country, sometimes taking positions that might be unpopular with many in his home State of Connecticut.

Mr. President, there is no Member of the Senate who is more respected for his integrity and for his honesty. So far as I know, in the entire time it has been my privilege to serve with ABRAHAM RIBICOFF in the Senate, there never has been a time when he has done anything that could be the basis of even so much as a hint of improper conduct.

Even in advising a colleague what that colleague should do or should not do, in his entire tenure in the Senate he has never suggested to anyone that that person should take some course of action which the person would regret later.

Beyond that, Mr. President, the Senator has conducted himself with class. Never has he taken advantage of a colleague as he sought to press an advantage when it happened to be his, in any situation where it might be somewhat unfair, or unreasonable to do so. He has been a Senator's Senator.

I suppose the final example of the degree of class with which the Senator has operated is the way he has chosen to retire from the U.S. Senate. There is not the slightest doubt that he could have been reelected for yet another term in the Senate by the voters of Connecticut by an overwhelming majority, and he could have provided many additional years of service in the Senate, to the plaudits of the entire Nation. However, he felt that he had reached a point in life when, all things considered, it would be appropriate for him to step down. So, in the full vigor of manhood and in the full possession of every intellectual power that any Senator ever has possessed, he has felt that he has reached the point in life when he should retire, and he has done so with dignity.

Mr. President, I wish for every Senator all that has been achieved by the Senator from Connecticut. He has served as a Governor, a Member of Congress, a

member of the President's Cabinet, an outstanding Member of Senate, and the chairman of a major committee. I wish it could be the good fortune of every one of us to retire a winner, undefeated, having been before the people for their approval many times, having been elected many times, and then to retire at a time when, had one chosen to seek reelection, he could have been reelected.

The Senator's retirement is entirely voluntary on his part. It should be the envy of every one of us if, having served as long and diligently and as successfully as the Senator from Connecticut has served, we could have the privilege of retiring with the admiration of the Senate and the Nation and those who sent us here.

I extend my regards to his very lovely wife, Casey. It has been my pleasure and the pleasure of my wife, Carolyn B. Long, to visit with the Senator from time to time, to be a neighbor, and to take a trip with him on occasion when we discussed trade problems. The Senator is extremely fortunate to have so lovely a wife, who has been so dedicated and devoted to his career, and who has helped him in pursuing all he has achieved.

I should like to mention one other matter, Mr. President. In my judgment, it would not have been possible to pass the landmark trade bill that we passed in the last Congress had it not been for the service of ABRAHAM RIBICOFF. He had served as Secretary of Health, Education, and Welfare and had made tremendous contributions in the area of health, welfare, and social security, and he wanted to take a hand in something else. He was well-qualified, and he asked to be chairman of the Subcommittee on Trade. In my capacity as chairman of the Committee on Finance, it was my privilege to designate him.

The Senator from Connecticut not only held many meetings and traveled around the world to discuss trade problems, but also, he led the charge to see that we would have a very well qualified person as a special trade representative. In some situations that task was not entirely pleasant. I recall at least two occasions when I joined the Senator from Connecticut in insisting that the nomination of a proposed nominee of the President would not be confirmed if the name came up, in holding out for a more prestigious and, it was hoped, a more talented person to take the job. It was largely because of the efforts of the Senator from Connecticut that we were able to obtain the services of Robert Strauss as well as former Secretary of Commerce Fred Dent to serve in that position.

I mention Mr. Strauss because he was special trade representative when we concluded the negotiation and passed the legislation to put into effect what is perhaps the most historic trade bill of this century, and it would not have happened, in my judgment, without the dedication and the activities of the Senator from Connecticut (Mr. RIBICOFF).

I recall one occasion when the Presi-

dent was looking for the best man for the job. He discussed that matter with Mr. RIBICOFF and Mr. RIBICOFF suggested that if properly approached Mr. Robert Strauss could be persuaded to take that job, and Mr. Strauss did take the job, and the results speak for themselves. The result is a national legislative achievement, a national achievement that is a credit to the Carter administration and a credit to everyone who played a part.

Fortunately for all of us, ABE RIBICOFF will still be around. We will have an opportunity to visit with him, to see him from time to time, and to benefit from his wisdom.

Mr. CHILES. Mr. President, I am a person who does not take up much time on this floor, and I usually can say what I have to say very quickly. But how I can say in 2 minutes what I feel in my heart about ABRAHAM RIBICOFF is just impossible.

I know that many Senators in here feel a very personal relationship with Senator RIBICOFF. I know if someone asks me who in the Senate has been more helpful to you, more of a counsellor, giving you better advice that anyone else, I would very quickly say ABRAHAM RIBICOFF.

I feel that I have that very special personal relationship. When I talk with my colleagues I find that I am not the only one who has that same relationship. I think so many of us in here have exactly that same kind of feeling. In fact, that is true as to anyone who has ever been to Senator RIBICOFF, sought any advice, sought any counsel or said "I am interested in a particular piece of legislation, how should I go about trying to do something about that?" Senator RIBICOFF has been my committee chairman.

In that capacity, he has leaned over backward to allow me to have any kind of the courtesies of that committee or of his help in everything that I have attempted to do. I think he has been such an example of courage to all of us in here to not allow any special interest group, not allow any single issue group to panic him or to ever cause him to deviate from that great line of fairness and I think more than that, Mr. President, he has great wisdom.

Knowledge we can learn, but wisdom really is a gift from God. I think ABRAHAM RIBICOFF has that tremendous sense of wisdom. We almost can call it second sight. He can tell months in advance what is going to happen. He can tell us legislation that is going to pass and legislation that is not. He can give us wise counsel. He has done that to us individually, but he has also done that for his country and he has done it over all these periods of years in the capacities he has held as Governor, as a member of the Cabinet, as a Member of the U.S. Senate, and now I know that he is going to continue to do that as the statesman that he is going to be even though he is not going to be holding an elective office here. So I do not see this at all as a eulogy. I think it is a graduation, and we are going to have ABE RIBICOFF now giv-

ing that wisdom and that counsel outside of this body, and I am sure people are going to continue to listen and benefit by that great advice.

I am delighted to have had an opportunity to speak in this brief moment. Mr. NUNN. Mr. President, again Senator CHILES said nothing is more difficult than trying to summarize our feelings about a great Senator and a great friend in 2 minutes, but I wish to add my words to those who have praised ABRAHAM RIBICOFF today.

He has been a man of great ability for many years. He has been a leader of tremendous intelligence. He has had sensitivity regarding human needs and human aspirations in this country.

Being from the South, I think that it can be said without any doubt that during periods of time where our Nation has struggled to provide every citizen equality regardless of race, color, or creed, Senator RIBICOFF has led that kind of battle, but in doing so he has always kept in mind that every region of the country should also be treated equally, and the people of our section of the country will always be grateful for the approach he made in many areas that took a great deal of courage.

I suppose we will have a lot of Senators who can replace to a degree the ability, the intelligence, and perhaps even the sensitivity, but I think it will be very difficult for us to replace the tremendous sense of intellectual honesty, integrity, and tremendous fortitude and courage that ABRAHAM RIBICOFF has displayed here.

He will be missed in this body. We hope to continue our personal relationships with him. We hope to continue to get the benefit of his guidance and also the presence of his lovely wife, Casey.

I just wish to say as the Junior Senator from Georgia that our Nation owes a debt of gratitude to the State of Connecticut for supporting this man and providing him to the U.S. Senate as a great leader of both Connecticut and our country. I am grateful to have known him and to have been associated with him and look forward to continuing that kind of relationship in the future.

Mr. BAUCUS. Mr. President, ABRAHAM RIBICOFF is one of the few Americans whom I have had the privilege to know, honor, and revere as much as I do. He has been a counsellor to me personally. He has been a friend. He has been a father to me.

In many ways ABE reminds me of another Montana Senator who served in this body years ago, and that is Senator Mike Mansfield.

Senator CHILES took the words out of my mouth, as I stood here and began to collect my thoughts on what I think about ABE RIBICOFF.

During those times when I have had a problem and sought advice the one person I would go to first would be ABE RIBICOFF and that is because of his wisdom and integrity that has been mentioned already today. It is also because he listened. He took the time to listen.

I think, Mr. President, too often we in this body are caught up in the routine

of the whirlwind and sometimes spin our wheels. We are too busy. ABE RIBICOFF is not too busy. I think that is one of the reasons why he is so wise. It is why people seek him. It is why people in this body and elsewhere want to have the benefit of his counsel, and I only suggest, Mr. President, that all of us here in the Senate do well by remembering the model that ABE has set by being not too busy, by listening, and I think that not only we as individuals will benefit but I think the country will benefit as well.

Mr. President, let me conclude by saying that one of the highest privileges I have had is to know and work with a man of the stature of ABE RIBICOFF.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. WEICKER. Mr. President, no man is more admired in the State of Connecticut than ABE RIBICOFF. That admiration is not restricted to politicians. In all fields of endeavor, he is the most admired man in the State, and for good reason. Connecticut is a small State so it is able to focus on its officeholders with precision. We are under that microscope. In every possible position during his career whether as legislator, judge, Congressman, Governor, Cabinet officer, or Senator, the State knows ABE RIBICOFF. Usually for most of us the end of our careers leave many doubters, sceptics and antagonists. Not so ABE RIBICOFF.

The fact is that as years go by this man gets more popular in the State of Connecticut. That constituent judgment is the most meaningful of all who view us.

ABE is a man, of enormous courage. He has displayed that on so many occasions. It is a quality which is harder and harder to find in America.

He is willing to make his position known. He does not waffle on the issues.

Fortunately, this is not good-bye as far as I am concerned. ABE is going to continue to live in Cornwall, Conn., so I will have the opportunity for advice and friendship.

I would like to conclude with a personal tribute based on my own feelings of this man. Many people over the years have wondered how two men from different parties can be as close as the two of us have been. Well, you just do not get close to a man of ABE RIBICOFF's stature.

The day I walked into this body there never was a question that I was not going to be influenced by his brand of greatness. The State of Connecticut has benefited from the fact that ABE shared his wisdom shared those traits of character which are so important to outstanding leadership.

ABE, the State of Connecticut will miss you in the governmental, political sense but believe me there is a tremendous loss on my part in not having you here on the floor for advice, for encouragement, and for example. That is what you have been to me.

No man could have had a better example. Maybe in a few months, I will become the senior Senator from the State of Connecticut in name but I think it is going to take many years, and many decisions on my part, to earn the title.

So for the start you have given me, thank you, and for what lies ahead of you—great good fortune.

Mr. HART. Mr. President, there is no school for Senators, and certainly no Member of this body today, or any of our historic predecessors, has ever been born to the Senate. We are elected by our constituents to represent our States, and then we learn how to become Senators. The only way we can do that is if there are those here who embody not only what is best in the Senate but what is best in the American character, and we learn to become Senators by observation, by example, of those figures.

There are all too few, unfortunately, of those people, but there are those throughout history who have fulfilled that role of teaching all of us to become Senators and, perhaps, in effect, to become Americans.

Those few, of whom the Senator from Connecticut, Mr. RIBICOFF, is certainly one, perform that function of perpetuating what is best about the U.S. Senate, not in their words but in their deeds, in their behavior and, most of all, in their character.

I would ask the indulgence of my colleagues if my remarks become personal because ABE RIBICOFF was, perhaps, the only Member of this body with whom I had become acquainted before I became a Member of this body, and he extended those qualities of character and leadership to me even before I was elected to represent my State. I came here with enormous respect and admiration for him, and in the 6 years that I have watched him as a model for what the U.S. Senator should be, nothing he has said or done as a U.S. Senator has led me in any way to lessen my regard for him.

Mr. President, in short, I think the Senator from Connecticut, Mr. RIBICOFF, is the embodiment of all that a U.S. Senator should be, and I hope this body will somehow find a way to replace him in future years.

Mr. HARRY F. BYRD, JR. Mr. President, it is difficult to add to the many splendid and accurate tributes that have been expressed for ABE RIBICOFF in the Senate today.

I do want to say, however, that I feel that Senator RIBICOFF's voluntary retirement from the Senate represents a great loss to the Senate and to the American people.

Senator RIBICOFF is one of the ablest and one of the finest individuals it has been my privilege to know. We have sat alongside one another on the Finance Committee for 12 years now, and I have gained much from his commonsense and good judgment.

I think it is appropriate to say we do not have exactly the same philosophy on some of the matters coming before the Senate, but always have I had great confidence in ABE RIBICOFF, always have I had great admiration for him as an individual and as a Senator.

I know I shall miss being so closely associated with him as a member of the Finance Committee, and sitting side-by-side with him.

He is an individual whom I instinc-

tively like, one for whom I have the warmest and highest admiration.

The Senate will miss ABE RIBICOFF, but he has left a very important mark on the Senate of the United States, and I believe that as the years go by, he will be regarded as one of the ablest men and one of the finest men who has ever served in this great body.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the tributes expressed about our colleague, ABRAHAM RIBICOFF, are meaningful, and they are meaningful because they go to a Senator who merits what has been spoken of him.

ABRAHAM RIBICOFF, I remember him, as others do, for specific instances within their leadership in this body and in public service. Incidentally, Senator RIBICOFF has served, as he leaves this Chamber in a few days, 42 years, 42 years in meeting the needs of the people.

ABE, if I can turn to you now, you have made my seat here a happy one because of the little chats and confidence that we have had.

But I remember that night when you came to Elkins, W. Va., in 1961. You were at that time a Secretary in the Cabinet of President John Kennedy. You came to speak to several hundred of our men and women on the matters of education and other subjects that were so close to them.

ABRAHAM RIBICOFF and his lovely lady Casey leave not only to them, but they leave in the sense in the hearts of all of us the recognition—and they did not seek it—that they had been very much a part of the development of often sound legislation, often innovative, often controversial, but always realizing that men and women can have differences but that animosities need never enter in there.

I shall remember his service, as others will. I am grateful for the opportunity of speaking for a man who has been conscientious and who has often led crusades that were most worth while.

Mr. HELMS. Mr. President, Harry Truman once said, when he came to the Senate, that he spent the first 2 weeks wondering how he got there; thereafter, he wondered how other guys got there. Nobody has ever wondered how ABE RIBICOFF got to this Senate. He has graced it with ability, intelligence, integrity and, yes, charm.

I want him to know at this time, and at all times, that I have appreciated his friendship, and I have admired him. As the distinguished Senator from Virginia, Mr. BYRD, just said in his own case that he did not always agree with Senator RIBICOFF, and neither have I, but one thing is for sure: It is always the case with ABE RIBICOFF that any disagreement is an agreeable one.

So I wish you and your lovely Casey every continued success and happiness. I want you to know that Dorothy and I love you very much.

Mr. HATFIELD. Mr. President, how does one pay tribute to a man of such diverse talents and so multifaceted a personality as Senator ABRAHAM RIBICOFF? I find it difficult to get a handle on where

I would like to start, because there are so many things on my heart at this time.

I recall one time that Senator RIBICOFF shared with a few of us about an experience he had as a small boy growing up in a limited income family and how there was a certain boy that he walked to school with and walked home with every day of the week that school was in session. This other boy had a family of higher income who had more money for various expenditures. One of their habits was that they would stop in this pastry shop on the way home from school each night and this friend of Senator RIBICOFF's would buy two jelly donuts and proceed to eat them on the way home, and never once, in all of those years and all of those jelly donuts that he purchased, did he ever offer Senator RIBICOFF so much as even one bite.

Now, I tell that story only because I think it is out of the full life and the learning of living that Senator RIBICOFF, among many of his attributes and virtues, demonstrates generosity. He has had this experience of one of his friends being so ungenerous that it taught him the great lesson of generosity.

I could talk about Senator RIBICOFF rising from a modest economic background—very rich, though, in family tradition and religion—onto a position of a U.S. Senator, Cabinet official, and Governor.

When I went to my first Governors' Conference in 1959, I looked around the table of the 49 other Governors and I selected Senator RIBICOFF as my model that I would like to live up to. I used Senator RIBICOFF as my model and still feel that he would be anyone's model to try to achieve and live up to the high excellence that he demonstrates.

But, Mr. President, if I were to try to summarize the life of Senator RIBICOFF and my view of his life, I would like to share with my colleagues here what I shared a few months ago at a small dinner party when it was my privilege to pay tribute to Senator RIBICOFF at that time.

I would like to take from the great Jewish tradition and writings of the Talmud, because in the Talmud there is defined what constitutes a good man, three major characteristics.

The Talmud records, first, that a good man promises little, but performs much.

Second, that a good man needs no monuments, because his deeds become his shrines.

The Talmud further states that a good man is characterized as one who is hard to provoke and easy to calm.

Now, think about that for a moment. In my view, those of us who have known Senator RIBICOFF and who have great affection and love for him, I think would be unanimous in saying that the Talmud has indeed spoken here directly and specifically of Senator ABRAHAM RIBICOFF. He embodies those characteristics that the Talmud speaks of.

I thank the Senator for having been a friend. I wish him well, happiness, joy, and God's blessings on his life and that of his dear wife, Casey, who we love very dearly, as well.

Mr. WARNER. Mr. President, as a Member of the freshman class, speaking on behalf of my freshmen colleagues, all of us have had the greatest admiration for the distinguished Senator from Connecticut; many of us—certainly this young Senator from Virginia—have tried to model our careers in many respects following the guidance, wisdom, and the friendship extended by ABRAHAM RIBICOFF.

We shall miss you and, as we say in Virginia, if you ever return to my great State, you will be accorded the honors of a true Virginia gentleman.

Mr. President, on a separate matter may I ask today's RECORD include a beautiful prayer composed and delivered by our colleague, Senator JOHN DANFORTH, last night at a historic dinner hosted by the majority leader-elect and Mrs. Howard Baker, in honor of the President-elect of the United States and Mrs. Ronald Reagan, and Vice President-elect of the United States and Mrs. George Bush, and attended by incumbent and retiring Republican Senators, newly elected Republican Senators, and senior advisors of the President-elect.

Senator BAKER opened the evening by characterizing it as a "family affair." Senator DANFORTH, in an eloquent style reflective of his training in the ministry delivered this prayer, which set the tenor for this moving occasion:

Our heavenly Father, no people have been as blessed by you as we who are Americans. We have been given so much for which we are thankful—a fruitful land, a diverse population, and especially a tradition which values the dignity of each person whom you have created in your image.

We are now at a turning point in the history of our country, and at this turning point we who are present tonight have been called to be leaders.

Give us the strength and the commitment to be up to that task. Help us to set forth a vision of what America can be, to state a clear purpose for our people, to offer hope for a future of peace and opportunity. Make us uniters, not dividers. Help us to summon Americans together to the great common task of rebuilding our country and creating a heritage for generations to come. Bless our new President, our new Vice President, and all who will assume positions of leadership.

Bless this food to our use and us to thy service, and make us always mindful of the needs of others. Amen.

Mr. LEVIN. Mr. President, I merely wish to add a brief note of my own personal thoughts. I have served on the Governmental Affairs Committee with ABE for the 2 years I have been here. He has been a model of courage and stability, as so many people have said this morning. Those two words, I think, characterize his life here as much as any two words could.

When I first came here, I think ABE was probably the first Senator I met with. I sat in his office asking for advice. I got the feeling sitting with him that he was really interested in my agenda and was not in any way seeking to impose his agenda on me. I felt that a special relationship was then created. There was a personal feeling between us that was something special and unique.

As I sat here this morning and had the privilege to preside while so many of these tributes were being paid, I so much agreed with what LAWTON CHILES said about each one of us apparently having the same kind of special relationship with ABE RIBICOFF that I felt I had. So that unique ability to deal with people as individuals, to deal with them as special individuals, is something which ABE RIBICOFF has so much of. We are going to miss him, we are going to remember him, we are going to look forward to his coming back often.

It has been a special privilege for me to be able to sit in the U.S. Senate with ABE RIBICOFF.

Mr. TALMADGE. Mr. President, it is a great privilege for me to join with so many of my colleagues in honoring the distinguished Senator from Connecticut, ABE RIBICOFF, on his retirement.

ABE RIBICOFF is a warm personal friend. I had the opportunity to work closely with him when he was Secretary of HEW under the Kennedy administration and I have since had the privilege to serve with him for many years on the Finance Committee where I was a member of the Trade Subcommittee which he chaired. Together we worked on the Trade Expansion Act of 1982 which laid the foundation of most of the major trade and tariff structure we have today.

As State legislator, judge, Congressman, Governor, Cabinet officer, and U.S. Senator, ABE RIBICOFF has left his mark on both State and national policy. His leadership led to the enactment and establishment of the Department of Housing and Urban Development, the Department of Transportation, the Department of Energy, and the Department of Education. As the able chairman of the Senate Governmental Affairs Committee, he did yeoman's work on civil service reform. As chairman of the Finance Committee's Subcommittee on International Trade, ABE RIBICOFF managed Senate passage of the Tokyo Round of Multilateral Trade Negotiations and "Most Favored Nation" trading status for the People's Republic of China.

ABE RIBICOFF is universally respected by his colleagues in the Senate. He is a man of strong convictions and personal integrity. He has served with deep wisdom and extraordinary dedication, and both the Congress and the Nation are better for ABE RIBICOFF's service. For his contributions which stand as a monument to his capability, we salute him and thank him—and wish for him the best of success in whatever endeavors he chooses to pursue.

A FAREWELL TO SENATOR ABE RIBICOFF

Mr. WILLIAMS. Mr. President, even though we have all known for some time now that our most distinguished colleague and dear friend from Connecticut is retiring from the U.S. Senate, I still find it difficult to say goodbye to him today.

Maybe that is because he has been such a good friend. Or perhaps it is because he has been such a strong ally and thoughtful Democrat. Or maybe it is dif-

fault to say goodbye to him today because we can imagine how much his presence here will be missed.

For those and many other reasons, I am especially sorry to bid farewell to this experienced and able statesman who has done so much during the past 18 years to help keep our Nation on the proper course.

The accomplishments and the dedication of Senator RIBICOFF have been lauded here today by his many friends. There is certainly ample testimony to his outstanding record and much evidence of the respect in which he is held by his colleagues. I will not extend that litany by listing now the many legislative successes and political laurels that deserve to be laid at his feet. But I do want to re-emphasize that whatever purpose Senator RIBICOFF has dedicated himself to has always been marked by principled determination, careful consideration of all sides of an issue, and prescient awareness of what would be best for the country and for his home State of Connecticut.

Throughout his career, both with us in the Senate, and in his other government offices, Senator RIBICOFF has faced his share of arduous and formidable tasks. He has fought some lonely battles, and he has been in the vanguard of critical issues. For as long as I have known him, my distinguished colleague and frequently has proven himself to be one of the finest individuals ever to serve in this deliberative body.

Jose Marti once said, "Mountains culminate in peaks, and nations in men." ABE RIBICOFF embodies that sentiment. He will surely be remembered by all of us here, and by history, as a uniquely qualified legislator and statesman.

I extend to him every good wish for happiness and continued success in whatever he chooses to do in the years ahead.

Mr. COHEN. Mr. President, in my first 2 years as a U.S. Senator, I have been privileged to serve on the Governmental Affairs Committee under the distinguished leadership of Senator ABRAHAM RIBICOFF.

Senator RIBICOFF's stewardship of the committee has been characterized by a passionate commitment to the democratic process, an unflinching courtesy toward the Republican members, and an unusual ability to reconcile opposing views into a workable compromise. He is respected by all of us who have worked with him as an able and tireless legislative craftsman.

Senator RIBICOFF's outstanding Senate service is only the capstone on a lifetime dedicated to public service. His career—from Governor of Connecticut to Secretary of HEW to U.S. Senator—has been marked by his commitment to his country, his desire to serve his fellow man. His life truly exemplifies a special kind of patriotism, described by the late Adlai Stevenson as a patriotism that puts country ahead of self; a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime. These are words that are easy to utter, but this is a mighty assignment."

Mr. President, ABRAHAM RIBICOFF has fulfilled this mighty assignment. We who remain behind shall miss his wisdom, his counsel, and, most of all, his quiet patriotism.

Mr. SIMPSON. I regret that I was not able to be present on the floor this morning at the time various tributes were paid to ABE RIBICOFF. I deeply appreciate the majority leader holding the RECORD open for further remarks.

I have been in this body for less than 2 years. I have learned much. I have won a few and lost a few. I have come to know these men and this woman that I have the privilege to serve with. I still have much to "sort out" about the experience but I have arrived at one inescapable conclusion. ABE RIBICOFF is one of the absolutely class persons of this organization. He is the very epitome of the U.S. Senator—as I would have envisioned one to be during the years before I came here.

I have another personal link with him. He served in the Senate when my father, Milward Simpson, also served in this body. He and my father, even though philosophically quite divergent in view, became fast friends. One of the first things my father told me after my election was,

Be sure to give my richest regards to Abe Ribicoff—observe him and learn from him because he is indeed one of the most remarkable and finest of the U.S. Senators.

I do wish all Members of this body could have been present when ABE RIBICOFF shared himself with us at the Senate prayer breakfast group some months ago. That was one of the most stirring relations of Senate history and tradition that I have ever heard. It was also a tremendous expression of the sharing of the personality of ABE RIBICOFF. I had never seen a time during prayer breakfast when we did not conclude our deliberations by 9 o'clock. On that day the hour of 9 o'clock passed without a single murmur from those present—as we listened to history literally unfold. Here was this marvelous man sharing his remarkable philosophies and reviewing his lifetime of service to his Nation. He told us of the parts which were the most meaningful to him and which parts were the most bitter and destructive. He told us what he believed—and how he felt—and he reviewed his own vulnerability and growth and shared the very real humanness of "the Senate experience." I have a hunch that others who were there that morning shall always remember that most moving occasion.

The reason that ABE RIBICOFF is so very much the epitome of a U.S. Senator is because he is fair, he is tough, he is courteous, he is gracious, he is kind, he does his homework, and his demeanor and attitude simply command respect. No, command is not the word. One simply tenders respect to him because of the type of gentleman he is.

I consider my Senate experience to have been a much richer one because of my association with ABE RIBICOFF. And I say a most sincere "thanks" to him. "Thanks" for being just who he is. He is

a most authentic human being. And I also thank him and his most stylish and gracious lady, Casey, for the kindnesses they have extended to Ann and to me since our coming to this place.

His leaving of the U.S. Senate leaves a large blank spot on the tapestry that weaves through the personalities in this Chamber. He will be sorely missed. But he goes out the same way he came in—with class.

I join with every other Member of this body in expressing love and respect to him—and God speed him in whatever endeavors and objectives he sets for himself—and my hunch is that this Nation will ask much more of him and he—being the kind of person he is—will give it in full.

God Bless you, ABE.

Mr. STEVENS. Mr. President, when the senior Senator from Connecticut, ABE RIBICOFF, announced his intention to retire from the U.S. Senate at the end of his current term, it took a great many of us by surprise. ABE RIBICOFF has been a pillar of support and an example of leadership in the Senate for over 16 years. We have come to depend upon his judgment, his fair and even treatment, and his absolute honesty. When ABE RIBICOFF gives his word, it is like money in the bank. These characteristics have been exemplified throughout his career as a State legislator, Judge, Congressman, Governor, Cabinet officer, and a U.S. Senator. His life and career should be an example to all those who seek public office.

When I first came to the U.S. Senate, I joined the Governmental Affairs Committee, which was chaired by Senator RIBICOFF. During my tenure, I learned that he is not only a wise lawyer but a fine teacher as well. My freshman colleagues and I saw that a great deal can be accomplished for constituents and for the Nation by quietly, but diligently, working with other Members of Congress on legislation of importance. More goals can be achieved by working hard in dealing fairly and honestly with your colleagues than an occasional flash of publicity or grandstanding will ever bring. ABE RIBICOFF is the epitome of that concept commonly referred to around here as a workhorse, rather than a show horse. He is an effective legislator.

Along with ABE's fairness, honesty and hard work, he has a big heart. He cares about other Members and their problems. He is concerned about those particular issues that affect each of us. On a personal note, let me relate the help ABE and Casey Ribicoff have given me. Somehow, the Ribicoffs found out years ago, that I was seeking books to send to the rural native libraries in my State. These native community libraries have almost no funds to purchase books for their patrons. Over the past years, the Ribicoffs have donated box upon box of books from their personal library, from their own purchases, to send to these native libraries. This action typifies the concern ABE and Casey have for their fellow Members of Congress and Americans everywhere.

One of the greatest times that I can

remember was when my late wife, Ann, and I accompanied the Ribicoffs on a trip abroad. I want to take this opportunity to congratulate ABE on his outstanding career in public service and to express the hope that he and Casey will find equally challenging and rewarding tasks in the future.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I am deeply touched and very appreciative to have my colleagues, whom I respect and love, offer these comments as I am about to leave the U.S. Senate.

This is a great institution, and any person who has been privileged to have been sent here by his constituency has had conferred upon him the greatest possible honor.

The significance of this body is that it brings together men and women from all the 50 States. We all have to understand that the genius of the U.S. Senate is that in this body, day in and day out, we know what the United States really is because the men and women who come here are speaking for the people of their State. We will never succeed as a country unless we accommodate ourselves to one another with our conflicting philosophies and objectives.

In a few weeks we will have a change of leadership in this body. The Democrats who have controlled will give way to the Republican Party. The Republicans will have an opportunity to exercise leadership with a new President and a new Senate. Senator BYRD, as majority leader, will give way to Senator HOWARD BAKER as majority leader.

I love both men and have worked with both men. Senator BYRD, as majority leader, has been a man of great wisdom, of courage, always working in the national interest. I know he will continue to do so as minority leader.

President-elect Reagan is very fortunate to have as his leader Senator HOWARD BAKER. Senator BAKER is wise, experienced and knows how to bring conflicting points of view together. Senator HOWARD BAKER is a close personal friend, and the genius again of this body is that our friendships cross party lines and cross the middle aisle. We respect one another for what we are and not because of our party labels.

I have only one thought as the administration changes and the administration of another party comes into being. To me, the symbol of our country is the Presidency of the United States. When a President succeeds, the country succeeds. If a President fails, the country fails. We may have our differences, philosophically and politically, with whoever may be the President, but I have always felt that a U.S. Senator, consistent with his own beliefs and philosophy, should do everything he possibly can to make an American President succeed, because not only is the future of our country at stake, but the future of the entire world is at stake.

The Presidency becomes more and more complicated with each passing day because of American power, American position, American resources. Without question, the President of the United

States has become the most important single individual in the entire world.

I am confident that the men and women who will serve here in the next Congress will do all they can for the benefit of our country.

President Carter is leaving. I liked President Carter. I respected him and I worked with him. But nothing is permanent in life or in politics, and the people have expressed their will.

I know that each and every one of us in this body and in this country wish the President-elect well, and we wish for him a successful administration.

I want to thank each and every one of my colleagues for their friendship, for their consideration, and for having given me the privilege of working with them during these 18 years. I love this body and I always will. The greatest memories of my life will be here.

One final word: I want to take this opportunity to thank the people of the State of Connecticut. No State could have given a man more opportunities and more responsibilities than the people of the State of Connecticut have given me. There is not anything that a State could give a man that the people of Connecticut have not conferred upon me.

I will always be grateful to them.

It is said that you can never go back to Pocatello, but if I do not go back to Connecticut I would lose my respect as a person. Connecticut will always be my home, will always be my residence, for all my living days.

My thanks to each and every one of you for the many kindnesses you have conferred upon me during my tenure as a U.S. Senator. My thanks, too, for your most gracious comments concerning my beloved Casey. She deserves them. I will always remember the Senate, I will always love it, and I will always appreciate it with great depth and respect.

[Applause, Senators rising.]

(The following proceedings occurred during the foregoing tributes to Senator RIBICOFF.)

The ACTING PRESIDENT pro tempore. The leaders' time has now expired.

ADJOURNMENT

JOURNAL—ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there are other Senators who want to be heard on this subject. I ask unanimous consent that the Senate be considered as having adjourned for 2 seconds; that the reading of the Journal be considered as having been dispensed with; that there be 15 minutes of routine morning business; that Senators may speak therein; that no resolution or motions may come over under the rule; and that the RECORD show no interruption.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I understand the request of the majority leader to be that we have a momentary adjournment of the Senate. Is that correct?

Mr. ROBERT C. BYRD. Yes, Mr. President.

Mr. BAKER. That nothing come over under the rule and that we proceed to

have not more than 15 minutes of morning business.

Mr. ROBERT C. BYRD. Mr. President, with no disturbance in the RECORD of the colloquy.

Mr. BAKER. And with no interruption shown in the colloquy relating to the Senator from Connecticut.

Mr. ROBERT C. BYRD. That is correct, Mr. President.

Mr. BAKER. I am sure that will have a bearing on how we proceed beyond this point, Mr. President. I am aware of that. Under the circumstances, I think it does not create a problem as far as we are concerned, and I have no objection to the request of the majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

There being no objection, the Senate, at 10:28 a.m., on Thursday, November 20, 1980, adjourned until 10:28:15, the same day.

AFTER ADJOURNMENT

THURSDAY, NOVEMBER 20, 1980

The Senate met at 10:28:15 a.m., pursuant to adjournment, and was called to order by the Honorable CARL LEVIN, a Senator from the State of Michigan.

Mr. CHILES. Mr. President, is there additional time?

Mr. ROBERT C. BYRD. Mr. President, Mr. HEFLIN has a special order from yesterday and he has been very patiently waiting. He certainly has a right to claim that order at this time.

May I ask him if he wishes so to do.

Mr. HEFLIN. I will certainly not. I am enjoying this. I am finding out about the history of our greatest Senator that we have ever had.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of routine morning business not to exceed 10 minutes and that Senators may speak therein up to 2 minutes each and that any Senator may insert a statement in the RECORD at this point if he desires, and that there be no interruption of the colloquy at this point by virtue of these requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (Conclusion of earlier proceedings.)

AMENDMENT OF TITLE VIII OF CIVIL RIGHTS ACT OF 1968

The PRESIDING OFFICER. The Senate having adjourned, the bill H.R. 5200, which has had its first reading and is at the desk, will now receive its second reading.

The legislative clerk read as follows:

A bill (H.R. 5200) to amend title VIII of the Act commonly called the Civil Rights Act of 1968 to revise the procedures for the enforcement of fair housing, and for other purposes.

Mr. BAKER. A parliamentary inquiry, Mr. President.

Mr. ROBERT C. BYRD. Mr. Presi-

dent, I object to any further proceedings on this measure.

The PRESIDING OFFICER. The bill (H.R. 5200) having been read twice and objection having been heard to its further consideration, the bill will now be placed on the calendar.

Mr. BAKER. Mr. President, I have no further parliamentary inquiry. That was the purpose of the inquiry, to ascertain the correctness of my understanding that, on second reading and in the face of objection, the bill goes directly to the calendar.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECOGNITION OF SENATOR HEFLIN

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama (Mr. HEFLIN) is recognized for not to exceed 15 minutes.

Mr. HEFLIN. Mr. President, I shall not take the 15 minutes. I did not make any remarks during the period in which numerous Senators had praise for Senator RIBICOFF. While I wanted to do so at that time, I felt that I could do so in under my 15-minute time limit.

I concur in the remarks made by all the Senators concerning Senator RIBICOFF. He is a great Senator, a great statesman, a great American, and we shall miss him.

S. 3216—NATIONAL LASER INSTITUTE ACT

Mr. HEFLIN. Mr. President, I am today introducing a bill which would mandate the establishment of a National Laser Institute. The purpose of this bill is to establish a mechanism to improve the coordination of Federal efforts in laser research and technology development in order to accelerate the development and utilization of laser technology for the benefit of the Nation and of mankind.

Mr. President, during December 1979 and January of this year, I had the privilege of chairing several days of hearings on this vital technology. The committee report summarizing the findings and recommendations growing out of these hearings will soon be available. I strongly recommend that each Member of this body thoughtfully examine this report, for I am thoroughly convinced that the invention and development of the laser is an event which will someday rank in importance along with some of the fundamental inventions of mankind, such as the invention of the wheel, internal combustion engine, heavier-than-air flight, and television.

While much has been done to nurture this infant technology during the first 20 years of its existence, a recurring theme developed during the laser hear-

ings and is well documented in the report I previously mentioned.

To date, laser research and development has been highly compartmentalized with a number of Federal agencies and civilian institutions working more or less independently, each within its own sphere of interest and influence. For example, the research and development effort on this technology has been fragmented, with responsibilities for various programs resting with the National Aeronautics and Space Administration, the Department of Energy, and the Department of Defense, as well as other agencies. Even within the Department of Defense, the high-energy laser effort is spread among four separate organizations—the Defense Advanced Research Projects Agency, the Department of the Air Force, the Department of the Navy, and the Department of the Army.

While there is a degree of coordination among the programs under the aegis of the Department of Defense, each program is directed toward technology objectives of primary and unique interest to the sponsoring organization or service. The individual funding levels, even within the Department of Defense, do not permit the accumulation of the critical mass funding necessary to facilitate program development.

Thus, the hearings found that there is a compelling need to revise the DOD high-energy laser research and development planning and funding to achieve a balance between technology development and weapon system development. It is therefore recommended that the achievement of this objective could be enhanced by the Secretary of Defense designating an office in the Office of the Deputy Under Secretary for Research and Engineering to manage and direct the overall DOD high-energy laser program. But, this is only part of the problem since, as mentioned, the total national effort is fragmented, just as the DOD effort is fragmented.

Coordination among the Federal departments and agencies is generally weak, and much of the coordination stems from the professional relationships among the senior managers and researchers, rather than from institutional relationships. The Federal program structure stresses achievement of differentiated departmental, rather than national missions and goals. Thus, one of the major findings of the hearings documented by the committee report is that there is a need to improve the coordination of the high-power laser programs among the various departments and agencies of the Federal Government.

This improved coordination will increase the effectiveness of the separate departmental and agency laser programs and thus increase the efficiency and effectiveness of the overall Federal effort. It is therefore strongly recommended that an institutional mechanism be established to improve this coordination. That, Mr. President, is what the National Laser Institute, which would be created by the bill I offer today, would accomplish.

Mr. President, my bill would create in the executive branch of the Federal

Government a National Laser Institute to coordinate the national laser research and development effort. The Institute would be comprised of key Government officials, such as the Secretary of Defense, the Secretary of Energy, the Administrator of NASA, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and other recognized leaders of the scientific, business, academic, and governmental community who would be appointed by the President and by the Congress.

The Institute would be supported by a small but competent full-time staff and would be required to meet at least two times each year. It would be mandated to study laser research and technology applications for future civilian and national security uses; to make recommendations, including recommendations for legislation, to the Congress and to the President regarding implementation of the findings of the Institute; and to make recommendations to the Congress and the President regarding coordination of the efforts of the departments and agencies of the Federal Government with respect to laser technology, including cooperative programs and exchange of information, manpower, and facility resources.

The Institute will be required to prepare and submit to the President and the key committees in the House and Senate an annual report regarding its activities under the act. The Institute members and employees would have access to such classified or nonclassified information as is necessary for them to carry out their responsibilities of an overall umbrella agency under the act.

Mr. President, the approach I am advocating here today is certainly not without precedent. When World War I broke out in 1914, the United States was last on the list of world powers equipped with military aircraft, running a poor fifth behind France, Germany, Russia, and Great Britain.

But, not only the tangible evidence of aeronautical progress was lacking. There were few aeronautical research laboratories and facilities in this country, whereas the above-mentioned nations already had well equipped and well staffed research facilities. Italy and Russia had aeronautical laboratories long before the United States took the step. A survey by the Smithsonian Institution resulted in a report which showed clearly the dangerous gap between the state of aeronautical technology in Europe and in the United States.

The result of the national concern which mounted over this problem was the establishment of the National Advisory Committee for Aeronautics which was charged with the duty of supervising and directing the scientific study of the problems of flight, with a view towards practical solutions.

The first committee appointments were made by President Woodrow Wilson on April 2, 1915, and the committee began its work by April 23 of that year. This forerunner of the National Aeronautics and Space Administration proved to be one of the most successful

approaches to solving practical problems ever devised by this Congress. Within a few short years, the United States was able to assume the lead in aeronautical science and continues to this day to be the technological leader in air and space applied sciences, primarily because of the foresight displayed by the Members of Congress and the scientific community in those early years of aviation.

Similarly, if this Congress will draw upon the precedence provided by that Congress so many years ago and establish this National Laser Institute, I am confident that 20 or 30 years from now, Americans will look back with pride to the beginnings of the effort which made us preeminent in the advancement of laser technology.

Mr. President, I ask unanimous consent that my bill be printed in its entirety at the close of these remarks so that the Members can examine it in detail at their convenience.

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

(See exhibit 1.)

Mr. HEFLIN. Mr. President, I will not today dwell on the many potential civilian peacetime applications of laser technology, nor on the many potential defense applications of this new science. These various applications are well documented in the hearing record and are, of course, summarized in the committee report I previously mentioned. I would, however, like to highlight a few of these applications to put the need for this legislation in the proper perspective.

Since the initial discovery of the laser in 1960, practical applications of laser technology have already proved to be of great benefit in manufacturing, retailing, medicine, and advanced communication fields. However, the potential for laser application in space exploration and in the crucial areas of national defense and energy production has yet to be realized. And this potential, in my judgment, makes laser technology the most exciting and important scientific field of research for the remainder of the century. I am not exaggerating when I say that the future of this Nation, especially in defense and energy, is inextricably tied to the full development and exploitation of laser technology.

During the laser hearings, I listened to numerous scientific experts testify that many of our Nation's problems could—and I feel certain will—be solved through laser applications. Let me briefly outline a few examples of the potentials of laser application.

First, there is a great potential for lasers to be used in the production of electricity through clean and safe nuclear fusion—as opposed to the current method of nuclear fission. This application of laser technology can provide our Nation with an inexhaustible supply of cheap and clean electric power without the dangers of nuclear reactor accidents or the problems caused by radioactive nuclear wastes.

With respect to defense applications, a very large number of Senators are already on record as supporting a space based laser weapons system which could potentially provide an umbrella protect-

ing our Nation from enemy missile-delivered nuclear weapons systems, whether launched from underground land-based silos or from submarines lurking near our shores.

I expect that, if not during the next session of Congress, at least soon, we will be channeling funds into just such a program. Unless, however, the actions I am recommending today are taken, it may well be possible that we will not achieve these very complicated and complex systems during this decade, and perhaps not even during this century. High-energy lasers which offer the potential for directed energy weapons in which hostile targets are disabled or killed by the energy of the laser beam require three stressing technology components: very high power laser devices; precision mirrors/optics; and precise pointing and tracking devices. These weapons systems also would require sophisticated fire control and technology for battle management. A less than fully coordinated national effort to advance these various technology components, in my judgment, would be doomed to failure or at least to delays which could prove decisive.

The reason I feel that delay may become a decisive factor is that much has been written lately about the Soviet Union's extensive research and development of laser weapon systems. In my judgment, we cannot afford to fall behind the Soviet Union in this critical area.

Lastly, there is a great potential for laser application in space exploration which must be fully developed by the National Aeronautics and Space Administration.

The almost unlimited potential for laser application is not seriously questioned. While private industry is engaged in the research and development of laser technology, there is little doubt but that the Federal Government must be the leader. The program is so vast and so important that just as the Federal Government has taken the lead in the space program and established as a national commitment the placing of a man on the Moon, thus the Federal Government must take the lead in developing this new technology.

Federal funding for laser research—and the Federal Government is the principal sponsor of high-energy laser R. & D.—exceeded \$400 million last year. This amount was shared almost equally by the Departments of Energy and Defense, with a small amount expended by NASA. This relatively small amount of money being expended in such a critical field places us at a terrible disadvantage with the Soviet Union, which is expending massive amounts of money—more than five times our expenditures—on the development of laser technology.

The United States cannot afford not to make an all-out American effort in laser research and development.

Mr. President, I fully realize that during this lameduck session it will be impossible to move this bill forward into law. I, of course, intend to reintroduce it early in the next session of Congress. Because a record has already been made in

previous hearings during this Congress as to the efficacy and importance of this legislation, I would hope that this measure could be expeditiously moved forward to become law.

I urge every Member of this body to examine this proposal seriously and thoughtfully, and I think that each of you will agree with my conclusion and rally behind this most worthwhile effort.

EXHIBIT 1
S. 3216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Laser Institute Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) laser technology is among the most important technologies of this century, ranking in significance with nuclear fission and integrated circuits;

(2) low-power laser systems already have produced large improvements in military capability, with further improvements expected;

(3) laser technology has the potential to benefit the United States in many important areas including national security, energy production, space activities, communications, and photochemistry;

(4) high-energy laser systems have the potential to significantly alter existent military strategy, doctrine, and tactics, and thus cause a dramatic shift in the relationships of the superpowers;

(5) federally sponsored laser research has not been fully coordinated, and the lack of such coordination has detracted from the Nation's ability to achieve important laser applications at the earliest time;

(6) achievement of laser applications can be accelerated through cooperative and coordinated efforts of departments and agencies of the Federal Government; and

(7) the diverse areas to which high-energy laser technology can make extremely important contributions, require that the Congress participate in charting the Nation's course in the development and utilization of high-energy laser technology for the benefit of mankind.

(b) The purpose of this Act is to establish a mechanism to improve the coordination of Federal efforts in laser research and technology development, in order to accelerate the development and utilization of laser technology for the benefit of the Nation and mankind.

ESTABLISHMENT OF INSTITUTE

SEC. 3. (a) There is created in the executive branch of the Federal Government a National Laser Institute (hereafter cited as the "Institute"). The Institute shall be composed of thirteen members as follows:

(1) The Secretary of Defense.

(2) The Secretary of Energy.

(3) The Administrator of the National Aeronautics and Space Administration.

(4) The Director of the National Science Foundation.

(5) The Director of the Office of Science Technology Policy.

(6) Two individuals shall be appointed by the President from industries involved in laser technology, selected from among individuals in such industries who are knowledgeable and possess expertise in laser technology and laser research and development.

(7) Two individuals shall be appointed by the President from the academic profession, selected from among individuals who are knowledgeable and possess expertise in laser technology and laser research and development.

(8) Two members shall be selected by the President from a list of names to be

submitted to the President by the President Pro Tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader.

(9) Two members shall be selected by the President from a list of names to be submitted to the President by the Speaker of the House of Representatives.

Not more than five of the individuals appointed pursuant to paragraphs (6) through (9) of this subsection may be members of the same political party.

(b) The President shall designate one of the members of the Institute as Chairman at the time of his appointment. Any vacancy in the Institute shall be filled in the same manner as the original appointment, including the party affiliation limitations contained in subsection (a) of this section.

(c) The Institute shall hold such meetings as are necessary for carrying out its responsibilities under this Act. The Institute shall meet at the request of the Chairman or upon the request of a majority of its members, but in no event shall the Institute meet less frequently than two times within each calendar year.

(d) (1) There shall be a full-time staff director for the Institute who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Within the limit of its appropriations, the Institute may—

(A) appoint and fix the compensation of such other personnel as may be necessary;

(B) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate prescribed for GS-18 in the General Schedule under section 5332 of title 5, United States Code; and

(C) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code.

(e) Members of the Institute who are otherwise employed by the Federal Government shall serve without compensation. Members of the Institute who are not employees of the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for positions in Level V of the Executive Schedule under section 5316 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Institute during which they are engaged in the actual performance of duties vested in the Institute. While away from their homes or regular places of business in the performance of services for the Institute, members of the Institute shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) Section 5316 of title 5, United States Code, is amended by inserting at the end thereof the following:

"Director, National Laser Institute."

FUNCTIONS OF THE INSTITUTE

Sec. 4. (a) The Institute shall—

(1) study laser research and technology applications for future civilian and national security uses;

(2) make recommendations, including recommendations for legislation, to the Congress and the President regarding implementation of the findings of the Institute made pursuant to paragraph (1) of this section; and

(3) make recommendations to the Congress and the President regarding coordination of the efforts of the departments and agencies of the Federal Government with

respect to laser technology, including cooperative programs and exchange of information, manpower, and facilities resources.

(b) The Institute may make specific recommendations pursuant to its authority under subsection (a) of this section as necessary, or upon the request of the President, the Congress, or the head of any department or agency of the Federal Government.

ACCESS TO INFORMATION

Sec. 5. (a) The members and employees of the Institute shall have access to such classified or nonclassified information as is necessary for carrying out their responsibilities under this Act. Access to such information shall be subject to the procedures for security clearance established and in effect by departments and agencies of the Federal Government. Nothing in this subsection shall be construed as waiving any requirement or sanction, criminal or civil, with respect to disclosure of classified information by any person.

(b) In order to assist the Institute in carrying out its responsibilities under this Act each department and agency of the Federal Government shall, upon request of the Chairman of the Institute, provide access to such information and materials as is requested in accordance with the provisions of subsection (a) of this section.

ANNUAL REPORT

Sec. 6. (a) The Institute shall prepare and submit—

(1) to the President;

(2) to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate; and

(3) to the Committee on Armed Services, the Committee on Science and Technology, and the Committee on Interior and Insular Affairs of the House of Representatives;

an annual report regarding its activities under this Act, together with such recommendations for legislation, budgets, and program content or other action as the Institute determines to be necessary or desirable in order to carry out the objectives of this Act.

(b) Notwithstanding any other provision of law, any information which is designated as classified and is transmitted to the Congress in accordance with the provisions of subsection (a) of this section shall be treated by recipients of such information as classified information, and not released to any source except in accordance with any law, rule or regulation applicable to or promulgated by the source of such information.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TERMINATION

Sec. 8. The provisions of this Act shall terminate five years after the date of enactment of this Act.

CRIME IN THIS COUNTRY

Mr. HEFLIN. Mr. President, I wish to address a problem to which I have spoken on several occasions during my tenure in the Senate, the problem of crime in this country. Next to inflation and the economic ills which plague this Nation, crime is probably the most serious domestic problem that the American people face today.

During the past few years there has been an alarming increase in overall crime in this country, a fact which is

having a chilling effect on the average American citizen.

Over the past 30 years the number of murders in the United States has increased by 370 percent and the number of robberies has increased by 300 percent. Last year murder rose by 18 percent over 1978, forcible rape rose by 13 percent and robberies by 10 percent. There is no reason to believe that these trends in violent crime will begin to reverse in the near future. FBI statistics for the first 6 months of 1980 reveal that violent crimes are up 10 percent over last year.

Based on statistics for 1979, the FBI has determined that a violent crime occurs every 27 seconds in this country; someone is murdered every 24 minutes; a forcible rape occurs every 7 minutes; there is an assault every 51 seconds; and, a robbery takes place every 68 seconds.

These disturbing figures are based on nationwide surveys and indicate that crime is a widespread problem and not isolated to only a few highly populated areas of the country.

For example, the South is considered by many to be one of the safest regions of the country in which to live and raise a family. However, there were some dramatic increases in crime in the South during 1979 with murder increasing by 10 percent over the previous year, forcible rape by 14 percent and robbery by 17 percent.

Recent surveys indicate that fear of crime is causing a majority of Americans to drastically alter their lifestyle. This research reveals that 4 out of 10 Americans are highly fearful of becoming victims of a violent crime such as murder, rape, robbery and assault. One person in four has stopped going places he or she used to go at night because of fear of becoming a victim of a violent crime.

Nine out of 10 Americans lock the doors of their homes and apartments and ask visitors to identify themselves before allowing them to enter. Four out of 10 people feel unsafe in their homes, neighborhoods, workplaces and shopping centers.

In recent years the United States has also seen a significant increase in "white collar" crime, which is resulting in staggering costs to our economy. In a 1976 study conducted by the Joint Economic Committee of Congress, it was estimated that such crimes as bankruptcy fraud, bribery and kickbacks, consumer fraud, credit card and check fraud, insurance fraud and securities fraud, are costing our economy \$44 billion per year. Studies also point out that "white collar" crime contributes to an erosion of public confidence in our legal and economic systems which may promote an atmosphere of lawlessness, leading to more crime.

Recent studies reveal that "white collar" crime, as in other areas of crime, is on the increase, costing the American taxpayer more each year.

All across this land, in our cities and in our towns, in our suburbs and in our rural areas, crime is soaring at an alarming rate and is diminishing the quality of life for all Americans regardless of race, sex, or creed.

Mr. President, I believe it is time that Congress declare an all-out war on crime in this country. Everyone agrees that something must be done about crime, but too many times it has been treated as a secondary issue by the Federal Government. Strong talk and wishful thinking will do nothing toward reducing crime. It is incumbent upon Congress to act forcefully and deal dramatically with this crisis that now confronts us.

It has long been my belief that the Federal Government must share the responsibility of law enforcement with State and local governments. Only with this type of partnership, pooling our resources, manpower and technology, can we effectively combat crime and at the same time, improve our system of criminal justice.

I was deeply disappointed at the demise of the Law Enforcement Assistance Administration due to budgetary cutbacks earlier this year. I believe this program has been of enormous benefit to our State and local governments in their efforts to improve the administration of criminal justice at every level. By providing financial aid and technical assistance to those governments we have made vast improvements in the areas of crime prevention and control.

LEAA proved to be extremely successful in a number of programs such as: statewide court modernization; training of court professionals; jury management; uniform sentencing guidelines; career criminal programs; prosecutor's management information systems; "Sting" antifencing projects; law enforcement training programs; health care in jails; drug and alcohol diversion; victim/witness assistance, deinstitutionalization of status offenders; and others. These programs have had clear and definable impacts on crime reduction all across this country.

In efforts by Congress to reduce Federal spending and bring inflation under control LEAA has been reduced to a nominal existence. LEAA's critics cite inefficiency and waste as sufficient reasons to eliminate the programs and I can understand their concerns. I believe my record will reflect that I am strongly in favor of returning fiscal responsibility to Government. In doing so, I realize that every agency in the Government will have to sacrifice. Yet, how many agencies, out of the hundreds that exist, have been totally abolished as has LEAA. The problems it had in its early years diminished as the program matured and instead of adopting policies and methods to further solve its defects, Congress and the administration instead preferred to destroy it altogether.

With the abolition of LEAA, the Federal Government now has no program whose primary function is to try to solve the problems of crime in this country.

I believe the Federal Government must take an active role if the war on crime is to be won. The extent of its role, and how it should be shaped, are questions we hope to answer in hearings to be conducted by the Judiciary Committee on December 3. These hearings will focus on the problems and successes of past Federal assistance programs to State and

local governments and, what role, if any, the Government should play in the future. The committee will also look at the current status of crime in this country and reasons for the drastic trends it has taken in recent years.

I wish to thank Senator EDWARD KENNEDY, chairman of the Judiciary Committee for calling for this hearing and I commend him for the leadership he has provided in this crucial area. I also wish to commend Senator STROM THURMOND for his active role in searching for solutions to the problems of crime. I look forward to working closely with him in the future.

I thank the Chair.

ENVIRONMENTAL EMERGENCY RESPONSE ACT

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, may I say, before I proceed to the unanimous-consent request, it is the desire of the leadership on this side of the aisle to proceed to the consideration of the superfund bill, the Senate version.

The PRESIDING OFFICER. Let us have quiet in the Chamber, this may involve a ruling of the Chair.

Mr. ROBERT C. BYRD. I should say to the distinguished minority leader and others on the other side of the aisle that it would be my hope that we could proceed with the consideration of the Senate bill.

It is my understanding that Mr. STAFFORD and Mr. RANDOLPH have worked out an amendment by way of a substitute, perhaps, to the Senate bill which might represent a pretty fair consensus of the Senate.

It would also be my hope that if Senators wish to have a little time to further negotiate the Stafford-Randolph proposal, if we could get to the superfund bill, we might then set it aside, hopefully, and proceed to other matters while those considerations are being carried on.

So, having said that, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1151, S. 1480.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object. Mr. President, I am reserving the right to object.

The PRESIDING OFFICER. Let us have quiet in the Chamber. The Chair is not familiar with the situation except to understand that it may require a ruling.

Mr. BAKER. Mr. President, I thank the Chair.

Mr. President, may I say on reservation that the majority leader has conferred with me in advance of this, for which I am grateful. He is aware from that private conversation, which I repeat now, that I had hoped we could work out a satisfactory arrangement to permit us to pass a superfund bill this session.

Now, that statement is at variance with

what I have said publicly before. I had said I thought there was no chance a superfund bill could pass this session. But, frankly, I changed my mind, and I was urged by many on this side to try, and I have tried to do so.

We have had a number of meetings. Indeed, there was a meeting scheduled for 3 o'clock this afternoon with a number of parties who are interested in this subject, including the distinguished Senator from Vermont (Mr. STAFFORD), the distinguished Senator from New Mexico (Mr. DOMENICI), the distinguished soon-to-be chairman of the Finance Committee (Mr. DOLE), and a number of others.

I had hoped we could work out something.

I do not think, in all candor, that the Randolph-Stafford bill is a compromise in the sense that it would permit us to proceed at this time to the consideration of this measure.

I do think there is still a chance, I suppose, that that could be worked out, but not in the face of an effort to proceed immediately to the consideration of this measure. I simply do not believe such action could be the basis of negotiations.

Mr. President, having said that, I express my regret that we apparently are at an impasse on this subject, and therefore I object to the request of the majority leader.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I understand the position of the distinguished minority leader. Again I say that I hope the Senate will proceed to the bill. Then, if additional time is needed, which apparently the distinguished minority leader would like to have, I would hope that we could set the bill aside then and proceed to something else in the meantime.

Therefore, Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1151, S. 1480, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

CALL OF THE ROLL

Mr. BAKER. 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. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BAKER. Mr. President, I object to the request.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued and concluded the call of the roll and the following Senators answered to their names:

[Quorum No. 33 Leg.]

Baker	Hart	Sarbanes
Bradley	Hoffin	Stennis
Byrd	Holms	Thurmond
Robert C.	McClure	Warner
Cranston	Randolph	
Goldwater	Riegle	

The PRESIDING OFFICER. A quorum is not present.

The clerk will call the roll of absent Senators.

Mr. CRANSTON. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. HELMS. I ask for the yeas and nays.

Mr. BAKER. I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair sees only three Senators in the Chamber.

Mr. BAKER. Mr. President, I hope the clerk will continue the call of the roll of absent Senators while others are brought to respond to the request for the yeas and nays.

The PRESIDING OFFICER. What is the Senator's request?

Mr. BAKER. Mr. President, I request that the clerk continue the call of the roll to determine the presence of a quorum, prior to ruling on the request for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, has the absence of a quorum been established?

Mr. CRANSTON. Mr. President, I repeat my request for the yeas and nays.

The PRESIDING OFFICER. The Chair stands corrected. The Parliamentarian advises that three Senators are sufficient to second the request for the yeas and nays. If that is the rule, it will be followed.

That brings us now to the question of the motion to instruct the Sergeant at Arms to require the attendance of absent Senators. On this question the yeas and nays have been requested and are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Ohio (Mr. METZENBAUM), the Senator from Wisconsin (Mr. NELSON), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER (Mr. HEFLIN). Are there any other Senators wishing to vote?

The result was announced—yeas 75, nays 5, as follows:

[Rollcall Vote No. 476 Leg.]

YEAS—75

Armstrong	Garn	Percy
Baker	Glenn	Fryor
Baucus	Hart	Randolph
Bayh	Hatfield	Ribicoff
Bellmon	Heflin	Riegle
Bentsen	Helms	Roth
Biden	Helms	Sarbanes
Boren	Hollings	Sasser
Boschwitz	Huddleston	Schmitt
Bradley	Humphrey	Schweiker
Bumpers	Jackson	Simpson
Byrd	Jepson	Stafford
Byrd, F. Jr.	Johnston	Stennis
Byrd, Robert C.	Kassebaum	Stevens
Chafee	Leahy	Stewart
Chiles	Levin	Stone
Cochran	Lugar	Talmadge
Cohen	Matsunaga	Thurmond
Cranston	McClure	Tsongas
Danforth	Melcher	Wallop
DeConcini	Mitchell	Warner
Dole	Morgan	Williams
Domenici	Moynihan	Young
Eagleton	Nunn	Zorinsky
Exon	Packwood	
Ford	Pell	

NAYS—5

Goldwater	Proxmire	Weicker
Long	Tower	

NOT VOTING—20

Burdick	Hatch	Mathias
Cannon	Hayakawa	McGovern
Church	Inouye	Metzenbaum
Culver	Javits	Nelson
Durenberger	Kennedy	Pressler
Durkin	Laxalt	Stevenson
Gravel	Magnuson	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the motion to proceed.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 34 Leg.]

Armstrong	Gravel	Proxmire
Baker	Hart	Fryor
Baucus	Hatfield	Randolph
Bayh	Heflin	Ribicoff
Bellmon	Helms	Riegle
Bentsen	Helms	Roth
Biden	Hollings	Sarbanes
Boren	Humphrey	Sasser
Boschwitz	Jackson	Schmitt
Bradley	Jepson	Schweiker
Byrd	Johnston	Simpson
Byrd, F. Jr.	Kassebaum	Stafford
Byrd, Robert C.	Kennedy	Stennis
Chafee	Leahy	Stevens
Chiles	Levin	Stevenson
Cochran	Long	Stewart
Cohen	Lugar	Stone
Cranston	Matsunaga	Talmadge
Culver	McClure	Thurmond
Danforth	Melcher	Tower
DeConcini	Metzenbaum	Tsongas
Dole	Mitchell	Wallop
Domenici	Morgan	Warner
Eagleton	Moynihan	Weicker
Exon	Nelson	Williams
Ford	Nunn	Young
Garn	Packwood	Zorinsky
Glenn	Pell	
Goldwater	Percy	

The PRESIDING OFFICER. A quorum is present.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I move to lay on the table the motion to proceed and 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 of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Hawaii (Mr. INOUYE) is absent on official business.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. JEPSEN), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 20, nays 50, as follows:

[Rollcall Vote No. 477 Leg.]

YEAS—20

Armstrong	Gravel	Schweiker
Baker	Heflin	Simpson
Bellmon	Helms	Stevens
Boschwitz	Humphrey	Thurmond
Cochran	Kassebaum	Tower
Danforth	Lugar	Wallop
Dole	McClure	Warner
Domenici	Percy	Young
Garn	Roth	Zorinsky
Goldwater	Schmitt	

NAYS—50

Baucus	Glenn	Nunn
Bentsen	Hart	Pell
Biden	Hatfield	Proxmire
Boren	Helms	Fryor
Bradley	Hollings	Randolph
Byrd	Jackson	Ribicoff
Byrd, F. Jr.	Johnston	Riegle
Byrd, Robert C.	Kennedy	Sarbanes
Chafee	Leahy	Sasser
Chiles	Levin	Stafford
Cohen	Long	Stevenson
Cranston	Matsunaga	Stewart
Culver	Melcher	Stone
DeConcini	Metzenbaum	Talmadge
Eagleton	Mitchell	Tsongas
Exon	Moynihan	Weicker
Ford	Nelson	Williams

NOT VOTING—21

Bayh	Hatch	Magnuson
Bumpers	Hayakawa	Mathias
Burdick	Huddleston	McGovern
Cannon	Inouye	Morgan
Church	Javits	Packwood
Durenberger	Jepson	Fressler
Durkin	Laxalt	Stonnis

So the motion to lay on the table the motion to proceed to the consideration of S. 1480 was rejected.

Mr. ROBERT C. BYRD. Mr. President, there is a desire and a need on the part of Senators on both sides of the question and on both sides of the aisle to have some discussion and, perhaps, to negotiate some differences with respect to this bill. In addition to that fact, Mr. HOLLINGS wishes to bring up the conference report on the budget resolution. After conferring with Mr. BAKER and other Senators, I am constrained to ask unanimous consent that further action on the pending motion be delayed until 4 p.m. today.

Mr. BAKER. Mr. President, reserving the right to object, I will not object, the purpose of the reservation is to say that I think that is a good arrangement. That leaves the parties in status quo. The motion to proceed has not yet been disposed of. There is time now for the parties to resume the meetings planned earlier, to see if there is a possibility of working out a bill.

I repeat once more, I would like to see us pass a bill if we can work out the details of it, and do it in this session.

With the request just made by the majority leader, I am willing to resume those negotiations, and I have no objection.

Mr. HELMS. Mr. President, reserving the right to object, I simply want to thank the distinguished majority leader for his consideration.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, we are locating Senator HOLLINGS now.

While awaiting the arrival of Senator HOLLINGS and Senator BELLMON so that the Senate can proceed on the conference report on the budget, 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. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SECOND CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of con-

ference on House Concurrent Resolution 448 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

Mr. ARMSTRONG. Mr. President, reserving the right to object, may I inquire, has a printed conference report been made available for the use of the Members?

Mr. HOLLINGS. It is in the RECORD right here.

Mr. ARMSTRONG. It is in the RECORD for last night?

Mr. HOLLINGS. The Senator is correct.

Mr. ARMSTRONG. I thank the Senator. I have no objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of Wednesday, November 19, 1980.)

Mr. HOLLINGS. Mr. President, the race is not always to the swift nor the battle to the strong. But your conferees have produced an agreement on the 1981 budget in record time. And we have done so with a strong and successful defense of the Senate's positions on the critical budget issues.

Yesterday, your conferees wasted no time in moving toward final passage of the 1981 budget. We proceeded immediately and directly from the Senate floor to our conference with the House Committee. In less than 2 hours, we reached an agreement that preserves and advances the Senate's most important objectives.

First, the conference agreement accommodates the Senate-endorsed tax cut on a realistic timetable; second, it makes the strongest commitment to national defense that the budget process has yet produced; third, it reduces the Senate-passed outlay and budget authority levels; fourth and finally, it cuts back on the deficit that was contained in the Senate-passed resolution.

Mr. President, this budget agreement keeps us moving toward the fiscal goals we have set for ourselves. It is worthy of our support.

Your conferees went into yesterday's negotiations determined to defend the Senate's positions and to arrive at a responsible spending plan. We accomplished both of those objectives.

On the tax cut issue, this conference agreement provides fully for the proposal advanced yesterday by Senators ROHR

and DOLE and adopted by the Senate. It assumes only that such a tax cut will be enacted next year by April 15 and made retroactive to January 1. The April 15 enactment date for the tax cut means that its cost to the Treasury will be reduced in 1981. That is because withholding rates will continue at the higher level established by existing law until April 15. Taxpayers will get refunds in the following fiscal year just as they always have done after retroactive tax cuts.

Only once in the history of Congress has a major tax cut been introduced in January and adopted prior to April 15. This conference agreement merely assumes that 1981 will not see a repetition of the lightning-fast record of 1975 when—in the middle of a major recession—Congress passed a tax cut by March 20.

President-elect Reagan will be inaugurated on January 20. If our new President presents his tax cut plan on January 21, this conference agreement assumes that Congress will enact it in less than 90 days. Surely that is an optimistic time frame for the consideration and passage of such a major new tax reduction.

But more than that, as I have noted, this conference agreement will accommodate the prospect that a tax cut adopted after April 15 may be applied retroactively to January 1—with all of its parts and provisions.

In short, the tax cut envisioned by the authors of yesterday's amendment is fully provided for in this conference agreement.

Mr. President, similarly, of course, they could take the normal course and pass it by the end of May and in that event perhaps make retroactive the business features of it. The withholding forms could be revised by July 1 to put the individual income tax cuts into effect July 1.

There are a number of alternatives or options there.

On the spending side, the agreement is just as responsive to the will of the Senate.

In yesterday's conference, we sought to achieve a compromise between the considered judgments on spreading programs that had been made by the Senate, and the judgments made by the House—including its across-the-board spending cut. Basically, we arrived at that compromise by splitting the difference.

On the bottom line, the spending totals we arrived at are lower both in budget authority and in outlays than the Senate-passed levels—a result that moves us closer to the ultimate goal of Government in the black which absorbed so much of yesterday's Senate debate.

The budget authority level \$694.6 billion is \$5 billion lower than the Senate-passed figure.

The outlay level of \$632.4 billion is \$800 million lower.

The deficit level of \$27.4 billion is more than \$7 billion lower.

In achieving those sizable savings,

however, this agreement does not sacrifice our Nation's most critical needs. Most notably, it establishes the highest level of spending for national defense that we have ever included in a budget resolution.

Under the terms of the agreement, the outlay level for fiscal 1981 defense spending will total \$159 billion—more than \$5 billion above the outlay figure contained in the first resolution.

Mr. President, this year has been a challenging one for the budget process. We have had to contend with a very volatile economy—with an abrupt and unexpected change of Budget Committee chairmen—with strong differences of opinion on fiscal policy, both within and between the two Houses of Congress—and with the unfamiliar circumstances of a lameduck session and an intervening election the consequences of which will change the character of the Senate as well as the administration.

In the face of those challenges, we have produced a workable compromise on a second budget resolution for 1981 that sustains our drive toward a greater degree of fiscal discipline, strengthens our defenses, preserves vital spending programs, accommodates a very large tax reduction, and reduces the 1980 deficit by more than \$30 billion.

This conference agreement is worthy of our 5-year tradition of responsible and well-constructed budgeting. It is worthy of the Senate's support. I strongly recommend its adoption and I am confident that it will provide us with a base to build on in the months and years to come.

Now, Mr. President, I want to emphasize a few points in addition to my prepared remarks. I want to go right back to ground one, the starting line, June 1980, the balanced budget, and ask exactly what occurred.

As I view it, there are four elements that have run us over that balanced budget. One, of course, is inflation, the inflationary costs of all the particular programs throughout the Government.

Another element is another one-half of 1 percent of unemployment. You will find this particular budget rather than being computed, as in the first concurrent resolution at 7.5 percent, is computed at an 8 percent unemployment level, for calendar year 1981, which could still be high, hopefully.

It also contemplates the addition of a tax cut, of course. That was well debated yesterday. That has added to the deficit.

Then, of course, more than anything else, and it should be emphasized with respect to priorities, the National Congress is saying here that, "Yes, we can have that balanced budget we had in June. But we feel so strongly about our need to rebuild the Nation's defenses that we have added \$28.2 billion."

The 050 defense function for fiscal year 1980 was \$144.5 billion; for 1981 it is \$172.7 billion. So that is an increase in budget authority of \$28.2 billion, and

that \$144 billion is up from the \$129 billion when we met in November a year ago. We were toying then in the neighborhood of \$129.0 billion, right in there as a figure and, of course, that has gradually gone up over the year with supplements to the \$144.5 billion level.

It has not just gone up \$5 billion since June; it has gone up \$28.2 billion in the last year, and more.

This resolution has got a \$27.4 billion deficit. If we kept defense at the constant level of \$144 billion we would have the balanced budget.

This is a restrictive budget. It cuts back on the controllables, as we characterize them. Other than, of course, such key areas as defense and social security and the built-in inflators, it cuts back some 15 percent in real terms in the other programs and, at the same time—I do not know what this percentage would amount to, but I would daresay it is somewhere in the nature of a 5-percent real growth for defense. I am going to have to try to compute that and have it for my colleagues before the debate is concluded.

I want again to thank the distinguished Senator from Oklahoma (Mr. BELLMON). He was a steady keel and guide throughout that short conference there, and we got good language in here with respect to reconciliation. We are still working on it. That is on schedule, and we said we could not adjourn sine die, in this resolution, until we got reconciliation.

We have asked for a budget review. There are many kinds of rules changes that would make the process itself more understandable and thereby more supportable by our colleagues in the Senate. So we called for a full review there. We made tremendous progress in this particular exercise.

I really resist the idea of the Government budget hemorrhaging, when we are cutting back. But some in our own discipline, some of our own committee members, will get up and talk and say that it is all a charade. These are the levels. It is not a charade, and we will move. But then they have removed one of the good reasons for a third concurrent resolution. The new administration will say exactly how they would want to fashion a particular tax cut, and we included quite a bit of flexibility.

We really have not just given a multiple choice kind of level that was inferred perhaps on the House side when they approached it from an entirely different standpoint. They were talking in terms of cutting a percentage in fraud and waste and mismanagement, and then let the new administration find it.

On the contrary, our particular levels, which were decided back in August—and of course, everybody at that particular time did not think there was going to be this dramatic change in administration or in the Congress—were debated in detail and everything else. The fact that the House arrived through a different

approach to the same levels, of course, is their affair and their way of describing it. But they asked us to join in their description, and we did not because that was not the fact, that was not the case.

So this is not a multiple choice or where to find the fraud or a loose budget or hemorrhaging or what about the deficit or anything else.

Adlai Stevenson once was asked whether he was a conservative or whether he was a liberal. He said, "The important question is am I headed in the right direction."

This is not a conservative budget, it is not a liberal budget, but it heads us in the right direction, cutting back that \$60 billion deficit down to some \$27.4 billion. It cuts measurably on the programs and increases national defense to the tune of \$28.2 billion.

I yield to my distinguished friend or to my distinguished colleague from Colorado.

THE PRESIDING OFFICER (Mr. BOREN). The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I thank the distinguished chairman for yielding.

He caught me slightly unaware. I was caught up in what he was saying about this being neither a conservative budget nor a liberal budget but merely a budget which heads toward balance, and I was somewhat stunned to hear that because it appears to me that just a few weeks ago the Senate adopted a concurrent resolution which was said to be in balance and, in fact, was said to provide for the fiscal year upon which we have now entered a budgetary surplus of \$100 million.

At that time the Senator from Colorado said:

Look, folks, that is crazy. We all know, every one of us in this Chamber knows, that the alleged balance reflected in the budget is not correct.

At the risk of playing out my streak of luck on my predictions, I will make one more prediction: that unless some drastic changes are made in the underlying assumptions on which the present budget resolution is made, there is no way in the world that at the end of the forthcoming fiscal year we are not going to have a budget deficit which is hugely greater than the estimated \$27.4 billion that is reflected in the conference report.

Well, this may be the lame duck session, but I will tell you that this budget is a turkey.

Mr. President, I ask unanimous consent to have printed in the RECORD a tabulation which my staff and I have prepared, a function-by-function analysis of the Federal budget for fiscal years 1977, 1978, 1979, and during fiscal years 1980 and 1981 for the first, second, and third concurrent budget resolutions as they have been adopted by the Senate and the House and the conference committee.

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

BUDGET HISTORY
(In billions of dollars)

	Fiscal year—		Fiscal year 1980						Fiscal year 1981						
	1977	1978	1979	FCR ¹	SCR ²	Senate TCR ³	House TCR	Con-ference TCR	Arm-strong-Roth	Senate FCR	House FCR	Con-ference FCR	Senate SCR	House SCR	Con-ference SCR
Budget authority.....	465.2	501.5	556.7	604.1	638.0	653.7	660.3	658.9	642.8	688.2	694.2	697.0	699.6	689.5	694.6
Outlays.....	402.7	450.8	493.7	532.0	547.6	566.4	571.6	572.65	596.7	613.1	611.6	613.6	633.0	631.75	632.4
Revenue.....	357.8	402.0	465.9	509.0	517.8	528.9	528.8	525.7	596.7	613.2	613.8	613.8	599.3	606.7	605.0
Balance.....	-44.9	-48.8	-27.8	-23.0	-29.8	-37.5	-42.8	-46.95	0	-1.1	+2.0	+2.2	-34.7	-25.05	-27.4
Public debt.....	709.1	780.4	833.8	887.2	886.4	895.1	896.7	903.6	927.1	926.8	935.1	928.6	978.6	978.6	978.6
650 National defense:															
Budget authority....	108.4	117.9	125.0	136.6	141.2	143.7	142.5	143.7	173.4	173.4	160.8	170.5	173.6	171.8	172.7
Outlays.....	97.5	105.2	117.7	124.6	129.9	134.0	134.2	135.7	155.7	155.7	147.9	153.7	159.4	158.7	159.05
150 International affairs:															
Budget authority....	6.5	9.7	8.6	12.6	13.1	15.2	15.8	15.2	23.3	23.3	24.0	23.6	24.2	23.5	23.85
Outlays.....	4.8	5.9	6.1	7.9	8.4	9.9	10.7	10.5	9.4	9.5	9.6	9.5	10.6	10.4	10.5
250 General science, space, and technology:															
Budget authority....	4.6	4.9	5.4	5.7	5.9	6.2	6.1	6.2	6.2	6.4	6.7	6.6	6.6	6.15	6.4
Outlays.....	4.7	4.7	5.0	5.5	5.7	5.9	5.9	5.9	5.9	6.1	6.3	6.1	6.2	5.95	6.1
270 Energy:															
Budget authority....	3.6	8.2	7.4	18.8	39.5	37.9	40.3	38.4	3.5	3.8	7.5	6.7	6.3	5.35	5.85
Outlays.....	4.2	5.9	6.9	6.8	7.3	5.6	6.4	6.4	6.3	6.8	7.1	6.8	7.4	8.15	7.8
300 Natural resources and environment:															
Budget authority....	9.5	13.5	13.2	12.6	12.6	12.2	12.3	12.6	11.4	11.5	12.0	11.7	11.9	11.9	11.9
Outlays.....	10.0	10.9	12.1	11.7	11.9	12.5	13.2	13.4	11.8	11.9	12.4	12.1	13.1	13.1	13.1
350 Agriculture:															
Budget authority....	2.4	8.2	9.3	5.0	5.0	5.0	5.0	5.0	5.6	5.6	5.4	5.5	5.5	5.25	5.35
Outlays.....	5.5	7.7	6.2	5.4	2.6	5.9	5.9	5.9	2.3	2.3	2.3	2.3	2.2	2.05	2.1
370 Commerce and housing credit:															
Budget authority....	5.5	5.3	5.9	6.9	6.8	11.7	11.6	11.7	5.0	5.4	5.1	5.1	5.2	5.3	5.25
Outlays.....	0	3.3	2.6	3.2	2.85	5.5	6.1	6.1	.1	.5	-1.1	-1.1	.5	1.4	.95
400 Transportation:															
Budget authority....	10.4	15.0	19.2	19.5	19.5	19.7	21.0	20.5	18.4	19.75	22.8	22.1	20.7	21.85	21.3
Outlays.....	14.6	15.4	17.5	18.2	18.6	19.5	20.1	20.2	16.9	18.05	19.5	18.75	19.3	20.05	19.7
450 Community and regional development:															
Budget authority....	12.8	10.3	10.0	8.9	8.9	8.6	8.7	10.1	8.8	8.8	9.0	8.8	8.7	9.75	9.25
Outlays.....	6.3	8.1	9.5	8.1	8.4	9.1	9.2	9.9	9.2	9.2	9.4	9.2	9.5	11.2	10.45
500 Education, training, employment, and social services:															
Budget authority....	30.4	22.4	32.6	30.85	30.9	29.3	29.9	29.6	27.4	28.9	33.3	31.7	30.6	32.6	31.6
Outlays.....	21.0	26.5	29.7	30.5	31.0	29.9	30.1	29.9	26.5	28.0	30.7	29.5	29.4	30.25	29.8
550 Health:															
Budget authority....	40.4	46.5	53.9	58.1	58.8	59.8	59.9	59.8	68.7	70.7	71.5	71.2	70.0	67.1	68.55
Outlays.....	38.8	43.7	49.6	53.7	54.5	56.5	56.5	56.5	59.9	61.7	61.8	61.7	63.6	63.7	63.15
600 Income security:															
Budget authority....	168.6	180.0	191.9	214.8	218.5	223.0	224.8	224.7	210.3	245.2	252.1	249.5	253.0	244.65	248.8
Outlays.....	137.0	146.2	160.2	183.3	190.0	190.0	191.7	191.6	211.8	218.2	220.1	219.55	228.4	222.7	225.55
700 Veterans benefits and services:															
Budget authority....	19.1	19.0	20.5	21.2	21.5	21.2	21.0	21.2	21.3	21.85	21.7	21.7	22.6	21.6	22.1
Outlays.....	18.0	19.0	19.9	20.6	20.8	20.5	20.3	20.5	20.8	21.25	21.2	21.2	22.0	21.35	21.7
750 Administration of Justice:															
Budget authority....	3.6	3.9	4.2	4.2	4.2	4.2	4.3	4.3	4.1	4.3	4.2	4.2	4.3	3.95	4.1
Outlays.....	3.6	3.8	4.2	4.4	4.2	4.4	4.4	4.4	4.5	4.6	4.6	4.6	4.6	4.35	4.45
800 General government:															
Budget authority....	3.9	4.1	4.4	4.4	4.45	4.5	4.5	4.5	4.5	4.6	4.5	4.6	4.8	4.45	4.6
Outlays.....	3.4	3.8	4.2	4.3	4.2	4.4	4.4	4.4	4.2	4.3	4.6	4.3	4.5	4.35	4.4
850 General purpose fiscal assistance:															
Budget authority....	9.3	9.7	8.3	8.1	9.05	8.3	8.8	8.55	6.3	7.2	6.2	6.2	6.2	6.75	6.5
Outlays.....	9.5	9.6	8.5	8.1	9.05	8.3	8.8	8.55	6.8	7.5	6.8	6.8	6.7	7.35	7.05
900 Interest:															
Budget authority....	38.1	44.0	52.6	56.0	58.1	65.5	65.1	65.1	70.4	72.2	72.2	72.2	70.1	73.65	71.9
Outlays.....	38.1	44.0	52.6	56.0	58.1	65.5	65.1	65.1	70.4	72.2	72.2	72.2	70.1	73.65	71.9
950 Undistributed offsetting receipts:															
Budget authority....	15.1	15.8	18.5	19.7	19.7	22.3	-22.3	-22.3	-25.8	-24.7	-24.6	-24.7	-24.7	-26.9	-25.8
Outlays.....	15.1	15.8	18.5	19.7	19.7	22.3	-22.3	-22.3	-25.8	-24.7	-24.6	-24.7	-24.7	-26.9	-25.8
920 Allowances:															
Budget authority....															
Outlays.....														.8	.4
														.95	.95

¹ First Concurrent Resolution.

² Second Concurrent Resolution.

³ Third Concurrent Resolution.

Mr. ARMSTRONG. Mr. President, I think it is going to make interesting reading for future generations of economists and Senators to see how we have systematically ignored the facts that are so plain about what is happening to our national economy.

Mr. President, this budget, I think, is not heading in the right direction, nor, in my judgment, is it a budget which gives to any significant extent recognition of the true economic condition of this country. It is a "business as usual" budget.

Now, I think we all agree that at some point the Nation's economic situation could, at least theoretically, become suf-

ficiently desperate that extraordinary measures would be necessary; that we might have to address ourselves to cutting even politically popular programs; that even sacred cows would have to take their turn in the tub; that we would have to do things that might be unpopular, unpalatable, and that might even be to the political disadvantage of Senators. We might have to give up on some programs that have been previously thought to be sacrosanct.

I guess the question is if we could agree that at some point the economic condition would justify that. The question is, Where is that point?

I say to the Members of the Senate

that I believe we have reached that point more than a year ago. When we began to have double digit inflation, something that was really unprecedented in the history of the United States, it seemed to me the time for a serious departure from the norm had already come. Business as usual, it seemed to me, should go out the window.

And when double digit inflation was accompanied by rising unemployment, a phenomenon which economists had confidently assured us could never happen, it seemed to me then, last January and even before, last fall when we were considering last year's budget resolution, that the time had come to throw

out the window all of the conventional budgeting wisdom about "You can't touch this program" and "We will never get this through committee" and "The Appropriations Committee will never go for it" and "We will never be able to pass a reconciliation bill" and "The House won't buy it" and "The people won't like it."

It seemed to me then, as it does now, that the time had come to do something that bespoke of the Senate's recognition that the Nation's economy was in serious trouble.

Well, if that was justified then, it is justified now? This week the banks raised their prime rate to 16½ percent. I have not heard what has happened to the mortgage lending market, but my belief is that home mortgage lending has all but stopped in most communities around this country and whether it has or not there is practically nobody who can afford to buy a house at today's mortgage lending rates.

Already we are beginning to see signs that the economic situation is slowing down; the job opportunities that would have been created by new investment, new productive activities are not being created. It seems to me that there is even a possibility that the situation will grow worse before it grows better. Senators could well ask themselves: What is going to be the effect of this budget that we are now preparing to adopt?

I think it is obvious and I think we ought to own up to the fact that this is another in a long series of extraordinarily inflationary budgets.

A few months ago, the Senate adopted, over my objection, I will admit, a concurrent budget resolution for fiscal year 1981 which would have suggested budget outlays for the fiscal year of \$613 billion. That seemed to me to be an unjustified increase. It would have been if we had stuck at \$613 billion, the largest year-to-year increase in Federal spending in the history of this Government. Of course, the increase was so large that it would have dwarfed the entire Federal budget just a few years ago.

Many of us, particularly Senator Rorn and I and a number of us on the Republican side of the aisle, offered a substitute that would have held spending below the \$600 billion mark and which would have accommodated a tax cut as well within the context of a balanced budget. That seemed to me to be a good policy.

Unfortunately, on a very narrow vote, we did not prevail. So the Senate adopted a concurrent budget resolution calling for spending \$613 billion.

Today, really just a few weeks later, we are being asked to vote a budget calling for outlays of \$632 billion. Again, all I can say is that is on the conscience of the Senators if they want to support that kind of budget. But the Senator from Colorado certainly does not intend to do so.

While I do not think this is the moment to be unduly political, I want to remind my friends on the other side of the aisle that just before the election, just about a month or 6 weeks before the election, I suggested that the American

people were ready for a change; they were ready for a balanced budget; they were ready for a Congress that would perform its responsibilities and not go home leaving unfinished business to come back in the lameduck session.

One of the prerogatives of the media and of Senators and others who are interested in the public policy is to evaluate elections in terms of their own preconceived notions. We all have our own interpretation of what happened on election day 1980. I am going to tell you what my interpretation of the outcome is.

My belief is that the people of this country were saying they were ready for a fundamental and basic change in the way this Government is being run and in the way this country is being governed.

I am not suggesting for a minute that there were not a lot of other considerations—the personality of the candidates for national office and for the U.S. Senate and for Congress. Certainly those were considerations. Certainly there was an element of luck in the races around the country. But, as I traveled across the country, not as a candidate, but as an observer and spokesman, it seemed to me that the common denominator in talking to people of my own party and of the other party and people who do not identify themselves with any particular political party, is: "We know this is not working. It is time for a change." And when you really talk to them seriously, not in a political setting, but one on one, and ask them, "What is really on your mind? What really troubles you deep down inside? What is the most important thing to you?" The answer that came back over and over again is, "Inflation."

Now, a lot of the Members in this Chamber have tended to act as if inflation were some kind of economic phenomenon that was abstract and that had no real basis in day-to-day life; that it was more the economists' figures, a blip on somebody's economic graph.

From my conversation with people that I have talked to at home in Colorado and all over the country, really, I have reached a conclusion that it is a very human problem and, indeed, it is a tragedy for people who have been forced into unemployment by our rising inflation rate, for the elderly and others on a fixed income who have seen their savings melt away and who have seen 20 percent of the value of what they have saved over a lifetime melt away just in the last 12 or 14 months. It is a tragedy for young couples starting out who cannot buy a home and who do not even have a reasonable prospect, over a number of years, to be able to afford a downpayment, let alone the interest rates.

I have talked to people. They have a lot of different concerns. But the one that comes back over and over and over again is, "We have to do something to get prices under control. We have to control inflation."

Now, there are a lot of theories about what causes inflation. I have heard all kinds of explanations right here on the floor of this Senate. But I think it is time that we come to grips with one es-

sential fact. While there is a lot of economic problems in America, the main, principal, primary cause of inflation is excessive Federal spending.

A lot of Senators have tried to avoid looking that fact square in the eye. I have heard it is the OPEC nations and the rise in oil prices. That is what really causes inflation. Tell that to the people in Japan and Germany, where they get nearly 100 percent of their oil from OPEC nations and international sources. They are not having the kind of inflation we are having in this country.

I have heard that it is the big business that is driving up the price of things and that that is the cause of inflation. Yet, if you look at the after-tax, after-inflation earnings of the corporations of this country, large and small, you will find that their earnings have been declining, not rising, in recent years.

And then there are some who say, "Well, the real culprit is organized labor. It is the big unions. They are gouging the people of this country."

Well, if you look at the after-tax, after-inflation earnings of the working men and women of this country, you will find they are not profiting by this inflation. Their earnings are going down, not up.

The only institution or agency or group that I know of that has consistently benefited from the inflationary spiral in this country, that has taken a windfall profit from inflation year after year, is the Federal Government. I will not bore you with an economics discussion today. We have heard it all before. But it is my conviction that it is clear from the record, not just from theories, not just from rhetoric, but from the actual record in recent years that what is causing inflation are the Federal budget deficits which we have run up.

Mr. President, does it matter if we end this session with just one more budget deficit in a long string? After all, we have run up nearly \$1 trillion in national debt in recent years, half of it just in the last 4 or 5 years since we established and began to implement the budget process. So what is another \$27 billion that is called for in this budget resolution?

Does it make any difference? Does it make any difference if we run up another big deficit, even if it is more than \$27 billion, as I suspect it will be, unless we change underlying economic assumptions and some of the programs that are reflected in this budget?

Mr. President, I am convinced it does make an important difference whether we adopt this budget or whether we make a serious effort to trim the deficit that is reflected in here. This budget deficit and the explanation which accompanies it reminds me of nothing so much as a man who is grossly overweight and says, "I am going to go on a diet tomorrow, but tonight I am going to have a hot fudge sundae for dinner."

I speak as one who has been there. There was a time in my life when I was grossly overweight, and I will confess I am a little overweight today. But I will tell you something, you can never get down to your fighting weight by con-

stantly overindulging. That is what we are doing. This is just the one more instance of overindulgence. It is just one more example of the excesses of this Government.

It seems to me that in the light of what happened in November it is so unnecessary. The people have spoken. They have sent us a message. It was not just in the election.

I pointed out a few moments ago the results of a CBS news poll taken in April of this year which found that 60 percent of all Americans not only favored a balanced Federal budget but favored a constitutional amendment to require a balanced budget and require that it be kept in balance.

I have seen polling data from a number of States around the country and the proportion of citizens who favor such an amendment to absolutely take our discretion away from us in the Congress exceeds 80 percent. The public is ready for such a reform.

Here we are in the waning days of this session—and I trust we are at least in the waning days of the 1980 session—and we are sending them another excessive budget deficit. I cannot see that the adoption of this Budget Resolution shows the slightest sign that we are heading in the right direction, because we are increasing the budget deficit; we are not lowering it.

I can see that after months and years and even decades of extravagance that it might be impossible, even in the light of the political earthquake of November 1980, for us to balance the budget in a single stroke. We all know that could well be the case, although I for one do not necessarily concede that is true. It could be the case.

Why are we heading in the wrong direction? If we could come with budget spending totals or outlays of \$613 billion just a few weeks ago in mid-June, why are we now saying that we cannot do with less than \$632.4 billion?

Mr. President, I want to make a few additional points before I close out my thoughts on the budget resolution, the process, and the state of the economy.

First, I understand and honor the determination of those who are interested in national defense to raise spending for the defense of this country. I am convinced that that is absolutely essential. I favored increases and large increases in defense spending. I expect to do so again next year.

I think to pay the price of a deficit such as is encompassed in this budget in order to get a relatively modest increase in defense spending is far too high a price. I will just remind those who share the same heartfelt concern that I have for national defense that ultimately the security of this country does not depend on weapons alone. Certainly, we must have a strong military power. But it depends as well upon the state of our economy. When we have inflation in the double digits, when we have interest rates at 16, 17, 18, 19, 20 percent, as we have had in recent months, we are weak, no matter how many bombs, tanks, and airplanes we have. We are weak. The Russians know

it, the Atlantic alliance knows it, the Orient knows it, everybody knows it, and we know it here at home.

Second, I honor and share the opinion of those who say we have to have a tax cut. In fact, I think we all know that a large number of those who voted for this Budget Resolution yesterday would never have done so had it not been for the prior adoption of an amendment by Senator DOLE and Senator ROHR calling for a tax cut.

Some of you may remember that I have been beating the drum for a tax cut around this place for so long that probably there is nobody in the room who can remember when I was not arguing in favor of a tax cut. I believe in it. I think it is important. I think it is critical. I think it is far too high a price for a tax cut to go for a deficit like this.

A tax cut, a responsible tax cut, the kind of tax cut which I presume the Reagan administration will call for and favor and pass early next year, will be a tax cut which will not be inflationary because it will be accompanied by corresponding spending reductions.

Again without being too political, let me remind my friends on the other side of the aisle that that is exactly the proposal which Republican members of the Senate Budget Committee laid before the committee and voted for unanimously when last we met in committee to consider the budget resolution. If the whole Senate had adopted it, I daresay it might have had a different effect on the election. But, instead, the majority party insisted on carrying forward with their program of spending and no tax cuts and deficits.

Well, then, is it justified to my Republican colleagues, since we have a tax cut in this, to vote for this report with its deficit? That is a decision each Senator must make. Those who voted for it yesterday should note that in conference the conferees have given away approximately half the tax cut. So if it was a good bargain to trade a tax cut for this huge deficit yesterday, I would invite all Republican Senators to take a look at it and see whether or not they still think it is such a good deal after the amount of the tax cut has been severely cut.

I want to say to my friends who are concerned about the budget process, and I am deeply concerned about the process by which this country's budget is developed, that they do no favor to that process by voting for this budget, although I know there are some who in all sincerity feel that is the case. They feel we are kind of at the end of a session and we have to pass some kind of budget resolution; that it would be a catastrophe if we did not pass the resolution, no matter what is in it; that we have to have some kind of resolution because if we do not we have so seriously jeopardized the process that we will never be able to put it back together again.

I want to tell you as one who expects to be on the Budget Committee next year I do not think my job is to save the process. I think the process has been dashed. I think my job as a Senator, as a member of the committee next year, is to start a

new process and not a budget process that is going to produce another string of deficits. I do not want to institutionalize a process which has put on the backs of the taxpayers and citizens of this country hundreds of millions of dollars of new national debt within the last 4 or 5 years. I do not think we are doing them any favor to do that.

Last but not least, Mr. President, I want to recall a speech that some of the Members of this Chamber heard last night from one of America's most distinguished citizens, who talked informally but with great perspicacity about the future of this country. He talked about the need for an optimistic outlook. He talked about the need to establish new traditions. He talked about the need for fiscal responsibility, and a lot of other subjects in a way that reflects great understanding of what makes this country great and a tremendous leadership ability.

He summed up his remarks by saying, and I am not quoting exactly but I think I am quoting his thought with great precision, the important thing is that we be true to our own ideals.

Let me just address that thought to my Republican colleagues because this is an observation that was made at a Republican meeting. Let us be true to our own ideals. Whether we carry today or not, whether the budget resolution passes or falls, let us be true to our ideals. Let us vote this down. If we do, then it goes back to conference and we get another whack at it and we get another chance to try to curb the budget deficits in here.

I remember when someone said if we rejected the SALT treaty, the Russians would never again negotiate. As soon as I sit down, someone will stand up and say, "If you kill this budget resolution, we will never get anything out of the House."

It is instructive that as soon as Ronald Reagan was elected to the White House, the Russians said they would take another look at SALT.

If we turn down this budget resolution and go to the House full of determination that we are going to curb the excesses and cut the deficit, they will take another look at it with us.

Mr. President, I think we ought to kill this budget resolution, negotiate again with the House, get something better if we can, and, if not, in my judgment, it would be better to go home with no budget resolution than to pass this monstrosity of an inflationary, business as usual, turkey of a budget.

Mr. President, before I am seated, may I inquire, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. ARMSTRONG. 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. HOLLINGS. Mr. President, I do not want our distinguished friends to leave the floor without a few of the comments being corrected, in the sense of cutting the tax cut, for example.

The fact of the matter is that we did not cut the tax cut. We adjusted it realistically. The House had passed one particular measure, effective in July. You can take their approach or you can take our approach, which was that it would not be passed until April 15, with a retroactive effective date. That is how we came out with the same thing.

We have stated in our opening remarks, and that is the fact, that we did not cut the possible reduction in tax liabilities.

What is really disturbing is, the Senator from Colorado is a very responsible Senator, and he did not sign the conference report, but I am not surprised; he was not at the conference. We discussed this and this kind of statement should not be made lightly.

It is disturbing to me that, as responsible a gentleman as he is, he goes on and starts talking about turkeys, the whole thing is a sham and a fraud and a charade. The truth of the matter is that the Senator from Colorado and the Senator from South Carolina sought a change, are ready for a basic change. I agree with him.

I was very, very interested in his expression, over and over again, that the people were interested in inflation. That is what I tried to tell the Senator from Delaware. That was my argument. We put in a tax cut for 1982, but we are trying first to get on top of the inflation now and we did not want to go to that across the board type of tax cut. It is not that the Senator is for a tax cut and I am against. It was the timing, particularly, of personal income that we were trying to forego until 1982, not overpromising ourselves. Because that would be inflationary.

All the economists, Alan Greenspan right on down the line, have told me, told the Senator from Colorado and told everybody else, so I saw it over and over, that inflation was a human problem and a tragedy.

Then the distinguished Senator came along and started talking about how he was for a tax cut. It is like Bossie the cow giving a full pail of milk and then kicking it over. I thought we were in lockstep for a while.

I say to the Senator, let us go to just exactly what did occur in defense between that balanced budget and this \$27.4 billion deficit. I broke down those figures, because all interested in the process would like just exactly a breakdown of what happened between June and November. And, incidentally, I think it ought to be emphasized that we are only about 3 days off last year's schedule. We are about to pass the second concurrent resolution. With a national election and with all that dramatic scene, it took us until the 19th. Last year, it was the 16th or about that date. So we are not behind schedule.

Between June's first concurrent and November's second concurrent, defense went up \$5.4 billion. Outlays went up \$1.6 billion due to inflationary costs. These are the things that caused this \$27.4 billion deficit. Defense \$5.4 billion, the inflation \$1.6 billion.

Unemployment and the other things to do with the effects of a recession—whether it be trade adjustment assistance, unemployment compensation, or anything else like that, when you get that additional 0.5 percent more, rather than the 7.5, there is 8 percent unemployment—added \$7.6 billion. The tax cut has a deficit impact of \$10.1 billion. Then all others, and we discussed those matters, the few that were added on to the tune of \$2.7 billion including the Eximbank and SPRO.

So, that is not radical, fraud, or who hid the figures, or we have too many spendouts, or it is hemorrhaging, or we do not know. We worked very diligently on this entire process.

I will say to the Senator that I will be working with him to get on top of the inflation. Now that he has landed as Pilgrim Armstrong on the shores of leadership, and he gets this turkey. I want to see how he carves it. Beginning now, Trip O'NEILL said he is going to give President Reagan 6 months. The Senator from Colorado does not get that. He gets from November to January. He gets about 2 months. He has about 2 months and his honeymoon is over from there on. It is going to be a Republican Senate. What will that Republican Senate crowd do? They have the President, they have the control. The Senator from Oklahoma ought to come back. I cannot wait for my 2 months to be over with so I can get on the other side and start cutting.

They carved out one part of COLA, but did not carve it out completely. Revenue sharing and those other things—those are the carvings on this turkey that the Republican Senate will have to deal with. I do not want to lose my good friend, Senator DOMENICI—he should not wince and wrinkle up so. When you get the best—and Senator ARMSTRONG is very conscientious and works very hard and attends our hearings. We are going to need his help and everybody's help.

This is not partisan inflation. I think very truly that the American people looked at President Carter and the administration, they trusted him, but it did not work. It did not get us on top of inflation. Now we are going to try President Reagan. We cannot just keep trying, in and out. All these descriptive headlines. We all have to work together to carve this turkey up. But it is being carved, and we did that—we held the line. We held back some on all of these matters. We did not go with a hemorrhaging budget.

We have added it up here: the inflation, the unemployment, tax cut, defense add-ons. Those are the things that constitute that \$27.4. And we are a consummate political body and we have to go along with the majority. I could write a budget that would suit me and the Senator from Colorado could write one to suit him, but we have to work together on this thing.

I yield to my colleague from Oklahoma.

Mr. BELLMON. Mr. President, I have to confess some major reservations about what has happened here. As the Members know, I voted against the resolu-

tion yesterday, for the first time since I have been involved in the budget process. I attended the conference yesterday. Frankly, I think the budget we brought back from conference is better than the budget that cleared this body, because we did reduce the size of the deficit substantially by reducing the tax cut that will undoubtedly be passed next year.

I should like to call the attention of the Senate to the fact that on page 30309 of the CONGRESSIONAL RECORD, we have a 3-year budget sketched out for this and future Congresses which shows the deficit in fiscal year 1981 is expected to be \$27.4 billion, but in fiscal year 1982, the deficit is expected to rise to \$37.5 billion. We are not dealing with just a 1-year deficit, but 2 years.

When you look out to fiscal year 1983, the deficit is expected to be \$11.2 billion. This is assuming that we do go ahead with the tax cut and the revenues are adjusted downward accordingly. So this is not just a tax cut that affects 1981. It affects 1982 and also 1983 and future years and gives us an expected deficit for the 3 years of well over \$60 billion.

To add to the problem, there are many spending proposals in our budget that, in my judgment, are underfunded. I want to list some of these for the record. First, we have already passed appropriation bills—already dealt with them—that give us an average of \$2.5 billion, more than the budget allows. I am not sure the Members realize that. The bills we have already dealt with are \$2.5 billion over the budget. In addition, the cost of interest is very likely overstated. If you assume 2.6 percent interest, which is less than the going rate, we are understating interest costs by \$1.7 billion.

Entitlement programs are running \$2.5 billion more than the budget states. There was inability to get full savings from reconciliation. We anticipated \$6.4 billion; it looks like \$2 billion less than that. That has to be added to the likely deficit.

In addition, there is likely to be spending for public savings and loans of at least a half billion dollars, perhaps twice that.

Then the disaster assistance program is likely to cut at least \$1 billion more than the budget anticipates.

The terms of the Penn-Central court settlement, if we pass only half of that in 1981, will cost \$1 billion.

So that totals \$11.15 billion more deficit than we have in the budget. If we add that to the \$27.4 billion, we come up with \$38.5 billion, not \$27.4 billion. Then, of course, we need to add those same calculations to the totals, giving us the total for 3 years of well over \$60 billion.

So while we have tried hard to get a handle on Federal spending, and we have done some good, I have to confess to great frustration as I leave the Senate and will no longer be part of the process.

I think we could have done much better. Everyone has his own targets to see us reduce. But there are some savings.

We have reduced highway obligation authority by \$.7 billion, the CETA is cut by \$.9 billion, on food stamps we antici-

pate saving \$5 billion, although I doubt that will ever happen.

We made some savings in nutrition programs of \$5 billion. Disaster assistance is less by some \$6 billion than expected, and there are savings in Federal retirement pensions, although, again, that is somewhat questionable.

So we tried hard. We have not done as well as I think we should have done. I believe the country is far more desirous of bringing inflation under control than of getting some relatively insignificant and quickly lost benefit from a tax cut.

We did a poll in a newsletter put out from my office to my constituents in Oklahoma. To my amazement, there were only 10 percent to 11 percent who wanted a tax cut to almost 90 percent who wanted the budget balanced.

I think we would get the same reaction nationwide.

So I believe the Congress has made a mistake in reading public attitudes.

I think, particularly, Republicans are wrong in pushing so hard for a tax cut that will be paid for with borrowed money, that will simply increase interest rates and increase inflation, and a tax cut quickly lost so far as any value to taxpayers because of inflation, due to deficit, will quickly eat up any benefits.

I am convinced we are on the wrong track. I also have to admit, as the chairman said, we live in a real world and have to work out what we can.

We have done the best we could in conference and on the floor, even though I have not supported most of the amendments that have been adopted.

This is the will of the Senate and I, at this point in time, intend to support the conference report. I urge my colleagues to do likewise.

Mr. DOMENICI. Will the Senator yield me 5 minutes?

Mr. HOLLINGS. Surely.

Mr. DOMENICI. I do not have a lot to say today. It is obvious that I am going to support this. I think we ought to pass the resolution. I could almost stop at that.

I do not think it is as good as we can do, but everything that any of us could think of has been tried.

I believe it is obvious that in the next 3 or 4 years we have to do much better. But I do not think this is the final word, even for 1981.

I am positive there will have to be major revisions to cut spending early in the spring. I am equally confident, and on this I hate to disagree with my good friend from Oklahoma, but I think there are going to be revisions to cut taxes in the spring. I do not think the amount we put here by way of reduction of the revenue will be adequate.

On that score, I also disagree with my friend from Oklahoma, because the poll says that our people want a balanced budget and not a tax cut. If we asked them, would they like to see us moving down a path that will bring a balanced budget in 2 or 3 years and provide for a significant tax cut, multiyear in nature, that will cause America to reindustrialize and become competitive, I wonder how they would answer that; or how they would answer if they would like to have

a balanced budget at the highest level of taxation in history; and would they like it to stay that way for a long period of time, with the highest level of taxation?

I think the answers would be different.

But I do not think those issues are terribly relevant today.

I am not going to argue about protecting the process. I will merely say that if we do not pass this, we will have to expect worse. There will be no discipline. This is a minor disciplinary mechanism. But if we do not have a budget resolution, there will be none.

My good friend from Oklahoma indicated the appropriation bills are already over. Everyone knows they have not violated the budget because there is not any way to enforce these individual bills. We have to wait until all are in and see if the last one breaks the budget. The last one will break even this budget. But if there is not a budget around, there will not be anything to even lodge a point of order, the only disciplinary tool we have, at the tail end here. There will not be that when the last appropriation bill comes through early next year.

That means we are not going to be able to say, "Go back and change the appropriation process."

We will have passed them all with no discipline other than each person arguing that it was not his bill that broke the budget, much like the same muddle we were in before we had the process.

It seems to me this resolution is our best and last hope to carry out, down the line, in a few months, budget-cutting mandates that the people of this country gave us a couple of weeks ago. We can start with the cumulative totals and if Congress collectively, and the new President, come up with additional calls for cutting, hopefully we can and we probably will have a third resolution.

I am hopeful that will be historic and it will come in less than this. That would be historic. We have never had one.

But there are those who feel we can cut next year with recommendations from the new President that, maybe, Congress will be more responsive to.

The truth of the matter is that the collective Congress, the U.S. House and the U.S. Senate, does not want to cut this much. All we can do is give them the guidelines, have a few technical tools, and then use the power of persuasion.

I would prefer a lower spending. I will work for that.

I am hopeful in the next 3 years, as my good friend, the present chairman, indicated, we can work together, and, with the new White House, start a new path of lower spending each year for the next 3 or 4 years. That is not the case today.

We can look forward to that. There is nothing here to keep us from doing it. If we are really serious, we can do it.

We already have a job, and Senator BELLMON is right, of cutting \$11 billion that does not fit in this budget, that somebody will have to cut that, if I understand my good friend from Oklahoma.

We figure that without any changes in

the law, this figure is too low. That means we already have our work cut out for us next year.

I repeat, for those who wonder why the budget process does not do it, the only tool we have at this point is to wait until the last appropriation bill finds its way to the floor, add up all of those that went before it, and then we can lodge a point of order.

There are no other tools. It is hoped that in the future we can write some tools of implementation into each resolution. But, more important, perhaps the Senate will have come to the party and the new chairman and new makeup will decide that they want to live within the budget instead of trying to find ways to break it. In the past, everyone has said they are living by it, knowing full well that down the line they are going to find a way to escape.

That is the attitude that has to be changed. We have to find a way to get the appropriators, the Finance Committee and all the other committees that have laws in their jurisdiction of spend-out, to set in motion a desire to make the totals in the budget work. They cannot even tacitly be part of saying, "We will do what we can, but 4 or 5 months from now, we will have to have more supplementals; we will have to change the budget resolution because it is going to be broken." That kind of attitude has to be changed or we will not be an effective process.

I urge those who supported this resolution to do so again, not because we are proud of it, not because it represents a good, sound economic policy. It represents the best that can be done with the policies in place. If the policies have to be changed, I hope we will all be part of the changing policies, including the policy of the U.S. Senate collectively to attempt to make the individual functions work in the budget, rather than what has occurred in the past.

So, denying this budget resolution its effectiveness will not change the policy of this country. What will change it is when this institution and its leaders work with the new President and make a joint effort, a sort of collegial effort, to live within the first budget resolution we came up with, in a dedicated and collective manner, and to set new current policy notions in the first resolution next year, both as to taxation and levels of expenditure and, it is hoped, leave enough for a trend line which will permit military to increase somewhat, but as to the rest of the combined domestic budget, to begin to cut its inordinate growth.

I thank the chairman of the committee for yielding, and I yield the floor.

Mr. EXON. Mr. President, I rise in hesitating support of the conference report.

This Senator, a member of the Budget Committee, who has fought hard for spending reductions and a balanced budget as our primary deterrent against this Nation's No. 1 economic ill, inflation, will continue to do so in the future.

I voted against the budget reported by the committee after our latest delibera-

tions. That was because I felt that it involved too much in spending and was not balanced, primarily because of the ills of the current recession.

Yesterday, on this floor, I opposed the further ballooning of the deficit by at least \$17 billion with the infamous, successful adoption of the Kemp-Roth superinflationary tax cut amendment. I label Kemp-Roth as "superinflationary" because, in my opinion, it is. It is supply-side economics running wild, without corresponding necessary spending reductions which have been wished away in the political tide of reducing taxes, much as this Senator would like to see taxes in selected areas reduced, as I outlined yesterday.

Mr. President, I was a member of the conference committee on the budget, and I am hesitatingly going to vote for the conference report, only because there is no workable alternative. Not to accept the proposal before us would be the first step to signal the death knell of the budget process.

While spending remains too high, we were successful in the conference late yesterday afternoon in reducing spending further by \$600 million and paring the anticipated deficit by \$7.3 billion. These are beginnings of restraint, but we still have a long, long way to go.

Mr. President, without impairing anyone's motives, I am puzzled by what appears to be, at best, some inconsistencies in the voting patterns of some of my colleagues. Yesterday, there were many who not only voted for the politically attractive tax cuts that increased the deficit and therefore future borrowings by the Federal Government, to the point that we soon will break through the \$1 trillion national debt ceiling and thereby place further upward pressure on the prime interest rates, but also then turned around and exercised great political courage by voting against the final passage of the budget resolution which carried their tax cutting amendment.

I am not questioning their motives, Mr. President, but I question their understanding of the budget process and how it works.

I suggest that, possibly in some isolated instances, they may still be in practice the old and not yet wornout political game of negative politics that sells well back home but, in my opinion, does not make much sense in responsible lawmaking.

Mr. President, the budget embodied in the resolution, in my opinion, is too high. It embodies the Kemp-Roth inflationary tax cut proposal. I had opposed this budget at all levels as being too high in expenditures and too high in deficits, although, fortunately, I should add, the projected deficit of this budget is about one-half of the deficit for last year.

I have every reason—and the well-documented legislative history—to vote against acceptance of the conference report. Yet, I have great respect for the Budget Committee chairman, Senator HOLLINGS, as well as the ranking minority member, Senator BELLMON, and the incoming chairman of that committee, Senator DOMENICI.

They are right in their opinion that this is all we have and the best we can do under the climate of existing circumstances and the conflicting votes of many Members on the issues that affect the final figure.

Therefore, Mr. President, I suggest that the responsible and courageous vote is to support the position of the floor managers, even though I do it with regret, and I urge my colleagues to support adoption of the conference report.

Mr. President, we shall have opportunities to reduce the budget further and to address any flaws in the process after hearing the detailed plans of the new President in January. The budget process is the best protection for the future, and we can best protect that vehicle if we vote "aye" on the conference report.

Mr. HOLLINGS, Mr. President, I have a few comments before we move to the vote. A distinguished visitor is about to be with us.

The real growth rate in the 1980-81 budget in defense is 4.6 percent. Non-defense actually was reduced minus 1.7 percent and minus 0.2 percent as the general overall total. That gives the exact percentages as to the entire budget.

In drawing this budget resolution debate to a close, I wish to reiterate sincerely the admiration I have for the distinguished Senator from Oklahoma. I am speaking for myself, for former Senator Muskie, and for all of us who worked intimately on the budget process during the last 6 years, since we passed the budget resolution legislation.

If there has been any success it is due in large, large measure to HENRY BELLMON of Oklahoma, and the country is really in his debt because we go back and forth, we try to get the debates, people take intransigent positions that "I will not sign the report," and it is not easy as observed on yesterday here when we only got the resolution out by 48 to 45 vote, but within it all the person who was the guiding light and inspired us all and put us on an even keel and reminded us that we had a process that was important to the welfare of the country was Senator BELLMON.

I think this is going to be his last resolution, and I did not want to just hasten with a calm or casual comment, but I very, very sincerely admire him, and we are really indebted to him.

Mr. CRANSTON, Mr. President, although I voted for the budget conference report on the second concurrent resolution for fiscal year 1981, it was with several very serious reservations. First, I would like to express my reservations concerning the budget levels for function 700, veterans' benefits and services. I believe that those levels may well prove to be inadequate to assure adequate funding for the Veterans' Administration programs during fiscal year 1981. As agreed to by the Senate yesterday, the resolution provided for overall function 700 levels of \$22.6 billion in budget authority and \$22.0 billion in outlays. The amounts in the conference report agreed to today—\$22.1 billion in budget authority and \$21.7 billion in outlays—would reduce those amounts by \$500 million in

budget authority and \$300 million in outlays. Because legislation affecting the VA entitlement programs—to authorize cost-of-living increases in service-connected disability compensation and GI bill benefits—has already been enacted this session, the burden of keeping VA spending within the budget limits would fall almost entirely on the so-called discretionary spending accounts, the largest of which are the VA health-care, construction, and general operating expenses appropriations accounts.

Fortunately, the lump-sum crosswalk allocation that is made to the Appropriations Committee under section 302(a) of the Budget Act leaves that committee and the Senate with discretion to readjust the spending priorities implicit in this resolution in order to provide adequate funding for the essential, high-priority VA programs funded under these accounts, and I am confident that adequate funding will be provided for these programs in the appropriations process.

Thus, I wish to make clear my position that in voting for the resolution I do not endorse or support the suggested limits for function 700 that it contains, and I will continue throughout the remainder of the current fiscal year to work to insure that veterans' programs receive sufficient funding to enable the VA to continue to provide quality health care and other services responsive to the needs of eligible veterans, dependents, and survivors.

While I support the adoption of a tax cut, I do not favor the Kemp-Roth proposal or the assumption made by the budget resolution that a huge tax cut should be included in the budget without knowing the nature of the tax cut we are approving. If the policies embraced by this budget are fully carried out, I believe the result may be a substantial increase in the rate of inflation. I supported the conference report because I believe the continuation of the budget process is important, and because within the spending ceiling and the revenue floor we will have an opportunity to tailor less inflationary legislation.

Mr. HOLLINGS, Mr. President, the yeas and nays have been ordered. I move the adoption of the conference report.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HOLLINGS. All time is yielded back.

Mr. BELLMON. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the conference report.

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. CRANSTON, I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from New Hampshire (Mr. DURKIN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from Maryland (Mr. MATHIAS), and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 38, as follows:

[Rollcall Vote No. 478 Leg.]

YEAS—50

Baucus	Gravel	Nunn
Bayh	Helms	Packwood
Bellmon	Hollings	Pell
Bentsen	Huddleston	Randolph
Biden	Inouye	Sarbanes
Bradley	Johnston	Schweiker
Byrd, Robert C.	Kassebaum	Stennis
Chafee	Kennedy	Stevens
Chiles	Levin	Stevenson
Cohen	Long	Stone
Cranston	Magnuson	Talmadge
Culver	Matsunaga	Thurmond
Dole	Metzger	Tower
Domenici	Mitchell	Tsongas
Eaton	Morgan	Williams
Ford	Moynihan	Young
Goldwater	Nelson	

NAYS—38

Armstrong	Glenn	Proxmire
Boren	Hart	Pryor
Bochowitz	Hatchfield	Riegle
Bumpers	Heflin	Roth
Byrd	Helms	Sasser
Harry F., Jr.	Humphrey	Schmitt
Church	Jackson	Simpson
Cochran	Jepson	Stafford
Danforth	Leahy	Stewart
DeConcini	Lugar	Wallop
Durenberger	McClure	Warner
Eagleton	Metzenbaum	Weicker
Garn	Percy	Zorinsky

NOT VOTING—12

Baker	Hatch	Mathias
Burdick	Hayakawa	McGovern
Cannon	Javits	Pressler
Durkin	Laxalt	Ribicoff

So the conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from South Carolina (Mr. THURMOND).

VISIT TO THE SENATE BY GEN. OMAR NELSON BRADLEY, GENERAL OF THE ARMY

Mr. THURMOND. Mr. President, I have the singular and high honor this afternoon of welcoming to the U.S. Senate that distinguished American and great soldier, General of the Army Omar Nelson Bradley.

Our history books are filled with the heroic deeds and truly great leadership of General Bradley during the crucial days prior to, during and in the years after World War II.

It was during his period as Commander of the First U.S. Army that I had the distinct privilege of serving on his staff in Europe. This service continued when he assumed command of the 12th Army Group, European Theater of Operations, which included the First Army as one of its major commands.

Our people are truly indebted to General Bradley for the leadership he exhibited during World War II, the most critical period of our Nation's history. In my opinion he was the greatest combat general to have served in the European Theater during those crucial and trying days.

Mr. President, General Bradley is a native of Missouri and has served in the Army longer than any soldier in the history of our Nation. Not only is he the Army's only surviving 5-star general, he was 50 years old when he received his first combat command. After leading the invasion at Normandy which led to victory in Europe and the end of World War II, he returned home to become the administrator of Veterans Affairs. In 1948 he was called upon once more to serve the Nation and the Army as the Army Chief of Staff. In 1950, General Bradley was nominated by President Truman for a fifth star as General of the Army. As a 5-star general, General Bradley does not retire and is still proud to be on active duty which began more than 69 years ago. As a reflection of that service he takes pride in wearing the uniform and visits with soldiers at Fort Bliss on a regular basis.

Mr. President, typical of his optimistic outlook on life is a comment he made recently to young officers who were complaining that it now takes too long to get promoted. There is no reason for the younger officers to complain, he explained, using himself as an example. "I have 30 years time in grade," he said, "and no chance for promotion."

The soldier's general, as he was called during World War II, will be fondly remembered by the American soldier and the public for his abiding concern for the welfare of the individual soldier. General Bradley, we applaud you. We appreciate your devoted wife and everything she has done for your welfare.

Mr. President, I ask unanimous consent that a résumé of General Bradley's unique military career be printed in the Record.

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

RÉSUMÉ OF SERVICE CAREER OF OMAR NELSON BRADLEY, GENERAL OF THE ARMY

Date and place of birth: February 12, 1893, Clark, Missouri.

Years of active commissioned service: Over 69.

Present assignment: Assigned to Office, Chief of Staff, Department of the Army, Washington, D.C. 20310, since August 1953.

Military schools attended:

The Infantry School, Advanced Course.

United States Army Command and General Staff College.

The Army War College.

Educational degrees:

United States Military Academy—BS Degree—Military Science.

Major duty assignments since 1941:

Commandant, The Infantry School, Fort

Benning, Georgia, from March 1941 to January 1942.

Student, Command and General Staff School, Fort Leavenworth, Kansas, from January 1942 to February 1942.

Commanding General, 82d Infantry Division, Camp Claiborne, Louisiana, from February 1942 to June 1942.

Commanding General, 28th Infantry Division, Camp Livingston, Louisiana, and Camp Gordon Johnston, Florida, from July 1942 to February 1943.

Commanding General, II Corps, North Africa, from February 1943 to September 1943.

Commanding General, Field Forces, European Theater of Operations, from September 1943 to December 1943.

Commanding General, First United States Army and First United States Army Group, later Commanding General, Twelfth Army Group, European Theater of Operations, from January 1944 to July 1945.

Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C. from July 1945 to November 1947.

Chief of Staff, United States Army, Washington, D.C., from February 1948 to August 1949.

Chairman, Joint Chiefs of Staff, Department of Defense, Washington, D.C., August 1949 to August 1953.

Promotions, dates of appointment, temporary, and permanent:

2Lt., 12 June 1915.

1Lt., 13 October 1916.

Cpt., 22 August 1917.

Maj., 27 July 1918, 29 November 1920.

Cpt., 4 November 1922.

Maj., 27 June 1924.

Lt.C., 22 July 1936.

B.G., 24 February 1941.

M.G., 18 February 1942.

Lt.C. 9 June 1943.

Col., 13 November 1943.

B.G., 31 May 1944.

M. G., 16 September 1944.

Gen., 29 March 1945, 31 January 1949.

Gen. of the Army, 22 September 1950.

U.S. decorations and badges:

Defense Distinguished Service Medal.

Distinguished Service Medal (with 3 Oak Leaf Clusters).

Distinguished Service Medal (Navy).

Silver Star.

Legion of Merit (with Oak Leaf Cluster).

Bronze Star Medal.

Combat Infantryman Badge.

Source of commission, USMA:

As of October 18, 1960.

Mr. ROBERT C. BYRD. Mr. President, under the rules, I cannot call attention to the presence of anyone in the gallery.

Mr. President, I ask unanimous consent that following a brief recess, the Senate proceed—this has been cleared with the other side of the aisle—to the consideration, for not to exceed 5 minutes, of H.R. 6933, the Patent Procedures Act. I ask unanimous consent that the recess not extend beyond 5 minutes.

Before the Chair puts the question, I know that Senators will want to greet General Bradley. He is in the Capitol today. He was here 5 years ago, at which time the Senate recessed and Senators met this great man, many of them having met him prior to that occasion. He is one of the outstanding generals, in my judgment, in American history of all time.

I suggest that Senators may wish to go to the Reception Room.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Mr. President, I certainly join with the majority leader in urging Members of the Senate to pay their personal respects to one of the greatest Americans of all time who is in the Capitol today. I hope that we will all accord him the courtesy that he is justly due.

RECESS FOR 10 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the recess extend for 10 minutes.

There being no objection, the Senate, at 2:49 p.m., recessed until 2:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SARBANES).

Mr. DOLE. 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. 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.

ORDER FOR RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, since an order has already been entered for the Senate to proceed to the consideration of H.R. 6933 for not to exceed 5 minutes, I ask unanimous consent that, upon the disposition of that measure, the Chair declare a recess for 30 minutes.

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

PATENT AND TRADEMARK LAWS AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6933.

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

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 6933) to amend the patent and trademark laws.

The Senate proceeded to consider the bill.

AMENDMENT NO. 1779

(Purpose: To add the University and Small Business Patent Procedures Act to the bill)

Mr. DOLE. I send to the desk on behalf of the distinguished Senator from Indiana (Mr. BAYH) and myself an amendment in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH), for himself and Mr. DOLE, proposes an unprinted amendment numbered 1779.

Mr. DOLE. 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:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That title 35 of the United States Code, entitled 'Patents', is amended by adding after chapter 29 the following new chapter 30:

"Chapter 30—PRIOR ART CITATION TO OFFICE AND REEXAMINATION OF PATENTS

"Sec.

"301. Citation of prior art.

"302. Request for reexamination.

"303. Determination of issue by Commissioner.

"304. Reexamination order by Commissioner.

"305. Conduct of reexamination proceedings.

"306. Appeal.

"307. Certification of patentability, unpatentability, and claim cancellation.

"§ 301. Citation of prior art

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and kept confidential.

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301 of this title. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

"§ 303. Determination of issue by Commissioner

"(a) Within three months following the filing of a request for reexamination under the provisions of section 302 of the title, the Commissioner will determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications discovered by him or cited under the provisions of section 301 of this title.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the person requesting reexamination, if any.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section that no substantial new question of patentability has been raised will be final and nonappealable. Upon such a determination, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of subsection 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of

the patent for resolution of the question. The patent owner will be given a reasonable period, not less than two months from the date a copy of the determination is given or mailed to him, within which he may file a statement on such question, including any amendment to his patent and new claim or claims he may wish to propose, for consideration in the reexamination. If the patent owner files such a statement, he promptly will serve a copy of it on the person who has requested reexamination under the provisions of section 302 of this title. Within a period of two months from the date of service, that person may file and have considered in the reexamination a reply to any statement filed by the patent owner. That person promptly will serve on the patent owner a copy of any reply filed.

"§ 305. Conduct of reexamination proceedings

"After the times for filing the statement and reply provided for by section 304 of this title have expired, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to his patent and a new claim or claims thereto, in order to distinguish the invention as claimed from the prior art cited under the provisions of section 301 of this title, or in response to a decision adverse to the patentability of a claim of a patent. No proposed amended or new claim enlarging the scope of a claim of the patent will be permitted in a reexamination proceeding under this chapter. All reexamination proceedings under this section, including any appeal to the Board of Appeals, will be conducted with special dispatch within the Office.

"§ 306. Appeal.

"The patent owner involved in a reexamination proceeding under this chapter may appeal under the provisions of section 134 of this title, and may seek court review under the provisions of sections 141 to 145 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent.

"§ 307. Certificate of patentability, unpatentability, and claim cancellation

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Commissioner will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

"(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding will have the same effect as that specified in section 262 of this title for reissued patents on the right of any person who made, purchased, or used anything patented by such proposed amended or new claim, or who made substantial preparation for the same, prior to issuance of a certificate under the provisions of subsection (a) of this section."

SEC. 2. Section 41 of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees

"(a) The Commissioner of Patents will establish fees for the processing of an application for a patent, from filing through disposition by issuance or abandonment, for maintaining a patent in force, and for providing all other services and materials related to patents. No fee will be established for maintaining a design patent in force.

"(b) By the first day of the first fiscal year beginning on or after one calendar year after enactment of this Act, fees for

actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the processing of an application for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

(c) By the fifteenth fiscal year following the date of enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are received, of the actual processing all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of the applicable maintenance fee is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the patent will expire as of the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of accepting within such six-month grace period the late payment of an applicable maintenance fee.

(d) By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for all other services or materials related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material. The yearly fee for providing a library specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be \$50.

(e) The Commissioner may waive the payment of any fee for any service or material related to patents in connection with an occasional or incidental request made by a department or agency of the Government, or any officer thereof. The Commissioner may provide any applicant issued a notice under section 132 of this title with a copy of the specifications and drawings for all patents referred to in that notice without charge.

(f) Fees will be adjusted by the Commissioner to achieve the levels of recovery specified in this section; however, no patent application processing fee or fee for maintaining a patent in force will be adjusted more than once every three years.

(g) No fee established by the Commissioner under this section will take effect prior to sixty days following notice in the Federal Register."

Sec. 3. Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Patent and Trademark Office funding

(a) All fees for services performed by or materials furnished by the Patent and Trademark Office will be payable to the Commissioner.

(b) All fees paid to the Commissioner and all appropriations for defraying the costs of the activities of the Patent and Trademark Office will be credited to the Patent Office Appropriation Account in the Treasury of the United States, the provisions of section 725e of title 31, United States Code, notwithstanding.

(c) Revenues from fees will be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the activities of the Patent and Trademark Office.

"(d) The Commissioner may refund any fee paid by mistake or any amount paid in excess of that required."

Sec. 4. Section 154 of title 35, United States Code, is amended by deleting the word "issue".

Sec. 5. Section 31 of the Trademark Act of 1946, as amended (15 U.S.C. 1113), is amended to read as follows:

"§ 31. Fees

(a) The Commissioner of Patents will establish fees for the filing and processing of an application for the registration of a trademark or other mark and for all other services performed by and materials furnished by the Patent and Trademark Office related to trademarks and other marks. Fees will be set and adjusted by the Commissioner to recover in aggregate 50 per centum of the estimated average cost to the Office of such processing. Fees for all other services or materials related to trademarks and other marks will recover the estimated average cost to the Office of performing the service or furnishing the material. However, no fee for the filing or processing of an application for the registration of a trademark or other mark or for the renewal or assignment of a trademark or other mark will be adjusted more than once every 3 years. No fee established under this section will take effect prior to sixty days following notice in the Federal Register.

(b) The Commissioner may waive the payment of any fee for any service or material related to trademarks or other marks in connection with an occasional request made by a department or agency of the Government, or any officer thereof. The Indian Arts and Crafts Board will not be charged any fee to register Government trademarks of genuineness and quality for Indian products of particular Indian tribes and groups."

Sec. 6. (a) Title 35 of the United States Code, entitled "Patents", is amended by adding after chapter 37 the following new chapter 38:

"Chapter 38—PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE

"Sec.

"200. Policy and objective.

"201. Definitions.

"202. Disposition of rights.

"203. March-in rights.

"204. Preference for United States industry.

"205. Confidentiality.

"206. Uniform clauses and regulations.

"207. Domestic and foreign protection of federally owned inventions.

"208. Regulations governing Federal licensing.

"209. Restrictions on licensing of federally owned inventions.

"210. Precedence of chapter.

"211. Relationship to antitrust laws.

"§ 200. Policy and objective

"It is the policy and objective of the Congress to use the patent system to promote the utilization of inventions arising from federally supported research or development; to encourage maximum participation of small business firms in federally supported research and development efforts; to promote collaboration between commercial concerns and nonprofit organizations, including universities; to ensure that inventions made by nonprofit organizations and small business firms are used in a manner to promote free competition and enterprise; to promote the commercialization and public availability of inventions made in the United States by United States industry and labor; to ensure that the Government obtains sufficient rights in federally supported inventions to meet the needs of the Government and protect the public against nonuse or unreasonable use of inventions; and to minimize the costs of administering policies in this area.

"§ 201. Definitions

"As used in this chapter—

"(a) The term 'Federal agency' means any executive agency as defined in section 105 of title 5, United States Code, and the military departments as defined by section 102 of title 5, United States Code.

"(b) The term 'funding agreement' means any contract, grant, or cooperative agreement entered into between any Federal agency, other than the Tennessee Valley Authority, and any contractor for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such term includes any assignment, substitution of parties, or subcontract of any type entered into for the performance of experimental, developmental, or research work under a funding agreement as herein defined.

"(c) The term 'contractor' means any person, small business firm, or nonprofit organization that is a party to a funding agreement.

"(d) The term 'invention' means any invention or discovery which is or may be patentable or otherwise protectable under this title.

"(e) The term 'subject invention' means any invention of the contractor conceived or first actually reduced to practice in the performance of work under a funding agreement.

"(f) The term 'practical application' means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are to the extent permitted by law or Government regulations available to the public on reasonable terms.

"(g) The term 'made' when used in relation to any invention means the conception or first actual reduction to practice of such invention.

"(h) The term 'small business firm' means a small business concern as defined at section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration.

"(i) The term 'nonprofit organization' means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute.

"§ 202. Disposition of rights

(a) Each nonprofit organization or small business firm may, within a reasonable time after disclosure as required by paragraph (c)(1) of this section, elect to retain title to any subject invention: *Provided, however*, That a funding agreement may provide otherwise (i) when the funding agreement is for the operation of a Government-owned research or production facility, (ii) in exceptional circumstances when it is determined by the agency that restriction or elimination of the right to retain title to any subject invention will better promote the policy and objectives of this chapter or (iii) when it is determined by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities that the restriction or elimination of the right to retain title to any subject invention is necessary to protect the security of such activities. The rights of the nonprofit organization or small business firm shall be subject to the provisions of paragraph (c) of this section and the other provisions of this chapter.

"(b) (1) Any determination under (l) of paragraph (a) of this section shall be in writing and accompanied by a written statement of facts justifying the determination. A copy of each such determination and justification shall be sent to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement. In the case of determinations applicable to funding agreements with small business firms copies shall also be sent to the Chief Counsel for Advocacy of the Small Business Administration.

"(2) If the Comptroller General believes that any pattern of determinations by a Federal agency is contrary to the policy and objectives of this chapter or that an agency's policies or practices are otherwise not in conformance with this chapter, the Comptroller General shall so advise the head of the agency. The head of the agency shall advise the Comptroller General in writing within one hundred and twenty days of what action, if any, the agency has taken or plans to take with respect to the matters raised by the Comptroller General.

"(3) At least once each year, the Comptroller General shall transmit a report to the Committees on the Judiciary of the Senate and House of Representatives on the manner in which this chapter is being implemented by the agencies and on such other aspects of Government patent policies and practices with respect to federally funded inventions as the Comptroller General believes appropriate.

"(c) Each funding agreement with a small business firm or nonprofit organization shall contain appropriate provisions to effectuate the following:

"(1) A requirement that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made and that the Federal Government may receive title to any subject invention not reported to it within such time.

"(2) A requirement that the contractor make an election to retain title to any subject invention within a reasonable time after disclosure and that the Federal Government may receive title to any subject invention in which the contractor does not elect to retain rights or fails to elect rights within such time.

"(3) A requirement that a contractor electing rights file patent applications within reasonable times and that the Federal Government may receive title to any subject inventions in the United States or other countries in which the contractor has not filed patent applications on the subject invention within such times.

"(4) With respect to any invention in which the contractor elects rights, the Federal agency shall have a nonexclusive, non-transferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States any subject invention throughout the world, and may, if provided in the funding agreement, have additional rights to sublicense any foreign government or international organization pursuant to any existing or future treaty or agreement.

"(5) The right of the Federal agency to require periodic reporting on the utilization or efforts at obtaining utilization that are being made by the contractor or his licensees or assignees: *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(6) An obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to include within the specification of such application and any patent issuing thereon, a statement

specifying that the invention was made with Government support and that the Government has certain rights in the invention.

"(7) In the case of a nonprofit organization, (A) a prohibition upon the assignment of rights to a subject invention in the United States without the approval of the Federal agency, except where such assignment is made to an organization which has as one of its primary functions the management of inventions and which is not, itself, engaged in or does not hold a substantial interest in other organizations engaged in the manufacture or sale of products or the use of processes that might utilize the invention or be in competition with embodiments of the invention (provided that such assignee shall be subject to the same provisions as the contractor); (B) a prohibition against the granting of exclusive licenses under United States Patents or Patent Applications in a subject invention by the contractor to persons other than small business firms for a period in excess of the earlier of five years from first commercial sale or use of the invention or eight years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain pre-market clearance unless, on a case-by-case basis, the Federal agency approves a longer exclusive license. If exclusive field of use licenses are granted, commercial sale or use in one field of use shall not be deemed commercial sale or use as to other fields of use, and a first commercial sale or use with respect to a product of the invention shall not be deemed to end the exclusive period to different subsequent products covered by the invention; (C) a requirement that the contractor share royalties with the inventor; and (D) a requirement that the balance of any royalties or income earned by the contractor with respect to subject inventions, after payment of expenses (including payments to inventors) incidental to the administration of subject inventions, be utilized for the support of scientific research or education.

"(8) The requirements of sections 203 and 204 of this chapter.

"(d) If a contractor does not elect to retain title to a subject invention in cases subject to this section, the Federal agency may consider and after consultation with the contractor grant requests for retention of rights by the inventor subject to the provision of this Act and regulations promulgated hereunder.

"(e) In any case when a Federal employee is a coinventor of any invention made under a funding agreement with a nonprofit organization or small business firm, the Federal agency employing such coinventor is authorized to transfer or assign whatever rights it may acquire in the subject invention from its employee to the contractor subject to the conditions set forth in this chapter.

"(f) (1) No funding agreement with a small business firm or nonprofit organization shall contain a provision allowing a Federal agency to require the licensing to third parties of inventions owned by the contractor that are not subject inventions unless such provision has been approved by the head of the agency and a written justification has been signed by the head of the agency. Any such provision shall clearly state whether the licensing may be required in connection with the practice of a subject invention, a specifically identified work object, or both. The head of the agency may not delegate the authority to approve provisions or sign justifications required by this paragraph.

"(2) A Federal agency shall not require the licensing of third parties under any such provision unless the head of the agency determines that the use of the invention by others is necessary for the practice of a subject invention or for the use of a work object of the funding agreement and that such action is necessary to achieve the practical application of the subject invention or work

object. Any such determination shall be on the record after an opportunity for an agency hearing. Any action commenced for judicial review of such determination shall be brought within sixty days after notification of such determination.

"§ 203. March-in rights

"With respect to any subject invention in which a small business firm or nonprofit organization has acquired title under this chapter, the Federal agency under whose funding agreement the subject invention was made shall have the right, in accordance with such procedures as are provided in regulations promulgated hereunder to require the contractor, an assignee or exclusive licensee of a subject invention to grant a nonexclusive, partially exclusive, or exclusive license in any field of use to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee refuses such request, to grant such a license itself, if the Federal agency determines that such—

"(a) action is necessary because the contractor or assignee has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the subject invention in such field of use;

"(b) action is necessary to alleviate health or safety needs which are not reasonably satisfied by the contractor, assignee, or their licensees;

"(c) action is necessary to meet requirements for public use specified by Federal regulations and such requirements are not reasonably satisfied by the contractor, assignee, or licensees; or

"(d) action is necessary because the agreement required by section 204 has not been obtained or waived or because a licensee of the exclusive right to use or sell any subject invention in the United States is in breach of its agreement obtained pursuant to section 204.

"§ 204. Preference for United States industry

"Notwithstanding any other provision of this chapter, no small business firm or nonprofit organization which receives title to any subject invention and no assignee of any such small business firm or nonprofit organization shall grant to any person the exclusive right to use or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention or produced through the use of the subject invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Federal agency under whose funding agreement the invention was made upon a showing by the small business firm, nonprofit organization, or assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

"§ 205. Confidentiality

"Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed. Furthermore, Federal agencies shall not be required to release copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office or with any foreign patent office.

"§ 206. Uniform clauses and regulations

"The Office of Federal Procurement Policy, after receiving recommendations of the Office

of Science and Technology Policy, may issue regulations which may be made applicable to Federal agencies implementing the provisions of sections 202 through 204 of this chapter and the Office of Federal Procurement Policy shall establish standard funding agreement provisions required under this chapter.

¶ 207. Domestic and foreign protection of federally owned inventions

"Each Federal agency is authorized to—

"(1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title, or interest;

"(2) grant nonexclusive, exclusive, or partially exclusive licenses under federally owned patent applications, patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on such terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest;

"(3) undertake all other suitable and necessary steps to protect and administer rights to federally owned inventions on behalf of the Federal Government either directly or through contract; and

"(4) transfer custody and administration, in whole or in part, to another Federal agency, of the right, title, or interest in any federally owned invention.

¶ 208. Regulations governing Federal licensing

"The Administrator of General Services is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, other than inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis.

¶ 209. Restrictions on licensing of federally owned inventions

"(a) No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development and/or marketing of the invention, except that any such plan may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.

"(b) A Federal agency shall normally grant the right to use or sell any federally owned invention in the United States only to a licensee that agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) (1) Each Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a federally owned domestic patent or patent application only if, after public notice and opportunity for filing written objections, it is determined that—

"(A) the interests of the Federal Government and the public will best be served by the proposed license, in view of the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public;

"(B) the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;

"(C) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital and expenditures to bring the invention

to practical application or otherwise promote the invention's utilization by the public; and

"(D) the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(2) A Federal agency shall not grant such exclusive or partially exclusive license under paragraph (1) of this subsection if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws.

"(3) First preference in the exclusive or partially exclusive licensing of federally owned inventions shall go to small business firms submitting plans that are determined by the agency to be within the capabilities of the firms and equally likely, if executed, to bring the invention to practical application as any plans submitted by applicants that are not small business firms.

"(d) After consideration of whether the interests of the Federal Government or United States industry in foreign commerce will be enhanced, any Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a foreign patent application or patent, after public notice and opportunity for filing written objections, except that a Federal agency shall not grant such exclusive or partially exclusive license if it determines that the grant of such license will tend substantially to lessen competition or result in undue concentration in any section of the United States in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with antitrust laws.

"(e) The Federal agency shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

"(f) Any grant of a license shall contain such terms and conditions as the Federal agency determines appropriate for the protection of the interests of the Federal Government and the public, including provisions for the following:

"(1) periodic reporting on the utilization or efforts at obtaining utilization that are being made by the licensee with particular reference to the plan submitted; *Provided*, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code;

"(2) the right of the Federal agency to terminate such license in whole or in part if it determines that the licensee is not executing the plan submitted with its request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(3) the right of the Federal agency to terminate such license in whole or in part if the licensee is in breach of an agreement obtained pursuant to paragraph (b) of this section; and

"(4) the right of the Federal agency to terminate the license in whole or in part if the agency determines that such action is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license and such requirements are not reasonably satisfied by the licensee.

¶ 210. Precedence of chapter

"(a) This chapter shall take precedence over any other Act which would require a

disposition of rights in subject inventions of small business firms or nonprofit organizations contractors in a manner that is inconsistent with this chapter, including but not necessarily limited to the following:

"(1) section 10(a) of the Act of June 20, 1935, as added by title I of the Act of August 14, 1946 (7 U.S.C. 4271(a); 60 Stat. 1085);

"(2) section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1000);

"(3) section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951(c); 83 Stat. 742);

"(4) section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1995(c); 80 Stat. 721);

"(5) section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360);

"(6) section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943);

"(7) section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457);

"(8) section 6 of the Coal Research Development Act of 1960 (30 U.S.C. 606; 74 Stat. 337);

"(9) section 4 of the Hellum Act Amendments of 1980 (50 U.S.C. 187b; 74 Stat. 920);

"(10) section 32 of the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2572; 75 Stat. 634);

"(11) subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5);

"(12) section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901; 88 Stat. 1878);

"(13) section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d); 86 Stat. 1211);

"(14) section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191);

"(15) section 8001(c)(3) of the Solid Waste Disposal Act (42 U.S.C. 6981(c); 90 Stat. 2829);

"(16) section 219 of the Foreign Assistance Act of 1961 (22 U.S.C. 2179; 83 Stat. 806);

"(17) section 427(b) of the Federal Mine Health and Safety Act of 1977 (30 U.S.C. 937(b); 86 Stat. 155);

"(18) section 305(d) of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1225(d); 91 Stat. 455);

"(19) section 21(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2218(d); 88 Stat. 1548);

"(20) section 6(b) of the Solar Photovoltaic Energy Research Development and Demonstration Act of 1978 (42 U.S.C. 5555 (b); 92 Stat. 2516);

"(21) section 12 of the Native Latex Commercialization and Economic Development Act of 1978 (7 U.S.C. 178(j); 92 Stat. 2533); and

"(22) section 408 of the Water Resources and Development Act of 1978 (42 U.S.C. 7879; 92 Stat. 1360). The Act creating this chapter shall be construed to take precedence over any future Act unless that Act specifically cites this Act and provides that it shall take precedence over this Act.

"(b) Nothing in this chapter is intended to alter the effect of the laws cited in paragraph (a) of this section or any other laws with respect to the disposition of rights in inventions made in the performance of funding agreements with persons other than nonprofit organizations or small business firms.

"(c) Nothing in this chapter is intended to limit the authority of agencies to agree to the disposition of rights in inventions made in the performance of work under funding agreements with persons other than nonprofit organizations or small business firms in accordance with the Statement of Government Patent Policy issued on August 23, 1971 (36 Fed. Reg. 16887), agency regulations, or other applicable regulations or to otherwise limit the authority of agencies to

allow such persons to retain ownership of inventions. Any disposition of rights in inventions made in accordance with the State-ment or implementing regulations, including any disposition occurring before enactment of this section, are hereby authorized.

"(d) Nothing in this chapter shall be construed to require the disclosure of intelligence sources or methods or to otherwise affect the authority granted to the Director of Central Intelligence by statute or Executive order for the protection of intelligence sources or methods.

"§ 211. Relationship to antitrust laws

"Nothing in this chapter shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defenses to actions, under any antitrust law."

(b) The table of chapters for title 35, United States Code, is amended by adding immediately after the item relating to chapter 37 the following:

"38. Patent rights in inventions made with Federal assistance."

Sec. 7. Amendments to Other Acts.—The following Acts are amended as follows:

(a) Section 156 of the Atomic Energy Act of 1954 (42 U.S.C. 2186; 68 Stat. 947) is amended by deleting the words "held by the Commission or".

(b) The National Aeronautics and Space Act of 1958 is amended by repealing paragraph (g) of section 305 (42 U.S.C. 2457(g); 72 Stat. 436).

(c) The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by repealing paragraphs (g), (h), and (i) of section 9 (42 U.S.C. 3908 (g), (h), and (i); 88 Stat. 1889-1891).

Sec. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) Section 1 of this Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or issued thereafter.

(c) Section 3 of this Act will take effect on the first day of the first fiscal year beginning on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected re-examination fees, which will be available to pay the costs to the Office of reexamination proceedings.

(d) Any fee in effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

(g) Sections 8 and 9 will take effect on the date of enactment of this Act.

Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within 2 years after the effective date of this Act, a plan to identify, and if necessary develop or have developed, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is

or which may be available for this purpose in the future.

Sec. 10. (a) Section 101 of title 17 of the United States Code is amended to add at the end thereof the following new language:

"A 'computer program' is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result."

(b) Section 117 of title 17 of the United States Code is amended to read as follows: "§ 117. Limitations on exclusive rights: Computer programs

"Notwithstanding the provisions of section 106, it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

"(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or

"(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exact copies prepared in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the copy from which such copies were prepared, only as part of the lease, sale, or other transfer of all rights in the program. Adaptations so prepared may be transferred only with the authorization of the copyright owner."

Amend the title so as to read: "A bill to amend the patent and trademark laws."

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

● Mr. BAYH. Mr. President, there has been no more troubling issue before this Congress than the disturbing slump in American innovation and productivity. This trend strikes at the very heart of our economy and leads to a loss of jobs, a weakening of the dollar, and a poor balance of trade.

There are many complex reasons for this unhealthy trend, yet virtually every expert who has testified before the Congress has mentioned the weaknesses in our present patent laws as a significant contributor to the problem. The amendment that I am offering to the House-passed bill, H.R. 6933, represents an important step in solving this patent problem.

The amendment that I am offering represents in essence the patent policy incorporated in S. 414, which was overwhelmingly passed by the Senate after being unanimously reported out of the Senate Judiciary Committee.

This new policy will make federally supported research and development more productive by allowing the private sector to develop many inventions now left gathering dust on the shelves of Government agencies. This patent policy revision will give small businesses and universities conducting research and de-

velopment for the Government the incentive to develop and market the inventions that they make while fully protecting the rights of the Government and the public. This concept has received wide support from both sides of the aisle because of the overwhelming evidence of the present inefficiencies in the present patent policies. The full legislative history of this provision is found in the Senate Judiciary Committee report on S. 414 (96-480) which fully spells out the intent of the Congress and specifies how this patent policy is to be implemented.

Section 210(c) is intended to make clear that the disposition of rights in inventions to contractors not covered by this act shall continue to be governed by the President's statement on Government patent policy and implementing agency regulations. Implementing regulations and policies granting ownership rights to such contractors are not intended to be adversely affected by enactment of this act; and dispositions pursuant to such statements and implementing regulations prior to enactment of this act are expressly authorized by this act.

The other provisions of the present amendment will allow the Patent and Trademark Office to reexamine issued patents. This concept was unanimously supported by the Senate when it passed my bill, S. 2446. The present reexamination procedure is that passed by the House, which is essentially the same as that already passed by the Senate.

Reexamination will allow patent holders and challengers to avoid the present costs and delays of patent litigation. The American Patent Law Association testified to the Judiciary Committee that patent litigation can cost both parties \$250,000 and take years to settle. Quite obviously, this sum is beyond the means of many patent holders, particularly small businesses and independent inventors, and is a sizable burden to any business. Patent reexamination will also reduce the burden on our overworked courts by drawing on the expertise of the Patent and Trademark Office for an estimated \$1,000 to \$1,500 per case. Reexamination has been endorsed by the American Bar Association and the American Patent Law Association and is a much needed improvement in our present system that will strengthen the American patent system.

The Senate Judiciary Committee and the Appropriations Committee have been concerned about the continued underfunding of the Patent Office. The amendment that I am offering includes the first increase in patent and trademark fees in 15 years. The language is that already approved by the House.

The House provision includes a system of maintenance fees so that a patent holder can spread out his payments over a number of years. I believe that the Senate should accept this concept with the provision that patent holders be personally notified through the mail shortly before their payments are due. I fear that unless this is done small business patent holders or independent inventors might inadvertently miss a deadline and thereby permit their patent to lapse. So

with this one minor addition in the legislative history of the fee provision, I recommend that it be accepted. There should also be provisions made in the implementing regulations of the Patent and Trademark Office to extend the deadline if a patent holder should inadvertently miss payment through no fault of their own.

Few would argue that trademark fee adjustments are not needed. They have not been increased for years. Rather than merely increasing fees, this bill ties them to recovering an established percentage of average estimated costs, without any feeling or control. Unquestionably, support for fee increases based on a percentage of cost recovery waned dramatically when the language creating a Patent and Trademark Office independent of the Department of Commerce, an action I actively sought, was deleted from this legislation. In any case, this open-ended structure should not be construed as a "blank check."

Today, conditions in the trademark office are nothing short of a national disgrace and although remedies are being sought, we are far from realizing an efficiently run operation. Some estimate that, in 5 years, the length of time it takes to receive a registration may stretch from over 2 years to a deplorable 7 years. Reasonably, this period should not exceed 1 year. Furthermore, when registrations are issued, they are frequently mailed to the wrong company, much of the Office's official correspondence is handled in longhand due to a shortage of clerk typists and the statutorily required publication of the official gazette, when it does occur, is months behind and has resulted in an inordinate backlog. It will cost a great deal of money to straighten out this disastrous mess and increased fees will help. However, I am certain that it is not the intent of my colleagues that American businesses and individuals be forced to pay the cost of past management errors in the Patent and Trademark Office (PTO) and the Department of Commerce. Additionally, while there is no provision in this legislation to prohibit the commingling of patent and trademark fees revenues to offset expenditures of the PTO, it is the intent of this body that they be kept separate.

Of even more serious import to U.S. trademark owners is the impact on fees that will result should the Senate ratify the Trademark Registration Treaty. This treaty, as it substantially reduces for foreign nationals to file, makes it easier for them to present their applications for processing. Cost of trademark operations within the PTO cannot help but soar and backlog will certainly be magnified. The number of oppositions will increase and printing costs will be much higher. Because this legislation does not take this possibility into account and bases the fees which American businesses must pay on aggregate costs, I have confidence that Congress will examine this new trademark fee structure when it considers the impact on the PTO of the treaty to insure that American trademark owners, both individuals and busi-

nesses, do not subsidize the costs of their foreign competitors.

The Congress should exercise an oversight of the implementing regulations as this increase in patent and trademark fees goes into effect to insure that it does not have a negative impact on independent inventors and small businesses. It is not the intent of the Senate that fees should be raised to the point that these important sources of innovation are discouraged or prohibited from filing patent and trademark applications by their financial limitations. It would be counterproductive to the patent and trademark system if this concern were not carefully weighed by the Patent and Trademark Office.

As required by the Regulatory Flexibility Act (Public Law 96-354) and the present act (H.R. 6933), the Patent and Trademark Office is required to adopt regulations for the patent fees of section 41(a) of this act that will reflect the ability of small entities to pay such charges. Consideration must be given to several tiers of processing, filing, and maintenance charges.

My amendment will also authorize a 2-year study of the feasibility of computerizing many of the operations of the Patent and Trademark Office. The Judiciary Committee has been very concerned with reports it has received about missing patent files and the uncertainty of many issued U.S. patents. Computerization should significantly modernize the operations of the Office and this study will be very important in determining how best to proceed.

Finally, Mr. President, this amendment clarifies the 1976 Copyright Act as it is related to the ability to obtain copyrights on computer software. This language reflects that proposed by the Commission on New Technological Uses of Copyrighted Works and is supported by the Copyright Office.

This amendment represents a satisfactory compromise between the positions of the Senate and the House. This bill will be a significant step forward not only for the patent system, but for American innovation and productivity. I urge my colleagues to join with me in supporting this vitally important legislation. ●

● Mr. SCHMITT. Mr. President, as most of my colleagues are undoubtedly aware, recent economic indicators suggest that the United States is experiencing an alarming decline in the rate of technological innovation and economic growth. Symptoms of this decline are reflected in the growing international trade deficit, diminishing national productivity, and the increasing penetration of domestic markets by foreign competitors.

The Senate Science, Technology, and Space Subcommittee, chaired by Senator STEVENSON and on which I serve as the ranking member, has had a longstanding interest in the industrial innovation process and Federal policies which adversely impact upon it. For the past 2 years the subcommittee in cooperation with the Banking Committee has conducted extensive oversight hearings examining the direction of Federal R. & D.

and the Federal Government's role in promoting the development, application, and diffusion of new technologies.

In addition, the committee has held 4 days of hearings on my bill, S. 1215, and reported it out of committee. S. 1215 addresses these problems in a comprehensive manner, treating all contractors, small, medium, and large, equally.

The problems identified through these hearings are varied and complex—overburdensome and costly regulations, lack of an overall trade policy, counterproductive tax policies, and inadequate funding of basic research, to name just a few. Nevertheless, there are steps which the Federal Government can and should take to reverse the downward trend in the development of new products and processes. Reform of patent activities and policies is at the top of the list.

Mr. President, in my judgment, there is a clear need for the establishment and implementation of a uniform Governmentwide patent policy that would address all recipients of Federal R. & D. funds.

The bill, H.R. 6933, provides for such a policy but only for small and nonprofit businesses, and academic institutions. While I support the basic objectives of the bill, I am concerned that the bill does not go far enough. The problems this Nation is experiencing in technological innovation go far beyond small business and universities which together comprise but a small percentage of all Federal contracts. We cannot afford to ignore that segment of private enterprise consisting of medium-sized and larger businesses which perform 90 percent of our federally sponsored R. & D. effort and account for more than half of U.S. industrial employment, and 85 percent of U.S. exports.

I believe the correct approach would allow all contractors, regardless of size or profit status, to acquire title to their inventions made under Federal contracts while retaining the structure, protections, and essential provisions of H.R. 6933. It is important to achieve the widest possible application of Government-supported technology at a time of lagging innovation, stagnant productivity growth, and declining U.S. competitiveness in the international and domestic marketplaces.

Mr. President, I am hopeful that early in the next Congress we can more thoroughly address the problem of lagging technological innovation through implementation of a governmentwide patent policy that is applicable to all contractors, regardless of size.

I view the legislation before us today as only the first small step in the process of providing incentive for technological innovation among all recipients of Federal R. & D. funds, and urge my colleagues to continue their efforts toward that end. ●

Mr. DOLE. Mr. President, the present patent policy generally encourages retention by the Government of rights to inventions it sponsored. This policy has resulted in a reluctance by universities and industry to invest the necessary funds for the development and marketing of inventions emanating from fed-

erally funded research. This is understandable in view of the fact that the development process is not only risky but expensive, and estimated to cost 10 times the cost of the initial research.

By obstructing patent rights and innovations, the Government increases the factor of uncertainty in an already uncertain area, that of technology end result. By denying the modicum of protection that the granting of patent rights for a limited period of time would afford, the Government removes the incentive that would stimulate the private sector to develop and market inventions.

IMPACT OF FEDERAL POLICY

The effect of this policy is twofold, bearing on the consumer as well as on the economy in general. In both cases, the public is the victim. When large amounts of taxpayers' money are directed to the research field, the public expects and deserves to reap the benefit of its investment in the form of products available for its consumption. When this fails to materialize, it is obvious that the Government has reneged on its promise. This is evidenced by the fact that, of the 28,000 inventions funded by the Government, only about 5 percent have been used.

The damaging impact of the Federal patent policy on the economy is dramatic. That we have lost our leadership role to Japan in the fields of electronics and shipbuilding is no accident. Without short-term exclusive rights, small firms cannot take the risk of bringing innovations to the commercial market, but large foreign firms can and are doing so, with ideas gleaned from U.S.-funded research. That the richest Nation on Earth has a trade deficit with Japan amounting to \$13 billion leaves room for reflection, when one considers the fact that Japan has no natural resources on her mainland. Our annual growth is 3 percent as opposed to 8 percent in Japan. Our newly established ties with China make the People's Republic a candidate for emulation of the Japanese example, with a population of 900 million people, through the potential use of U.S. technology to which its access is now guaranteed, China could become a most formidable competitor.

The development of technological innovation by Government and industry in countries such as Japan and Germany, is a contributing factor in their dominance of world trade.

WHAT IS THE ANSWER?

Protectionism is not what I am advocating. Such a theory would be counterproductive and one I do not adhere to on general principles. What I am rather suggesting is that the answer to foreign competition lies neither in an increase of export subsidies, nor in an increase of tariffs, but in an increase in productivity. I believe that the protection that patent rights for a limited amount of time would guarantee to American business would be a giant step toward providing incentives for greater productivity.

Our economy is one which has always run on America's innovative genius. This resource must not be allowed to waste away on account of unnecessary delays

and redtape. Complex rules and regulations devised by Federal agencies are detrimental to stimulating productivity and enterprise. They are particularly harmful to small business from which, traditionally, innovative, and creative programs have emanated. In the field of medical innovation, the obstruction of patent rights by Federal agencies is an extremely serious problem. Indeed, when medical inventions offering potential cures for diseases are withheld, it is the very lives of Americans which are affected.

The almost adversarial relationship that now exists between business and Government must be replaced by a true and genuine partnership in which the Government will act as impresario in bringing industry and universities together with new fields of knowledge, and their practical implementation.

PATENT POLICY

The amendment that I am cosponsoring represents the patent policy incorporated in S. 414, which was overwhelmingly passed by the Senate after being unanimously reported out of the Senate Judiciary Committee.

This new policy will result in an increase in productivity by allowing the private sector to develop many inventions now left on the shelves of Government agencies, Small businesses and universities that conduct research and development for the Government will now have the incentive to develop and market the inventions that they create.

THE PATENT TRADEMARK OFFICE

An estimated 2 to 28 percent of the search files are missing in each patent subclass. Therefore, when patent examiners are searching these files, when seeking prior patents and relevant materials, in order to determine whether or not to grant a patent, some of the necessary materials are missing. The failure of the patent examiner to cite all of the relevant materials and patents in his report can be used to challenge the patent's validity in court.

If the Patent and Trademark Office is to meet its responsibilities to the patent applicant for prompt issuance and still insure that all of the relevant materials have been considered, the PTO must be given the authority to reexamine patents.

PATENT REEXAMINATION

As drafted, H.R. 6933 allows a person who wanted to challenge an issued patent on the basis of prior art or printed publications they would file a request with the PTO along with the fee and the evidence that is relevant to patent challenge. The patent holder would be informed of the challenge and would receive a copy of any cited material being used to question his patent. Within 90 days of receipt of this request, the Commissioner of the PTO would issue an initial decision. The patent holder would have the right to appeal the Commissioner's decision if the patent was invalidated.

Under H.R. 6933 the courts would have the option of accepting patent validity cases.

The other provisions of this amend-

ment will result in an increase in patent and trademark fees. These fees have not been increased for 15 years.

Trademark fees have not been increased for years. This bill will tie the increase in fees to the recovery of an established percentage of average estimated cost, without any feeling of control.

Congress must exercise oversight of the implementing regulation since this increase in patent and trademark fees goes into effect to insure that it does not have a negative impact on independent inventors and small businesses.

Additionally, this amendment will clarify the 1976 Copyright Act as it pertained to the ability to obtain copyrights on computer software. This language reflects that proposed by the Commission on New Technological Uses of Copyrighted Works and is supported by the Copyright Office.

Mr. President, this amendment is an acceptable compromise between the versions offered by the Senate and the House. It is a hope of the Senator from Kansas that this legislation will be a significant step forward for American innovation and productivity. I urge my colleagues to support this necessary piece of legislation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6933), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS FOR 30 MINUTES

The PRESIDING OFFICER. Pursuant to the previous order, the Senate now stands in recess for 30 minutes.

Thereupon, at 3:06 p.m., the Senate recessed for 30 minutes; whereupon, at 3:36 p.m., it reassembled when called to order by the Presiding Officer (Mr. SARBANES).

Mr. RIEGLE. 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. 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, what is the pending question before the Senate?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1480.

RECESS UNTIL 4:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I am informed that the parties are still negotiating and need a little more time. Therefore, I ask unanimous consent that

the Senate stand in recess until 4:30 p.m. today.

There being no objection, the Senate, at 4:04 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LEVIN).

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes.

There being no objection, the Senate, at 4:30:30 p.m., recessed until 4:45:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BORN).

The PRESIDING OFFICER. The Chair in his capacity as the Senator from Oklahoma suggests the absence of a quorum.

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.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD, Mr. President, the parties who have been principally engaged in the negotiations with respect to the superfund bill have made considerable progress. They need several hours tomorrow in which to continue those negotiations.

In order to accommodate certain Senators, one in particular who will not be here Saturday and who wishes to be here when action is taken on the superfund legislation, I ask unanimous consent that further action on the pending motion be delayed until Monday, following the orders for the recognition of the two leaders or their designees.

Mr. BAKER, Mr. President, reserving the right to object, and I will not object, indeed, I will join the majority leader in his request.

I, too, believe substantial progress has been made. I would like to say that I believe enough progress has been made to predict that there will be a successful outcome, at least I hope so. Because I feel the parties are close enough together now, a great deal will be gained by trying to complete consideration of this measure yet in this session of Congress.

It is my understanding of the request made by the majority leader that further consideration of the motion would simply be suspended until next Monday, at which time all the parties would be left in the status quo exactly where they were when we discontinued consideration of that motion this morning.

I ask the Chair if that understanding is correct and if the Chair will confirm that understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER, Mr. President, then I certainly have no objection. I thank the majority leader for his good offices in working out this arrangement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The galleries will be in order.

Mr. ROBERT C. BYRD, Mr. President, will the Chair please get order in the galleries? The Senate is still in session and will be in session for a while.

While I have the floor, I want to take this occasion to say that the Senate will be in Saturday, also, because there is work to do, unless all the work can be completed that we are hoping to get done prior to Saturday.

At this time, I hope that the EDA legislation can be brought up. The distinguished Senator from West Virginia, my senior colleague, Mr. RANDOLPH, is here for that purpose and Mr. STAFFORD is also here.

Mr. President, I yield the floor.

EXTENSION OF AUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. RANDOLPH, Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 3152.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3152) entitled "An Act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(2) Section 105 is amended by striking out "and September 30, 1979," at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982." Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(3) Section 201(c) is amended by striking out "and September 30, 1979," at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(4) Section 204(c) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(5) Section 303(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982." Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "Septem-

ber 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(9) Section 509(d) (1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,"

(10) Section 905 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(11) Section 1007 is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982."

Sec. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982."

Sec. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed \$6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed \$1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed \$3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed \$550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff)."

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1982".

(3) Section 201(g) is amended by striking out "and \$170,000,000" and inserting in lieu thereof "\$215,000,000" and by inserting before the period at the end of such section the following: "; and \$215,000,000 for fiscal year 1982."

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and \$300,000,000 for the two-fiscal-year period ending September 30, 1981, and \$140,000,000 for the fiscal year ending September 30, 1982."

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982".

Mr. RANDOLPH, Mr. President, I ask for the opportunity to speak briefly.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH, Mr. President, we are considering in the early evening of this session today very important legislation that embraces the constructive programs of the Economic Development Administration, the Appalachian Regional Commission, and the other eight commissions authorized under Title V of the EDA Act.

Mr. President, in 1965, from the Committee on Public Works, now the Com-

mittee on Environment and Public Works, we brought to this very Chamber these measures.

That situation causes me for a moment to say that those measures were very carefully considered by the members of our committee at that time.

What we did in the committee, after the most careful, yet constructive, consideration was to bring to the attention of our colleagues in the Senate two measures, to benefit the men and women of this country.

Those who were members of our committee in 1986 were part of the beginning of an effort that continue today and flourishes. They were, in addition to myself, Stephen M. Young, Edmund S. Muskie, Ernest Gruening, Frank E. Moss, B. Everett Jordan, Daniel K. Inouye, Birch Bayh, Joseph M. Montoya, Fred R. Harris, John Sherman Cooper, Hiram L. Fong, J. Caleb Boggs, James B. Pearson, George Murphy, and Robert P. Griffin.

Today, I am joined in the continued review and revision of these important programs by MIKE GRAVEL, LLOYD BENTSEN, QUENTIN BURDICK, JOHN CULVER, GARY HART, DANIEL PATRICK MOYNIHAN, GEORGE MITCHELL, ROBERT T. STAFFORD, HOWARD BAKER, PETE DOMENICI, JOHN CHAFFE, ALAN SIMPSON, and LARRY PRESSLER.

These programs since that date have carried with them substantial activities which have benefited the health of the people throughout this country.

We have improved the processes of quality education. We have provided for very, very necessary public facilities to benefit communities, large and small.

We have helped in the development of a further network of roads in Appalachia which have strengthened the economy and benefited the people of our 13-State region.

We have, of course, given aid to business, business that, in many instances, had it not been for the catalyst of EDA, could not have been saved or started. I believe tens of thousands of jobs that are now gainful employment for people throughout this country can be attributed to the fact that this was the core of it all, to bring the other elements into an active program. Had it not been for EDA, with the assistance of ARC and other agencies, we would not have as strong an economy as we have at the present time.

Community development, through this aid to industry, commerce, and business, has caused me many, many times to feel that the purpose of this Chamber in the passage of legislation creating active programs, is to build a better America. We are back again this evening, not with a conference report which we had thought we could arrange between the two bodies, but we are here to take action on a compromise that has been arranged and in which the House has participated.

Therefore, for the purposes of the record, it is a privilege for me to stand side by side with ROBERT T. STAFFORD, of Vermont. Next year he will become the chairman of our committee, a committee which has not had partisanship surface, which sometimes, if not discourag-

ing, is distasteful. We have never had that. We have had differences, understandably so, and these are very proper and right. But we have worked together, the majority and the minority and the minority and the majority. We have worked as a committee of members with the essential desire and determination which is paramount, to strengthen this country in the process or the use of these two measures incorporated into one bill.

So, Mr. President, I support and I support strongly the amendment of the House to S. 3152. This measure extends the Appalachian Regional Development Act, and the Public Works and Economic Development Act. The Senate, as will be recalled, passed this legislation prior to November 4. During that recess, it became apparent that the conference committee on S. 914, which was passed last year, could not resolve the remaining differences. I do not quarrel with those differences except to say that, in the Senate, we thought we must hew more closely to the lines which we had drafted in our original bill.

We had further negotiations, Mr. President, after the Senate's passage of S. 3152, then the election. We continued to work to demonstrate, but it was impossible to reach an agreement and pass what we would have liked very much, a conference report on S. 914.

Mr. President, with my colleagues, we come now to the adoption of the House amendment to S. 3152, in which the only change is the adding of an additional year of authorization, fiscal year 1982, to apply to both programs. The bill, as passed by the Senate and as amended in the House is simply a 3-year extension of the existing programs.

These two programs are for economic growth and development and for the well-being of men and women who live in various regions of this country, but what is done in one region benefits another. We pass on the results and strengthen the entire Nation through a better economy.

Authorizations in the bill are continued at the level authorized for the fiscal year 1979; thus, we have a major reduction from that proposed by the two Houses in S. 914. We would have \$1 billion annually for EDA. That would run for a period of 3 years. There is \$500 million for the Appalachian Regional Commission, running to 3 years, which would bring us a total of \$4.5 billion during the 3-year period.

We hope, Mr. President, in a few minutes, to bring this legislation to passage and we believe that the President of the United States will wish to sign it. We do know that the bill—and it is important to stress this—recognizes the budgetary problems that face the people of this country. At the same time, we are going to continue to commit ourselves as a Congress and an administration to what we call a valuable and a workable program.

So, Mr. President, what began 15 years ago, we hope we are continuing tonight—keeping the shrews of that program—not attempting in any way to dwarf what we have done. Having been unable to agree to a conference report, both bodies

agreed that we should move forward over the period of which I have spoken.

I hope that Senator STAFFORD, because he and other members of the committee have been most cooperative and active, will call attention to the pending amendment.

Mr. STAFFORD. Mr. President, on behalf of the Republican conferees representing the Senate Environment and Public Works Committee on economic development legislation, I wish to make some brief remarks in support of S. 3152, which has just been returned to this body from the House of Representatives with an amendment. As amended, S. 3152 contains a simple extension of existing statutory authority for programs authorized by the Public Works and Economic Development Act and the Appalachian Regional Commission Act through fiscal year 1982. The House has simply taken the bill which this body passed on September 26 and extended these programs for an additional fiscal year.

This extension has been made necessary by the failure of House and Senate conferees on S. 914 to reach an agreement on a comprehensive bill to substantially expand Federal economic development programs.

More than 1 year has passed since the House and Senate first passed this legislation. After repeated but unsuccessful attempts to work out differences between our respective versions, the conferees, on September 18, 1980, decided to suspend their formal efforts on S. 914. Instead, we agreed to introduce a simple extension of existing statutory authorities for the economic development and regional commission programs through fiscal year 1981. Accordingly, Senator RANDOLPH and I introduced S. 3152, which passed the Senate on September 26. The House of Representatives took up this bill today, amending it to extend EDA, and the other Appalachian Regional Commissions, through fiscal year 1982.

I have consulted with the leadership on our side of the aisle and understand that there is no objection to accepting the House-passed bill. In fact, it is identical to the proposal that I encouraged the conferees to accept when it became clear that we would be unable to agree on S. 914. It serves the useful purpose of keeping these programs intact until the 97th Congress is able to address their future disposition. As a practical matter, it is unlikely that Congress would be able to act with finality on economic development legislation prior to the May 15, 1981, deadline for bills authorizing appropriations for fiscal year 1982.

I anticipate that the incoming administration of President-elect Reagan will want to carefully examine these programs and make recommendations of its own. This simple extension provides adequate time for such a review but does not disrupt the on-going programs. Neither does it bias any thinking which the new Congress may bring to bear on these programs.

Finally, I might add that the fiscal year 1981 appropriation bill for the Economic Development Administration program does fall within the authorizations proposed by the simple extension, and

those appropriations are within the budget resolution. As a result of the Appropriations Committee's action, EPA's budget for fiscal year 1981 will be increased from \$550 to \$604 million.

Mr. President, I urge my colleagues to approve the bill before us.

Mr. President, I join with my friend, the distinguished chairman of the Committee on Environment and Public Works, in urging our colleagues to approve the bill before us.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I have just this postscript in a sentence or two. It is customary at times to recognize, and at other times, the record will reflect later, the assistance of members of our staff, regardless of whether they be majority or minority. I know that Senator STAFFORD and I want very much not to be reluctant but to be very eager to thank all those on the staff of the committee who have worked very, very earnestly to help bring about this result.

We are appreciative of the efforts of John Yago, Bailey Guard, Richard Harris, Philip Cummings, Richard Greer, Jackee Schaffer, Steve Swain, and Ann Garra-brant.

Phillip McGance, able administrative assistant in our personal office, has labored in behalf of EDA and Appalachia projects for long, long hours. He knows what it means to a community and to its people to have this assistance which many, many times has been the difference between the closing or continued operation of a plant, sometimes combining with other funding, including that from private sources. Thus plants were improved and kept open; new ones were established and workers were gainfully employed. In a personal and official way and for the people of West Virginia I say, thanks Phil.

I want also, Mr. President, to indicate that I am very hopeful that HOWARD BAKER, the Senator from Tennessee, who is now a member of our committee, will remain a member of the committee. He moves now to the majority leadership, but I hope that nothing will keep him from continuing as a member of our committee, where his advice and counsel and his advocacy have been important elements of what we have done.

Mr. STAFFORD. Mr. President, if the distinguished Senator will yield briefly, I would like to join in expressing our appreciation for the staff assistance to all of us.

I am happy to tell my beloved chairman that I have discussed Senator BAKER's remaining on the committee and he has told me he expects to do so.

Mr. RANDOLPH. That is good news this evening.

Then I desire also, before we call for the concurrence in the amendment, to speak of the assistance of the majority leader (Mr. ROBERT C. BYRD) in connection with this legislation.

He has been from the beginning a strong supporter of what we have done. We both know that today he and HOWARD BAKER have been very helpful in arranging for us to bring this measure to a conclusion.

From the standpoint of the Hill, we

know that President Carter wishes to sign this legislation and, in doing so, does it not as a Democratic President, but as a President of the United States of America.

I would say the same of another President were he in office, because when legislation here can be reflected from both the Hill and the White House and go to the people, not just dollars to be spent, but dollars that are an investment, and after they have been expended there is a dividend for the American people down the road, wherever these programs bear fruit.

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

The PRESIDING OFFICER. Is there objection to the motion?

Without objection, the motion was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8146.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

UP AMENDMENT NO. 1780

(Purpose: To correct drafting error)

Mr. LONG. Mr. President, I ask unanimous consent that the Senate be permitted to recede and concur in their own amendments with an amendment which I now send to the desk. This amendment would correct a drafting error in one of the sections added by the Senate so that the section will in fact do what it was described as doing.

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

The clerk will state the amendment. The legislative clerk read as follows:

The Senator from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 1780:

In paragraph (4)(B) of section 202(a) of the Federal-State Extended Unemployment Compensation Act of 1970, as added by section 10 of the Senate Amendment, insert "multiplied by 20" after "available to the State".

Mr. LONG. Mr. President, this amendment would correct a drafting error in one of the sections added by the Senate so that the section will do what it was described as doing.

Mr. STAFFORD. Will the distinguished Senator yield?

Mr. LONG. Yes.

Mr. STAFFORD. Has this matter been cleared on my side of the aisle?

Mr. LONG. This was cleared with the minority staff of the Finance Committee and I believe it was with Senator DOLE. If there is any doubt, I would be glad to straighten it out. The Senator will be one of the conferees on the bill, and it is strictly a drafting error.

The staff, in drafting the language, simply failed to draft it properly and they put the wrong number in at one point.

Mr. STAFFORD. It is my understanding that this is a change that is going into conference, in any event.

Mr. LONG. Yes, and, to my knowledge, the staff well understands what this is.

Mr. STAFFORD. Senator DOLE will be one of the conferees?

Mr. LONG. Yes.

Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. The request has been agreed to.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BOREN) appointed Messrs. LONG, TALMADGE, HARRY F. BYRD, JR., BOREN, BRADLEY, DOLE, CHAFFE, and HEINZ conferees on the part of the Senate.

Mr. LONG. 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.

THE ACCESS PROVISION IN THE ALASKA LANDS BILL

Mr. MELCHER. Mr. President, we have finally had an opportunity to read the fine print in the long and detailed statement put into the Record by Congressman UDALL with regard to section 1323. Access, of the Senate compromise amendment to H.R. 39, the Alaska National Interest Lands Conservation Act. Congressman UDALL says:

Although the amendment is ambiguously drafted and not expressly limited to Alaskan lands, the House believes that, as with all other provisions of the bill, the language of the section applies only to lands within the State of Alaska. Reference in an earlier section of his remarks dealing with "General Issues" under the National Parks section also indicated that "various authorities granted to the Secretary and the Secretary of Agriculture . . . apply only to the State of Alaska."

Mr. President, this belief expressed by Mr. UDALL is in complete error. I was the author of section 1323 and the language certainly was not designed or intended to apply only to Alaska lands. Furthermore, the Senate intent with its own language was made quite clear by the Senate committee report at page 310 which I am inserting at this point. The committee said:

The committee amendment is designed to resolve any lingering legal questions by making it clear that non-Federal landowners have a right of Access.

A statement in the House that the language applies only to Alaska is an outright attempt to amend the Senate language and limit its application. The Members of the House had a clear understanding of the meaning and intent of the language in section 1323 because I met personally with both Mr. UDALL and Mr. SEIBERLING on the matter to make its meaning and intent clear. It would be a charade of fine print to limit application of section 1323 to Alaskan lands. This is made even more transparent when you consider that section 1110 of the bill deals specifically with special access and access to inholdings in Alaska. Let me insert section 1110 at this point with section 1323.

Note that section 1323 provides no more than section 1110(b) provides for Alaskans. That is why section 1323 was added by the Senate committee in order to provide equity to other National Forest System and BLM inholders. The Senate committee intends outside of Alaska to provide for others who own land within or effectively surrounded by one or more units of the National Forest System or of public lands administered by the Secretary of the Interior under the Federal Land Policy and Management Act of 1976 such rights as may be necessary to assure adequate and feasible access for economic and other purposes, subject, of course, to reasonable rules and regulations.

Mr. President, the House was unable to muster the necessary support to amend the Senate compromise Alaska lands bill; certainly their attempts to amend it with fine print in the RECORD will not stand. The Senate intent on the floor, in the committee report and through the entire Senate committee markup is clear. Section 1323 is not limited to Alaska and was not intended to be limited to Alaska.

Mr. President, I ask unanimous consent to have certain sections on Access printed in the RECORD.

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

ACCESS

SEC. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: *Provided*, That such owner comply with rules and regulations applicable to access across public lands.

YUKON FLATS NATIONAL WILDLIFE REFUGE AGRICULTURAL USE

SEC. 1324. Nothing in this Act or other existing law shall be construed as necessarily prohibiting or mandating the development of agricultural potential within the Yukon Flats

tive to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

VALID EXISTING RIGHTS

SEC. 1109. Nothing in this title shall be construed to adversely affect any valid existing right of access.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

SECTION 1324: ACCESS

This section is designed to remove the uncertainties surrounding the status of the rights of the owners of non-Federal lands to gain access to such lands across Federal lands. It has been the Committee's understanding that such owners had the right of access to their land subject to reasonable regulation by either, the Secretary of Agriculture in the case of national forests, or by the Secretary of the Interior in the case of public lands managed by the Bureau of Land Management under the Federal Land Policy

and Management Act of 1976. However, a recent District Court decision in Utah (*Utah v. Andrus et al.*, C79-0037, October 1, 1979, D. C. Utah) has cast some doubt over the status of these rights. Furthermore, the Attorney General is currently reviewing the issue because of differing interpretations of the law by the Departments of Agriculture and the Interior.

The Agriculture Department believes that non-Federal landowners have the right of access to national forest lands subject to reasonable rules and regulations. They find nothing in the Organic Act of 1897 (16 U.S.C. 473-478, 479-482, 551) or the Wilderness Act which precludes such access. In fact, they interpret section 5(a) of the Wilderness Act (16 U.S.C. 1131-1136) as mandating access to non-Federal in holdings within national forest wilderness.

The Interior Department on the other hand, interprets section 5(c) of the Wilderness Act as expressly authorizing denial of access to such inholders in wilderness areas. Based on that interpretation, Interior then concludes that the provisions for wilderness review of public lands organized by BLM in section 603(c) of the Federal Land Policy and Management Act also authorized denial of access across public lands subject to wilderness review.

The Committee amendment is designed to resolve any lingering legal questions by making it clear that non-Federal landowners have a right of access. National Forests and public land, subject, of course, to reasonable rules and regulations.

Mr. MELCHER. 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. 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.

UNANIMOUS-CONSENT AGREEMENT—DEFENSE DEPARTMENT APPROPRIATIONS, H.R. 8105

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees are recognized under the standing order, the Senate then proceed to the consideration of the Defense Department appropriation bill, Calendar No. 1152, H.R. 8105.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, will the majority leader withhold his request momentarily, while I check with one last clearance on that matter?

Mr. ROBERT C. BYRD. Yes. 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. 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 temporarily withdraw my request.

(The following proceedings occurred later:)

Mr. ROBERT C. BYRD. Mr. President, I renew my previous request anent the Defense Department appropriation bill.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, I am happy to say that there is no objection to the request of the majority leader in respect to consideration of the defense appropriation bill.

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

METHANE TRANSPORTATION, RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1134, H.R. 6889.

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

The assistant legislative clerk read as follows:

A bill (H.R. 6889) entitled the "Methane Transportation, Research, Development, and Demonstration Act of 1980".

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BAKER. Mr. President, there is no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 3, line 11, strike "and";

On page 3, line 17, strike "amended" and insert the following:

amended; and

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

On page 5, line 14, strike "determine" and insert "conduct research and development on";

On page 6, after line 20, insert the following:

(d)(1) The Secretary of Energy shall insure that the conduct of the research and development program of this Act—

(A) supplements the automotive propulsion system research and development efforts of industry;

(B) is not formulated in a manner that will supplant private industry research and development or displace or lessen industry's research and development; and

(C) avoids duplication of private research and development.

(2) To that end, the Secretary of Energy shall issue administrative regulations, within 60 days after the date of the enactment of this Act, which shall specify procedures, standards, and criteria for the timely review for compliance of each new contract, grant, Department of Energy project, or other agency project funded or to be funded under the authority of this Act. Such regulations shall require that the Secretary of Energy or his designee shall certify that each such contract, grant, or project satisfies the requirement of this subsection, and shall include in such certification a discussion of the relationship of any related or comparable industry research and development, in terms of this subsection, to the proposed research and development under the authority of this Act. The discussion shall also address related

issues, such as cost sharing and patent rights.

(3) Such certification shall be available to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The provisions of chapter 5 of title 5, United States Code, shall not apply to such certifications and no court shall have any jurisdiction to review the preparation or adequacy of such certifications; but section 553 of title 5, United States Code, and section 17 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, shall apply to public disclosure of such certifications.

(4) The Secretary of Energy also shall include in the report required by section 9 of this Act a detailed discussion of how each research and development contract, grant, or project funded under the authority of this Act satisfies the requirement of this subsection.

(5) Further, the Secretary of Energy in each annual budget submission to the Congress, or amendment thereto, for the programs authorized by this Act shall describe how each identified research and development effort in such submission satisfies the requirements of this subsection.

(6) The provisions and requirements of this subsection shall not apply with respect to any contract, grant, or project which was entered into, made, or formally approved and initiated prior to the enactment of this Act, or with respect to any renewal or extension thereof.

On page 11, line 8, strike "rules and regulations" and insert "guidelines for demonstrations";

On page 15, line 6, strike "regulations" and insert "guidelines";

On page 15, line 8, strike "Such" through and including line 12;

On page 18, after line 9, insert the following:

RELATIONSHIP TO OTHER LAWS

SEC. 11. (a) Nothing in this Act shall be construed as authorizing the Secretary or any other official with respect to any activity pursuant to this Act to modify or waive the application of any Federal, state or local laws dealing with the production, transportation, storage, safety, use or pricing of methane.

(b) Nothing in this Act shall be construed as granting the Secretary or any other Federal official any authority to promulgate rules of general application to regulate the production, transportation, storage, safety, use or pricing of methane as a transportation fuel or vehicles which use methane as a transportation fuel.

UP AMENDMENT NO. 1781

Mr. FORD. Mr. President, I send to the desk an amendment for the distinguished Senator from Ohio (Mr. METZENBAUM). This has been cleared with all our committee members. We have several amendments at the desk. There are four amendments by the distinguished Senator from Idaho (Mr. McCLURE); and if there is no objection, I move that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I thank the Senator from Kentucky for advising me that amendments of the Senator from Idaho (Mr. McCLURE) are included. That is our only requirement. We have no objection to the request.

Mr. FORD. I say to the distinguished minority leader that Senator McCLURE and I discussed this, and he has more

than one, and it has been covered adequately.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an unprinted amendment numbered 1781.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with and that the amendments, including the amendments by the Senator from Ohio (Mr. METZENBAUM) be considered en bloc.

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

The amendments considered en bloc are as follows:

On page 4, strike lines 8 through 10, and insert in lieu thereof the following:

"(d) the term 'private entities' means any person, such as any organization incorporated under State law, for profit or not-for-profit, or a consortium of such organizations, but does not include public entities; and"

On page 4, lines 17 and 18, strike "October" and insert in lieu thereof "February".

On page 5, lines 21 and 22, and on page 5, line 25 and page 6, line 1, strike "related transmission and storage facilities" and insert in lieu thereof "methane transmission, storage and dispensing facilities".

On page 6, lines 8 through 11, strike paragraph (6), and insert in lieu thereof the following:

"(6) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to obtain an adequate supply of methane for vehicular use in the project."

On page 9, line 1, strike "BETWEEN/" and "THE SECRETARY AND".

On page 10, strike lines 5 and 6, and insert the following in lieu thereof, "for vehicular propulsion purposes;"

On page 10, line 12, after "sources" add ", as provided for in other authorization acts".

On page 10, lines 20 through 23, strike paragraph (8), and insert in lieu thereof the following:

"(8) overcoming institutional barriers to widespread use, including but not limited to restrictions on the transportation of methane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular purposes."

On page 11, lines 13 and 14, strike "facilities for the transmission and storage of methane as a vehicular fuel" and insert in lieu thereof "methane transmission, storage and dispensing facilities,"

On page 11, line 24, strike "equipment" and insert in lieu thereof "facilities".

On page 12, line 19, strike "equipment" and insert in lieu thereof "facilities".

On page 16, strike lines 24 and 25, and on page 17 strike line 1, and insert in lieu thereof the following:

"Sec. 9. The Secretary shall submit to the Senate and the House of Representatives, for referral to the appropriate committees, such re-"

Mr. FORD. Mr. President, on September 26, 1980, the Committee on Energy and Natural Resources reported H.R. 6889, the Methane Transportation Research, Development and Demonstration Act of 1980.

I chaired joint hearings on this bill on September 23, 1980. Testimony showed that the bill has wide support and should be enacted. The joint hearings between

our committee and the Commerce Committee started with testimony from Senator HOLLINGS, the distinguished chairman of the Budget Committee, and the author of S. 3007, a similar bill. We also heard from the author of the bill on the House side, Congressman DAN GLICKMAN, who has done an excellent job in putting this bill together and getting it through the House. All of the witnesses from industry and the environmental groups were strong supporters of the bill. The only pall that was thrown on the bill was by, of all people, the representatives from the Department of Energy. Their only reservation was that they wanted to study the proposition of using methane fuel first, before committing to a large-scale demonstration program.

Mr. President, the time for study is long past. Methane is being used by 15,000 vehicles in this country, and was the subject of extensive testing by GSA, back in 1970. Testimony in our hearings showed that if we did use methane in just one-tenth of the 6 million fleet vehicles, which are most readily convertible, we could save up to 80,000 barrels per day of gasoline. Furthermore, with a kit to convert to a dual fuel capacity car, it would take a mechanic under 8 hours to do the conversion.

But the hearings also showed that industry and fleet owners are reluctant to invest in conversion to dual fuel capacity because of a lack of Government policy in this area. For example, the Department of Transportation representative testified that "none of the DOT administrations concerned have plans to develop regulations governing methane systems in private or commercial vehicles." He also said that such fuels for use in vehicular propulsion are only partially regulated by the Department.

But before we let DOT regulate these vehicles we must learn what they do, how they operate, and demonstrate to industry the benefits and disadvantages. That is the purpose of this bill.

The bill would provide a program for advanced and accelerated research into methane vehicle design, methane distributions systems, and methane facilities. It would also demonstrate the economic and technological practicalities of methane-fueled vehicles for fleet use and on-farm operations. The Department of Energy would be the lead agency to conduct this research, development and demonstration program. The bill would result in the initiation of 50 fleet demonstrations, of no less than 50 vehicles each, over the next 3 years.

Methane is an attractive transportation fuel because of its several characteristics which make it an inherently safer vehicular fuel than petroleum based fuels. Methane is noncorrosive, lighter than air, and has an ignition temperature that is 500° F higher than gasoline. Methane also has a high research octane rating of 120, and as a result it is a particularly efficient fuel in conventional internal combustion engines with high compression ratios, and could potentially even be more efficient with engines specifically designed for methane operations.

According to an analysis by the

American Gas Association, fuel costs for conventional, natural gas powered vehicles are about 25 to 50 percent less than those for comparable gasoline or electric powered vehicles. The costs associated with vehicle conversions could be recouped quickly because of the differential between petroleum based transportation fuel and methane.

Mr. President, I urge the enactment of this bill.

Mr. HOLLINGS. Mr. President, as we all know, a major cause of our Nation's current economic difficulties is the continued importation of expensive foreign oil. One of the primary uses of this oil is in the transportation sector. In fact, meeting the daily fuel requirements of the vehicles of the American people takes up a large portion of not only the imported oil but an increasingly large amount of our domestically produced oil. The threat posed to our Nation by continued reliance on foreign energy supplies is potentially devastating. On a day-to-day basis, the dependence weakens us economically and our national security is put at risk by the threat of an oil cutoff. Clearly, it is important that we take steps now to reduce the amount of oil used in the transportation sector of the economy, particularly in light of the possibility of a world oil shortage in the coming months if the war between Iran and Iraq continues. There is no simple, single solution to this problem.

The legislation is designed to make possible the use of methane in the transportation sector which could help bolster our economy. The Methane Transportation Research and Development and Demonstration Act of 1980, offers our Nation the opportunity to utilize a fuel which has a variety of benefits when compared to other transportation fuels now in use or under consideration by private companies and the Federal Government.

Natural gas, which is composed of 95 percent methane, is our country's most abundant source of this domestically produced fuel. As indicated in the bill, methane is also derived from such domestic sources as coal gas, Devonian shale, tight sands, geopressured zones, coal seams, and such renewable resources as marine and land biomass, peat, and organic and municipal wastes.

Of importance, methane has the potential for reducing the cost of transportation fuel to the consumer. The rate of return on this small investment would be great. Presently, methane costs the equivalent of 65 cents per gallon of gasoline.

Another major advantage of methane-powered vehicles is based on environmental considerations. Generally, all types of emissions associated with methane-powered vehicles are of lower levels than those associated with vehicles powered with other fossil fuels. On a total energy cycle basis (from energy source to end use) all types of emissions associated with methane-powered vehicles are lower than those from vehicles powered by gasoline from oil, coal, or shale.

Currently there are less than 20,000 methane-powered vehicles operating in

the United States. This is another example of where our country lags behind other nations. By contrast, an estimated 400,000 motor vehicles burning gaseous fuels are in use worldwide. There are over 250,000 natural gas powered vehicles in Italy alone and New Zealand has recently announced a program to convert 150,000 vehicles to natural gas by 1983. Even the Soviet Union intends to convert most of the buses in the city of Moscow to methane. Clearly, methane has been proven to be a viable and economic transportation fuel for vehicles.

The rapid development of this alternative fuel technology in the United States, however, is being hindered by economic and institutional barriers founded on a data base of outdated economic and gas supply studies and restrictive laws which do not apply to the modern methane transportation situation. This measure, Mr. President, calls for funds to support advanced and accelerated research, development, and demonstration of methane use in Government, commercial, and commuter vehicle fleets as well as for various agricultural vehicular uses.

This legislation will help reduce the need for continued importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Mr. FORD. Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the amendments.

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

EXPLANATION OF AMENDMENTS

Amendment No. 1: This amendment will revise the definition of private entities which appears in the bill, to include individuals and non-incorporated persons, except for those entities which are "public entities".

Amendment No. 2: This amendment requires the Secretary of Energy to designate the organization within DOE that will be the lead agency to carry out the Secretary's duties under the Act before February 1, 1981, rather than October 1, 1981.

Amendment No. 3, 9, 10, and 11: These amendments make conforming changes to make the term "methane transmission, storage and dispensing facilities" consistent throughout the bill.

Amendment No. 4: This amendment requires that the Secretary determine whether or not participants in each demonstration project have been able to make satisfactory arrangements to obtain adequate supplies of methane for use in the project. The bill presently requires that the Secretary assure that there will be adequate continuous supplies of methane available.

Amendment No. 5: Technical change.

Amendment No. 6: This amendment requires that the research and development work on handling, storage and distribution of methane will be for vehicular fuel purposes.

Amendment No. 7: This amendment requires that the Secretary perform research and development on new sources of methane

pursuant to other authorizations, rather than through this authority, which does not directly deal with the subject.

Amendment No. 8: This amendment restricts the Secretary's work to overcoming institutional barriers, and just to the barriers that are inhibiting the use of methanol as a vehicular fuel.

Amendment No. 9: This amendment provides that the Secretary will submit all reports to this Act to the Senate and House for referral to the appropriate committees.

The **PRESIDING OFFICER**, Without objection, all the committee amendments, including the unprinted amendments, are considered and agreed to en bloc.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read a third time, and passed.

Mr. FORD, Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF OF TWO MINING CLAIMANTS

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1136, H.R. 7698.

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

The assistant legislative clerk read as follows:

A bill (H.R. 7698) for the relief of two mining claimants.

The **PRESIDING OFFICER**, Is there objection to the present consideration of the bill?

Mr. BAKER, There is no objection on this side.

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

ARTS AND HUMANITIES ACT OF 1980

Mr. ROBERT C. BYRD, Mr. President, on behalf of **Mr. PELL**, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1386.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1386) entitled "An Act to amend and extend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Arts and Humanities Act of 1980".

TITLE I—AMENDMENTS TO NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

DEFINITIONS

Sec. 101. (a) Section 3(a) of the National Foundation on the Arts and the Humanities

Act of 1965 (20 U.S.C. 952(a)) is amended by striking out "theory, and practice" and inserting in lieu thereof "and theory".

(b) Section 3(d)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(d)(1)(B)) is amended by inserting "or the National Council on the Humanities, as the case may be" after "Arts".

(c) Section 3(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952(g)) is amended by inserting "the Northern Mariana Islands," after "American Samoa".

NATIONAL ENDOWMENT FOR THE ARTS

Sec. 102. (a) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by inserting "or loans" after "grants-in-aid";

(2) in paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity";

(3) by redesignating paragraph (5) thereof as paragraph (6) thereof, and by inserting after paragraph (4) thereof the following new paragraph:

"(5) programs for the arts at the local level; and"; and

(4) by adding at the end thereof the following new sentence: "Any loans made by the Chairman under this subsection shall be made in accordance with terms and conditions approved by the Secretary of the Treasury."

(b) (1) Section 5(g)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(A)) is amended by striking out ", except that" and all that follows through the end thereof and inserting in lieu thereof a semicolon.

(2) Section 5(g)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(4)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (3)(B), the term 'State' includes, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census."

(c) Section 5(k) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)) is amended by adding at the end thereof the following new sentence: "The Chairman may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or non-reimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities."

(d) Section 5(l)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(l)(1)) is amended—

(1) by inserting ", on a national, State, or local level," after "private nonprofit organizations";

(2) by inserting "strengthening quality by" after "for the purpose of"; and

(3) by redesignating subparagraph (D) and subparagraph (E) as subparagraph (E) and subparagraph (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) providing additional support for cooperative efforts undertaken by State arts agencies with local arts groups to promote effective arts activity at the State and local level, including support of professional artists in community-based residences;"

(e) Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended by striking out subsection (m).

NATIONAL COUNCIL ON THE ARTS

Sec. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The terms of office of all Council members shall expire on the third day of September in the year of expiration."

NATIONAL ENDOWMENT FOR THE HUMANITIES

Sec. 104. (a)(1) Section 7(f)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)(2)) is amended to read as follows:

"(2)(A) Whenever a State desires to designate or to provide for the establishment of a State agency as the sole agency for the administration of the State plan, such State shall designate the humanities council in existence on the date of the enactment of the Arts and Humanities Act of 1980, as the State agency, and shall match from State funds a sum equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved. In any State in which the State selects the option described in this subparagraph, the State shall submit, before the beginning of each fiscal year, an application for grants and accompany such application with a plan which the Chairman finds—

"(i) designates or provides for the establishment of a State agency (hereinafter in this section referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that the chief executive of the State will appoint new members to the State humanities council designated under the provisions of this subparagraph, as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive has appointed all of the members of such council;

"(iii) provides, from State funds, an amount equal to 50 per centum of that portion of Federal financial assistance received by such State under this subsection which is described in the first sentence of paragraph (4) relating to the minimum State grant, or 25 per centum of the total amount of Federal financial assistance received by such State under this subsection, whichever is greater, for the fiscal year involved;

"(iv) provides that funds paid to the State under this subsection will be expended solely on programs approved by the State agency which carry out the objectives of subsection (c) and which are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be newly appropriated for the purpose of meeting the requirements of this subparagraph; and

"(vi) provides that the State agency will make such reports, in such form and containing such information, as the Chairman may require.

"(B) In any State in which the chief executive officer of the State fails to submit an application under subparagraph (A), the grant recipient in such State shall—

(1) establish a procedure which assures that four members of the governing body of such grant recipient shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed 20 per centum of the total membership of such governing body; and

(ii) provide, from any source, an amount equal to the amount of Federal financial assistance received by such grant recipient

under this subsection for the fiscal year involved."

(2) Section 7(f) (3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (3)) is amended to read as follows:

"(3) Whenever a State selects to receive Federal financial assistance under this subsection for any fiscal year under paragraph (2) (B), any appropriate entity desiring to receive such assistance shall submit an application for such assistance at such time as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds—

"(A) provides assurances that the grant recipient will comply with the requirements of paragraph (2) (B);

"(B) provides that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

"(C) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

"(D) provides a nomination process which assures opportunities for nomination to membership from various groups within the State involved and from a variety of segments of the population of such State, and including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

"(E) provides for a membership rotation process which assures the regular rotation of the membership and officers of such grant recipient;

"(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate officers and agencies, of the activities of such grant recipient;

"(G) establishes procedures to assure public access to information relating to such activities; and

"(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require."

(3) (A) The first sentence of section 7(f) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (4)) is amended by inserting "State and each" before "grant recipient".

(B) The second sentence of section 7(f) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (4)) is amended by inserting "States and" before "grant recipients".

(C) Section 7(f) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (4)) is amended by striking out subparagraph (A) and subparagraph (B) and inserting in lieu thereof the following new subparagraphs:

"(A) 34 per centum of the amount of such excess for such fiscal year shall be available to the Chairman for making grants under this subsection to States and regional groups and entities applying for such grants;

"(B) 44 per centum of the amount of such excess for such fiscal year shall be allotted in equal amounts among the States and grant recipients which have plans approved by the Chairman; and

"(C) 22 per centum of the amount of such excess for such fiscal year shall be allotted among the States and grant recipients which have plans approved by the Chairman in amounts which bear the same ratio to such excess as the population of the State for which the plan is approved (or, in the case of a grant recipient other than a State, the population of the State in which such grant recipient is located) bears to the population of all the States."

(4) (A) Section 7(f) (5) (A) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 956(f) (5) (A)) is amended

by striking out "Whenever the provisions of paragraph (3) (B) of this subsection apply in any State, that part of any" and inserting in lieu thereof the following: "The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State or grant recipient, which has a plan or application approved by the Chairman in effect on the first day of such fiscal year, to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1). The amount of any".

(B) Section 7(f) (5) (B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (5) (B)) is amended by inserting "State agency or" before "grant recipient".

(C) Section 7(f) (5) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (5)) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of paragraph (4) (B), the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only those special jurisdictions specified in section 3(g) which have a population of 200,000 or more, according to the latest decennial census."

(5) Section 7(f) (7) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (7)) is amended—

(A) in subparagraph (A) thereof, by inserting "group or" before "grant recipient";

(B) in subparagraph (B) thereof, by inserting "State agency or" before "grant recipient", and by striking out "plan" and inserting in lieu thereof "State plan or grant recipient application";

(C) in subparagraph (C) thereof, by inserting "group or State agency or" before "grant recipient"; and

(D) in the matter following subparagraph (C) thereof, by inserting "group, State agency, or" before "grant recipient" each place it appears therein.

(6) Section 7(f) (8) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (8)) is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(b) Section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g)) is amended by inserting "agency or" before "entity".

(c) Section 7 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by adding at the end thereof the following new subsection:

"(1) The Chairman may enter into inter-agency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities."

NATIONAL COUNCIL ON THE HUMANITIES

SEC. 105. Section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(f)) is amended by striking out "\$17,500" and inserting in lieu thereof "\$30,000".

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 106. (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by inserting "the Commissioner on Aging," after "Services Administration,".

(b) Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(c)) is amended—

(1) in paragraph (4) thereof, by striking out "and" at the end thereof;

(2) in paragraph (5) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(6) undertake studies and make reports which address the state of the arts and humanities, particularly with respect to their economic needs and problems."

(c) Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended by adding at the end thereof the following new subsections:

"(d) (1) The Council shall conduct a study of the state of employment opportunities for professional artists. Such study shall be undertaken in cooperation and consultation with the Secretary of Labor and shall address in particular (A) the effectiveness of existing Federal programs, such as programs administered under the Comprehensive Employment and Training Act, in serving and enhancing the employment opportunities of professional artists; and (B) the need for new programs to serve and enhance the employment opportunities of professional artists.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.

"(3) Notwithstanding any other provision of law, no Federal agency or officer of the Federal Government shall have any authority to require the Council to submit the report required in paragraph (2) to any Federal agency or officer of the Federal Government for approval, comments, or review, before submission of such report to the Congress. The President may make such additional comments and recommendations with respect to the contents of such report as he may deem appropriate.

"(e) (1) The Council shall conduct a study of (A) the effectiveness of the program authorized by the Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.); (B) the impact and feasibility of expanding the existing indemnity program to include the indemnification of objects loaned by lenders located in the United States for exhibition exclusively in the United States; and (C) other means to encourage and facilitate the wider sharing within the United States of the items described in section 3(a) of the Arts and Artifacts Indemnity Act (20 U.S.C. 972(a)), such as the development of standardized insurance policies and the development of a Federal technical assistance program to improve the curatorial facilities and personnel of museums.

"(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1980, the Chairman of the Council shall submit a report to the President and to the Congress relating to the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation."

ADMINISTRATIVE PROVISIONS

SEC. 107. (a) Section 10(a) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(a) (4)) is amended by inserting "and culturally diverse" after "geographic".

(b) Section 10(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(b)) is amended by strik-

ing out "January" and inserting in lieu thereof "April".

(c) Section 10(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(c)) is amended by striking out "January" and inserting in lieu thereof "April".

(d) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities each shall conduct a study of the use, sale, or other disposal of property under subsection (a) (2) for the purpose of carrying out sections 5(c) and 7(c). Each such study shall assess in particular (A) the effectiveness of such use, sale, or other disposal of property as an incentive for increasing the levels of non-Federal support; and (B) the extent to which activities carried out by each such Chairman under subsection (a) (1) result in undue administrative and financial burdens upon grant recipients.

"(2) Not later than two years after the date of the enactment of the Arts and Humanities Act of 1980, each Chairman shall submit a report to the President and to the Congress relating to the results of the studies required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation."

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. (a) The first sentence of section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended to read as follows: "For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts \$116,500,000 for fiscal year 1981, \$127,000,000 for fiscal year 1982, \$140,000,000 for fiscal year 1983, \$154,000,000 for fiscal year 1984, and \$170,000,000 for fiscal year 1985."

(b) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities \$114,500,000 for fiscal year 1981, \$126,000,000 for fiscal year 1982, \$138,500,000 for fiscal year 1983, \$152,000,000 for fiscal year 1984, and \$167,500,000 for fiscal year 1985."

(c) Section 11(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out projects and other activities under paragraph (1) through paragraph (5) of section 5(c);

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed \$18,500,000 for fiscal year 1981, \$18,500,000 for fiscal year 1982, \$18,500,000 for fiscal year 1983, \$20,000,000 for fiscal year 1984, and \$22,500,000 for fiscal year 1985.

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment under section 10(a)(2), including the value of property donated, bequeathed, or devised to such Endowment; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under paragraph (1) through paragraph (7) of section 7(c);

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed \$12,500,000 for fiscal year 1981, \$14,000,000 for fiscal year 1982, \$15,000,000 for fiscal year 1983, \$16,500,000 for fiscal year 1984, and \$18,500,000 for fiscal year 1985."

(d) Section 11(a)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(A)) is amended to read as follows:

"(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 5(l)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 5(l)(1);

except that the amounts so appropriated to such Endowment shall not exceed \$27,000,000 for fiscal year 1981, \$30,000,000 for fiscal year 1982, \$32,500,000 for fiscal year 1983, \$35,000,000 for fiscal year 1984, and \$40,000,000 for fiscal year 1985."

(e) Section 11(a)(3)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(3)(B)) is amended to read as follows:

"(B) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Humanities an amount equal to the sum of—

"(i) the total amounts received by such Endowment, including the value of property donated, bequeathed, or devised to such Endowment, for the purposes set forth in section 7(h)(1) pursuant to the authority of section 10(a)(2); and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under subparagraph (A) through subparagraph (F) of section 7(h)(1);

except that the amounts so appropriated to such Endowment shall not exceed \$30,000,000 for fiscal year 1981, \$33,000,000 for fiscal year 1982, \$36,000,000 for fiscal year 1983, \$40,000,000 for fiscal year 1984, and \$44,000,000 for fiscal year 1985."

(f) Section 11(a)(4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(4)) is amended to read as follows:

"(4) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section

5(e), section 5(l)(2), section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act."

(g) Section 11(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to the National Endowment for the Arts \$15,000,000 for fiscal year 1981, \$15,000,000 for fiscal year 1982, \$16,000,000 for fiscal year 1983, \$17,000,000 for fiscal year 1984, and \$18,000,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Arts is responsible, including not to exceed \$35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed \$35,000.

"(2) There are authorized to be appropriated to the National Endowment for the Humanities \$13,000,000 for fiscal year 1981, \$14,500,000 for fiscal year 1982, \$15,500,000 for fiscal year 1983, \$16,500,000 for fiscal year 1984, and \$17,500,000 for fiscal year 1985, to administer the provisions of this Act, or any other program for which the Chairman of the National Endowment for the Humanities is responsible, including not to exceed \$35,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed \$35,000."

TECHNICAL AMENDMENTS

SEC. 109. (a) The last sentence of section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 964(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(b) Section 5(g)(4)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 945(g)(4)(A)) is amended by striking out "project" the last place it appears therein and inserting in lieu thereof "projects".

(c) The last sentence of section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended by striking out "Labor and Public Welfare" and inserting in lieu thereof "Labor and Human Resources".

(d) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(b)) is amended by striking out "United States Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

TITLE II—MUSEUM SERVICES

AMENDMENTS TO MUSEUM SERVICES ACT

SEC. 201. (a) Section 203 of the Museum Services Act (20 U.S.C. 962) is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

(b) Section 204(a)(2)(A)(v) of the Museum Services Act (20 U.S.C. 963(a)(2)(A)(v)) is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(c)(1) Section 205(a)(2) of the Museum Services Act (20 U.S.C. 963(a)(2)) is amended by striking out "to the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "directly to the Secretary of Education".

(2) Section 205(b) of the Museum Services Act (20 U.S.C. 963(b)) is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(3) Section 205 of the Museum Services Act (20 U.S.C. 963) is amended by adding at the end thereof the following new subsection:

"(c) The Director may appoint without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 or subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates not to exceed one-fifth of the number of full-time regular technical or professional employees of the Institute. The rate of basic compensation for such employees may not equal or exceed the rate prescribed for GS-16 of the General Schedule under section 5332 of title 5, United States Code."

(d) (1) Section 206 of the Museum Services Act (20 U.S.C. 965) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) (1) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into contracts and cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to enable such organizations to undertake projects designed to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

"(2) (A) No financial assistance may be provided under this subsection for any project for a period in excess of one year.

"(B) No financial assistance may be provided under this subsection to pay for the operational expenses of any professional museum organization.

"(3) The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 percent of the amount appropriated under this Act for such fiscal year.

"(4) For purposes of this subsection, the term 'professional museum organization' means a private, nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession."

(2) Section 206(o) of the Museum Services Act, as so designated in paragraph (1), is amended—

(A) by inserting "contracts, and cooperative agreements" after "Grants";

(B) by inserting "or financial assistance" after "grant"; and

(C) by inserting "or financial assistance" after "grants".

(3) Section 206 of the Museum Services Act, as amended in paragraph (1), is further amended by adding at the end thereof the following new subsection:

"(d) The Director shall establish procedures for reviewing and evaluating grants, contracts, and cooperative agreements made or entered into under this section. Procedures for reviewing grant applications or contracts and cooperative agreements for financial assistance under this section shall not be subject to any review outside of the Institute."

(e) (1) Section 209(a) of the Museum Services Act (20 U.S.C. 967(a)) is amended to read as follows:

"Sec. 209. (a) For the purpose of making grants under section 206(a) there are authorized to be appropriated \$25,000,000 for fiscal year 1981, \$30,000,000 for fiscal year 1982, \$35,000,000 for fiscal year 1983, \$40,000,000 for fiscal year 1984, and \$45,000,000 for fiscal year 1985."

(2) Section 209(d) of the Museum Services Act (20 U.S.C. 967(d)) is amended by strik-

ing out "1980" and inserting in lieu thereof "1985".

AMENDMENTS TO DEPARTMENT OF EDUCATION ORGANIZATION ACT

Sec. 202. Section 413(b) (1) of the Department of Education Organization Act (20 U.S.C. 3473(b) (1)) is amended by inserting "and" at the end of subparagraph (L), by striking out subparagraph (M), and by redesignating subparagraph (N) as subparagraph (M).

TITLE III—AMENDMENTS TO ARTS AND ARTIFACTS INDEMNITY ACT

AGGREGATE AMOUNTS COVERED UNDER INDEMNITY AGREEMENTS

Sec. 301. Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "\$250,000,000" and inserting in lieu thereof "\$400,000,000".

DEDUCTIBLE AMOUNTS UNDER INDEMNITY AGREEMENTS

Sec. 302. Section 5(d) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(d)) is amended to read as follows:

"(d) If the estimated value of the items covered by an indemnity agreement for a single exhibition—

"(1) \$2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first \$15,000 of loss or damage to items covered;

"(2) more than \$2,000,000 but less than \$10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first \$25,000 of loss or damage to items covered; or

"(3) \$10,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first \$50,000 of loss or damage to items covered."

Amend the title so as to read: "An Act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes."

● Mr. SCHWEIKER. Mr. President, I in-

quire of my distinguished colleague from Rhode Island whether the National Endowments for the Arts and the Humanities plan to redefine certain requirements for eligibility in a way that would exclude science museums from participating in their funding programs. I am particularly concerned about the eligibility of these museums for challenge grants. Pennsylvania boasts of some of the finest museums in the country. Her science museums have unparalleled collections in natural history, archaeology and anthropology, as well as important living collections of plants and animals. These institutions play an integral part in the cultural vitality of the State and of the Nation. Exclusion of science museums from participation in the challenge grant programs, which have done so much to stimulate community support and guarantee cultural institutions some measure of financial security, would be shortsighted and unfair. ●

● Mr. PELL. I assure my colleague from Pennsylvania that I share his concern that challenge grants be widely available to all qualified cultural institutions, including science museums. In the report that accompanied S. 1386, the bill reauthorizing both endowments, the committee was explicit that the endowments continue the funding of science museums and urged the widest possible

eligibility of science museums of all kinds for challenge grants and project support. Both the Arts and the Humanities endowments have made excellent grants to science museums and I am confident that Mr. Biddle and Mr. Duffey, the chairmen of the two agencies, will continue to fund them. The Senator is correct when he notes the positive effect of the challenge grants on private giving to our Nation's cultural institutions and I appreciate and share his concern that the benefits of these grants be widely available. ●

● Mr. RIBICOFF. Mr. President, I note that the bill would require the Director of the Institute of Museum Services to report directly to the Secretary of Education on museum activities. It would also give the Director specific authority over the Institute's grant making procedures. In view of the importance of improving the efficiency and management of all activities transferred to the Department under the Organization Act, I want to emphasize that nothing in this section should interfere with the application of sound management principles at the new Department or would undermine the efforts of the Department to streamline its organization.

All of the Department's programmatic functions have been organized under various assistant secretaries. The bill does not preclude the Department from requiring IMS to report, for administrative purposes, to the appropriate assistant secretary on all operational matters relating to museum activities, so long as the Director has a direct reporting line to the Secretary on matters of museum policy. Similarly, the Director's authority over grant-making procedures does not mean that the Institute's grant procedures are free from Secretarial supervision or from the Department's general policies and regulations. ●

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

The motion was agreed to.

DR. HALLA BROWN

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. KENNEDY, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1578.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1578) entitled "An Act for the relief of Doctor Halla Brown", do pass with the following amendment: Page 1, line 8, strike out "\$700,000", and insert: "\$800,000".

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

The motion was agreed to.

AMENDMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2441.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives insisting on its amendments to the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD, Mr. President, on behalf of Mr. BAYH, I move that the Senate concur in the House amendments en bloc.

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

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

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

The motion to lay on the table was agreed to.

MILNER DAM EXEMPTION FROM FEDERAL POWER ACT

Mr. ROBERT C. BYRD, Mr. President, on behalf of Mr. JACKSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1828.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1828) entitled "An Act to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That the provisions of section 14 of the Federal Power Act (16 U.S.C. 807), other than the first sentence of section 14 (b) (relating to relicensing), shall not apply to any project works of the Milner Dam project, located on the Snake River near Milner, Idaho, that are in existence on the date of the enactment of this Act, including the Milner Dam, reservoir, and associated irrigation facilities. The exemption provided by the preceding sentence shall not apply to any project works which are not in existence on the date of the enactment of this Act.

Sec. 2. Except as provided in the first section of this Act, the provisions of this Act shall not be construed as repealing, amending, or otherwise affecting any of the provisions of the Federal Power Act.

Amend the title so as to read: "An Act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes."

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

INCREASE AND EXTENSION OF AUTHORIZATION FOR COUNCIL ON WAGE AND PRICE STABILITY

Mr. ROBERT C. BYRD, Mr. President, on behalf of Mr. PROXMIRE, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2352.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 2352) entitled "An Act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That (a) section (2) (b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate."

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Sec. 2. Section 3(o) of the Council on Wage and Price Stability Act is amended to read as follows:

"(c) The Council shall review proposals which have been made for reducing inflation through tax-based incomes policies and shall submit a report containing its findings, along with recommendations and legislative proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include, but not be limited to, tax-based incomes policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided through changes in personal income taxes, corporate income taxes, investment tax credits, or depreciation allowances. The Council shall also review the impact on inflation that might result from supply side income tax reductions and include in the report required by this subsection its findings pursuant to such review."

Sec. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

Sec. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed" and all that follows through the end thereof and inserting in lieu thereof "not to exceed \$9,770,000 for the fiscal year ending September 30, 1981."

Sec. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1981".

Sec. 6. Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(d) The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting the average annual growth in nonfarm output per man-hour in the private sector since 1979, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage."

Sec. 7. (a) Section 3 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

"(e) For the fiscal year ending September 30, 1981, the Council shall increase the number of positions which involve the review of proposed and existing Federal regulations by 50 per centum, over the number of positions allocated for such purpose for the fiscal year 1980. In conducting such review, the Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a) (8)."

(b) Section 5 of such Act is amended by adding at the end thereof the following: "The annual report shall also contain an

evaluation of the inflationary impact reviews undertaken by the Council in the previous year pursuant to section 3(e), including a listing and description of all regulatory proceedings in which the Council participated, the Council's recommended action, the projected cost of each such regulation, the cumulative inflationary impact of such regulations and the final disposition of each such regulatory proceeding."

Sec. 8. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(h) The Director shall establish an Office of Productivity which shall have as its prime responsibility improving private-sector productivity in the United States. Such office shall evaluate the impact of government regulations on productivity, shall inventory and evaluate Federal programs designed to improve productivity, and shall analyze the effects on United States productivity of the factors cited in section 3(a) (9) of this Act. The Office of Productivity shall annually issue a report to Congress containing the results of such evaluations, steps appropriate to improve the effectiveness of such Federal programs, and recommendations of new Federal programs and policies to increase private-sector productivity growth."

Sec. 9. The Credit Control Act is amended by adding at the end thereof the following: "Sec. 211. Termination

"The authority conferred by this title expires at the close of June 30, 1982."

Sec. 10. In the fiscal year beginning October 1, 1980, the aggregate amount of funds made available to the Senate shall not exceed 90 per centum of the aggregate amount of the funds made available for such purposes for the fiscal year beginning on October 1, 1979.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

MOAPA INDIAN RESERVATION

Mr. ROBERT C. BYRD, Mr. President, on behalf of Mr. JACKSON, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1135.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1135) entitled "An Act to add certain lands to the Moapa Indian Reservation, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That beginning on the date of the enactment of this Act, the following lands shall, subject to section 2 of this Act, be held in trust by the United States for the benefit and use of the Moapa Band of Paiutes and shall be considered to be a part of the Moapa Indian Reservation in Moapa, Nevada: Township 15 south, Range 66 east, Mount Diablo Meridian, Nevada

Section 1: Lot 1; south half northwest quarter, south half 439.89 acres.

Section 2: All 639.56 acres.

Section 3: All 639.28 acres.

Section 4: All 638.48 acres.

Section 5: All 638.44 acres.

Section 6: All 638.41 acres.

Section 7: All 640.16 acres.
 Section 8: All 640.00 acres.
 Section 9: All 640.00 acres.
 Section 10: All 640.00 acres.
 Section 11: All 640.00 acres.
 Section 12: All 640.00 acres.
 Section 13: All 640.00 acres.
 Section 14: All 640.00 acres.
 Section 15: All 640.00 acres.
 Section 16: All 640.00 acres.
 Section 17: All 640.00 acres.
 Section 18: All 640.28 acres.
 Section 19: All 640.24 acres.
 Section 20: All 640.00 acres.
 Section 21: All 640.00 acres.
 Section 22: All 640.00 acres.
 Section 23: All 640.00 acres.
 Section 24: All 640.00 acres.
 Section 25: All 640.00 acres.
 Section 26: All 640.00 acres.
 Section 27: All 640.00 acres.
 Section 28: All 640.00 acres.
 Section 29: All 640.00 acres.
 Section 30: All 640.12 acres.
 Section 31: All 640.80 acres.
 Section 32: All 640.00 acres.
 Section 33: All 640.00 acres.
 Section 34: All 640.00 acres.
 Section 35: All 640.00 acres.
 Section 36: All 640.00 acres.
 Total acreage 22,835.66.

Township 16 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: All 640.36 acres.
 Section 2: All 640.76 acres.
 Section 3: All 640.86 acres.
 Section 4: All 640.96 acres.
 Section 5: All 641.02 acres.
 Section 6: All 640.74 acres.
 Section 7: All 639.24 acres.
 Section 8: All 640.00 acres.
 Section 9: All 640.00 acres.
 Section 10: All 640.00 acres.
 Section 11: All 640.00 acres.
 Section 12: All 640.00 acres.
 Section 13: All 640.00 acres.
 Section 14: All 640.00 acres.
 Section 15: All 640.00 acres.
 Section 16: All 640.00 acres.
 Section 17: All 640.00 acres.
 Section 18: All 639.26 acres.
 Section 19: All 639.20 acres.
 Section 20: All 640.00 acres.
 Section 21: All 640.00 acres.
 Section 22: All 640.00 acres.
 Section 23: All 640.00 acres.
 Section 24: All 640.00 acres.
 Section 25: All 640.00 acres.
 Section 26: All 640.00 acres.
 Section 27: All 640.00 acres.
 Section 28: All 640.00 acres.
 Section 29: All 640.00 acres.
 Section 30: All 639.32 acres.
 Section 31: Lots 3, 4; east half west half, east half 559.93 acres.
 Section 32: All 640.00 acres.
 Section 33: All 640.00 acres.
 Section 34: All 640.00 acres.
 Section 35: All 640.00 acres.
 Section 36: All 640.00 acres.
 Total acreage 22,961.65.

Township 16 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 1: All 640.48 acres.
 Section 2: All 641.00 acres.
 Section 3: All 641.10 acres.
 Section 4: All 641.26 acres.
 Section 5: All 641.52 acres.
 Section 6: All 642.52 acres.
 Section 7: All 641.40 acres.
 Section 8: All 640.00 acres.
 Section 9: All 640.00 acres.
 Section 10: All 640.00 acres.
 Section 11: All 640.00 acres.
 Section 12: All 640.00 acres.
 Section 13: All 640.00 acres.
 Section 14: All 640.00 acres.
 Section 15: All 640.00 acres.
 Section 16: All 640.00 acres.
 Section 17: All 640.00 acres.

Section 18: Lots 1, 2, 3, 4; north half northeast quarter, northeast quarter southwest quarter northeast quarter, northwest quarter southwest quarter northeast quarter, east half west half, southwest quarter northwest quarter southeast quarter, southwest quarter southeast quarter 471.16 acres.

Section 19: All 640.94 acres.
 Section 20: All 640.00 acres.
 Section 21: All 640.00 acres.
 Section 22: All 640.00 acres.
 Section 23: All 640.00 acres.
 Section 24: All 640.00 acres.
 Section 25: All 640.00 acres.
 Section 26: All 640.00 acres.
 Section 27: All 640.00 acres.
 Section 28: All 640.00 acres.
 Section 29: All 640.00 acres.
 Section 30: All 640.78 acres.
 Section 31: All 640.36 acres.
 Section 32: All 640.00 acres.
 Section 33: All 640.00 acres.
 Section 34: All 640.00 acres.
 Section 35: All 640.00 acres.
 Section 36: All 640.00 acres.
 Total acreage 22,892.52.

Township 14 south, Range 66 east, Mount Diablo Meridian, Nevada

Section 29: West half 320.00 acres.
 Section 30: All 630.38 acres.
 Section 31: East half of Lot 1; east half, east half northwest quarter, southwest quarter northwest quarter, northeast quarter southwest quarter 499.99 acres.
 Section 32: West half 320.000 acres.
 Total acreage 1,769.87.

Township 17 south, Range 64 east, Mount Diablo Meridian, Nevada

Section 7: Lots 5 and 6; south half northeast quarter 115.76 acres.

Sec. 2. (a) Nothing in this Act shall—

(1) deprive any person or entity of any valid existing right-of-way, mining claim, grazing permit, water right (including any water rights with respect to the Muddy River as decreed by order of the district court of the State of Nevada on March 12, 1920, in "In the matter of the determination of the relative rights in and to the waters of the Muddy River and its tributaries in Clark County, State of Nevada"), or other right or interest which such person or entity may have in any land described in the first section of this Act; or

(2) deprive any person of the rights provided under the Act entitled "An Act to provide for the sale of desert lands in certain States and Territories", approved March 3, 1877 (43 U.S.C. 321 et seq.), commonly referred to as the Desert Land Act, with respect to desert lands regarding which such person has filed a declaration, before the date of the enactment of this Act, under the first section of the Desert Land Act stating his intention to reclaim such lands.

(b) The transfer of lands under the first section of this Act shall be subject to the reservation to the United States of a right-of-way extending 1,500 feet westerly of the right-of-way for the Reid Gardner-Pecos transmission lines through the area 1,500 feet easterly of the right-of-way for the Navajo-McCullough transmission line. The right-of-way shall be administered by the Secretary of the Interior, who may grant rights-of-way over, upon, under, or through the area described in the preceding sentence only for such transportation or other systems or facilities as are described under paragraph (1) through paragraph (7) of section 501(a) of the Federal Land Policy Management Act of 1976 or under section 28 of the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act. The Secretary of the Interior may enforce all terms and conditions of the right-of-way upon its termination.

(c) In administering the right-of-way described under subsection (c) of this section, the Secretary of the Interior shall be responsible for establishing and collecting fees for

the use of such right-of-way. Any payment of such fees to the Secretary after the date of the enactment of this Act shall be made for the benefit of the Moapa Band of Paiutes.

(d) Lands transferred under the first section of this Act shall be subject to a reservation to the United States of all minerals subject to the Act of February 25, 1920, commonly referred to as the Mineral Leasing Act, and a reservation of the right to enter upon such lands to mine and remove such minerals. The Secretary of the Interior shall collect and deposit fees, rentals, royalties, and other revenues for the mining and removal of such minerals in accordance with the Mineral Leasing Act.

Sec. 3. The second sentence of subsection (a) of the first section of the Act entitled "An Act to authorize the leasing of restricted Indian Lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 (69 Stat. 539; 25 U.S.C. 415) is amended by inserting "the Moapa Indian reservation," after "the Danla Reservation."

Sec. 4. The provisions relating to redesignation of areas contained in section 164 of the Act of July 14, 1955, shall be applied without regard to the transfer of lands under the first section of this Act.

Amend the title so as to read: "An Act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be a part of the Moapa Indian Reservation."

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

The motion was agreed to.

ORDER TO HOLD H.R. 7805 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 7805, an act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984, be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. BAKER. There is no objection.

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

ORDER TO HOLD H.R. 8350 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8350, an act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes, be held at the desk pending further disposition.

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

ORDER ALLOWING SENATORS 10 DAYS IN WHICH TO INSERT REMARKS IN TRIBUTE TO SENATOR ABRAHAM RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 calendar days in which to insert their remarks in tribute to Senator ABRAHAM RIBICOFF in the RECORD.

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

ORDER AUTHORIZING PRINTED VOLUME OF TRIBUTES TO SENATOR ABRAHAM RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent that the record of the tributes may be printed as a bound volume and as a Senate document.

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 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 (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

SETTING ASIDE IN SPECIAL TRUST LANDS AND INTERESTS WITHIN THE WINEMA NATIONAL FOREST TO EDISON CHILOQUIN

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. HATFIELD I ask unanimous consent that the Senate proceed to the consideration of H.R. 7960.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7960) to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin and for the transfer of moneys otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

The PRESIDING OFFICER. Is there objection? Without objection, the Senate will proceed to its immediate consideration.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I might add one comment of explanation. This is very unique situation of an Indian by the name of Edison Chiloquin who has been, in a sense, a squatter on the public lands of the national forest, Winema National Forest, because of his deep conviction that the Indian tribe had no right to divest itself of these ancestral lands, and it is a grant, a permit, so to speak, for him to live on this land in this native habitat and to continue the culture and the heritage of the proud Klamath Indian tribe.

So this has been cleared through the Federal agencies, and has been passed by the Senate Energy and Natural Resources Committee.

It avoids confrontation and all other kinds of unpleasantries of trying to expel this man from the lands that are his ancestral home. It is a unique situation, but it has been approved by all the Federal agencies and the Congress.

I move the adoption of the bill.

Mr. ROBERT C. BYRD. Mr. President, I understand now the bill has not been reported from the committee, is that correct? Are you reporting it now?

Mr. HATFIELD. I am reporting this on behalf of the committee, yes.

Mr. ROBERT C. BYRD. I thank the Chair.

The bill 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. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ADJOURNMENT OF THE HOUSE FROM NOVEMBER 21 TO DECEMBER 1, 1980, AND RECESS OF THE SENATE FROM NOVEMBER 25 TO DECEMBER 1, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 451.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 451 providing for an adjournment of the House from November 21 to December 1, 1980, and a recess of the Senate from November 25 to December 1, 1980.

The concurrent resolution was agreed to, as follows:

H. CON. RES. 451

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate recesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridiem on Monday, December 1, 1980.

REMOVAL OF CERTAIN NAMES FROM THE ALASKA NATIVE ROLL

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 5108.

The PRESIDING OFFICER laid before the Senate H.R. 5108, an act to provide for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time by title and that the Senate proceed to its immediate adoption.

Without objection, the bill was read the third time and passed.

AIR TRAFFIC CONTROLLERS

Mr. STONE. Mr. President, in one of my final statements as a Member of the U.S. Senate, I would like to say a few words about a group of men and women who perform the vitally important job in our air transportation system of guiding aircraft through increasingly crowded skies—the air traffic controllers. With increased aircraft operations due, in part, to airline deregulation, the problems facing air traffic controllers are becoming more difficult. When one mistake could result in the death of hundreds of people, it is no wonder that air traffic

controllers have one of the highest burn-out rates of any profession.

Given the crucial nature of their job, it would seem logical to provide them with the best equipment and manpower available. Yet, there presently is a shortage of qualified controllers in this country and the computers used to track aircraft and keep them separated, are overloaded to the point that they shut down, with alarming frequency. It has been estimated that a major computer failure takes place somewhere in this country's air traffic control system every 9½ hours.

We need more controllers. The quality and amount of their training on various systems needs to be improved. We must get rid of the outmoded manual backup systems that are pressed into service when the computers shut down, and replace them with last-resort control systems.

During this decade, I would like to see the Congress address these needs and provide the proper funding for them. So far, our aviation safety record has been good, but the number of near-misses is increasing. We cannot afford to wait for one more tragedy to occur before commitments for improvements are made. We cannot continue to ask our air traffic controllers to bear this tremendous physical and emotional burden without help. They must be provided with the tools to make their jobs manageable. We owe this to every man, woman, and child who flies and we owe this to the men and women who dedicate their lives to insuring that air transportation in the United States is safe and reliable.

POTENTIAL PROBLEMS FOR THE UNITED STATES AT THE MADRID CONFERENCE

Mr. PROXMIRE. Mr. President, the 35 nations meeting at the Conference on Human Rights and Detente in Madrid are currently stalled in a deadlock over discussion of the conference's agenda items.

These procedural negotiations have been stalled, due to the Soviet Union's reluctance to face up to charges, leveled by many nations, of Soviet human rights violations. The United States, as a nation which does not practice torture or other barbarous acts, is appalled at charges of such perversities. It has long wanted to discuss these charges against the Soviets in an open international forum.

Should the proposal to discuss Soviet human rights violations be realized however, the United States will face counter-accusations by the Soviets.

The Soviets may very well demand to know why the United States is so vehement to discuss Soviet human rights violations since for over three decades, our country has failed to ratify a treaty which expresses contempt for a very serious type of human rights violation.

This treaty is the Genocide Convention.

It deplores the heinous crime of genocide, which is the extermination of a national, religious, racial or ethnic group of peoples.

Mr. President, it is clear that U.S. demands to investigate Soviet human

rights violations would be made more legitimate if we would ratify the Genocide Treaty.

The Soviets may very well use the example of our steadfast refusal to ratify the Genocide Convention, in order to halt discussions of its human rights violations, as it did last year at the Helsinki Commission.

As Dr. William Korey argues in Foreign Policy, this tactic will generate support for the Soviets from both our allies and neutral nations, most of which ratified the treaty long ago.

It is clear that in order to avoid such scenarios of hypocrisy, the United States must ratify the Genocide Convention.

I urge my colleagues to move immediately for ratification of the Genocide Convention.

MESSAGES FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. GAIAMO, Mr. SIMON, Mr. MINETA, Mr. JONES of Oklahoma, Mr. SOLARZ, Mr. GEPHARDT, Mr. GRAY, Mr. LATA, Mr. REGULA, and Mr. RUDD as managers of the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 1996) to authorize the Secretary of Agriculture to encourage the efficient use of wood and wood residues through pilot projects and demonstrations and a pilot wood utilization program, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. FOLEY, Mr. WEAVER, Mr. ANTHONY, Mr. HUCKABY, Mr. COELHO, Mr. NOLAN, Mr. SEBELIUS, Mr. JOHNSON of Colorado, and Mr. HANSEN as managers of the conference on the part of the House.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8360. An act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Woman's Rights National Historical Park in the State of New York, and for other purposes.

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The message also announced that the House agrees to the amendments of the Senate to the amendments of the House to the bill (S. 1656) to provide for a na-

tional program of fisheries research and development, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 3152) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 451. Concurrent resolution providing for an adjournment of the House from November 21 to December 1, 1980 and a recess of the Senate from November 25 to December 1, 1980.

At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

At 3:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1828. An act to exempt the Milner Dam from certain requirements of the Federal Power Act (16 U.S.C. 807), and for other purposes; and

S. 1918. An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes.

HOUSE BILLS HELD AT THE DESK

The following bills were held at the desk by unanimous consent:

H.R. 7805. An act to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984;

H.R. 8360. An act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Woman's Rights National Historical Park in the State of New York, and for other purposes.

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-4942. A communication from the Director of the Office of Management and Budget,

Executive Office of the President, transmitting, pursuant to law, proposed amendments increasing the request for appropriations for fiscal year 1981 for the Department of Defense—Military; to the Committee on Appropriations.

EC-4943. 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 England 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-4944. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, notice of the Department of the Air Force's proposed letter of offer to Switzerland for defense articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-4945. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on contracts negotiated by NASA under 10 United States Code 2304 (a) (11) and (16) for the period January 1 through June 30, 1980; to the Committee on Commerce, Science, and Transportation.

EC-4946. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for alterations at the four Internal Revenue Centers; to the Committee on Environment and Public Works.

EC-4947. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of building project survey for increased funding for a lease construction project in Providence, Rhode Island; to the Committee on Environment and Public Works.

EC-4948. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Evaluation of Selected Features of U.S. Nuclear Non-Proliferation Law and Policy"; to the Committee on Foreign Relations.

EC-4949. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Improving The Management and Coordination of Reviews, Inspection, and Evaluations in the U.N. System"; to the Committee on Foreign Relations.

EC-4950. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Jail Inmates' Mental Health Care Neglected: State and Federal Attention Needed"; to the Committee on the Judiciary.

EC-4951. A communication from the Executive Secretary of the National Music Council, transmitting, pursuant to law, the audit report of the Council for the year ended April 30, 1980; to the Committee on the Judiciary.

EC-4952. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1981 pay supplemental; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-925. A resolution adopted by the City Council of Youngstown, Ohio, favoring the approval of counter-cyclical funds to economically depressed cities; to the Committee on Environment and Public Works.

POM-926. A resolution adopted by the Legislature of the County of Suffolk, New York,

favoring legislation to provide for the stabilization of the Moriches Inlet; to the Committee on Environment and Public Works.

POM-927. A resolution of the City Council of Sanger, California, and a resolution of the Board of Supervisors, County of Fresno, California, favoring legislation to aid in the funding of the 1984 Olympics; to the Committee on Finance.

POM-928. A resolution adopted by the City Council of Youngstown, Ohio, favoring the extension of the general revenue sharing program; ordered to lie on the table.

POM-929. A petition from a citizen of New Orleans, Louisiana opposing the appointment to any position of authority of opponents to Right To Work; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Energy and Natural Resources, without amendment:

H.R. 7980. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chilloquin and for the transfer of moneys otherwise available to Mr. Chilloquin from the Klamath Indian Settlement to the Secretary of Agriculture for the acquisition of replacement lands or interests.

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. HEFLIN:

S. 3216. A bill to accelerate the development and utilization of laser technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 3217. A bill for the relief of Afsaneh Naimollah; to the Committee on the Judiciary.

S. 3218. A bill for the relief of Faith Wong; to the Committee on the Judiciary.

S. 3219. A bill for the relief of Young Chul Lee; to the Committee on the Judiciary.

S. 3220. A bill for the relief of Sally Zussman; to the Committee on the Judiciary.

By Mr. SASSER:

S. 3221. A bill entitled The Great Smoky Mountains Wilderness Act; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York; and for other purposes; to the Select Committee on Indian Affairs.

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. STAFFORD):

S. 3223. A bill to amend the Higher Education Act of 1980, Public Law 96-374; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for income related to the sale or rental of farmland and grazing land; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 3221. A bill entitled The Great Smoky Mountains Wilderness Act; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

● Mr. SASSER, Mr. President, today I am reintroducing the Great Smoky Mountains Wilderness Act, a bill I introduced in the 95th Congress to designate 475,000 acres of the best nature has to offer as wilderness.

Designating the Great Smoky Mountains as wilderness, Mr. President, will insure that future generations of Americans will be able to enjoy the natural splendor of this rugged country, while insuring that the surrounding regions of Tennessee and North Carolina will have a continuing economic base of support.

There are a number of important provisions in my bill, Mr. President. Mt. Le Conte Lodge, as well as the existing trail shelters on the Appalachian Trail, will be excluded from wilderness designation. Activities now being conducted in Cades Cove, Elkmont, and on Clingman's Dome will be preserved as these areas are also excluded from the wilderness designation.

Additionally, and perhaps most importantly, the Great Smoky Mountains Wilderness Act insists on an equitable settlement of the dispute involving the Tennessee Valley Authority, the Department of the Interior, and Swain County, N.C. The rights of Swain County are protected by this legislation, and the wilderness will not infringe on any settlement eventually reached.

In 1966, Daniel Payne Hale, one of the Great Smokies' most ardent supporters said:

Whatever we preserve of the Great Smokies now is all that we and the multitudes which will follow us will have of them for a long time—perhaps all that we will ever have for many may never permit a reversion of developed areas to wilderness. It is in our power to deliver the Great Smokies from those who seek to build their paradise on the ashes of those paradises they would destroy.

We of the 96th Congress, Mr. President, still have the opportunity to deliver the Great Smoky Mountains from interests adverse to its preservation. Future generations will judge us by our actions; our failure to preserve at least some portion of the pristine territory embodied in the Great Smokies will most certainly affect the judgment of future Americans.

I urge the Senate to make every possible effort to approve this legislation quickly and positively.●

By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Select Committee on Indian Affairs.

CAYUGA INDIAN CLAIMS SETTLEMENT ACT

● Mr. MOYNIHAN, Mr. President, I am today introducing legislation that would provide for congressional ratification and implementation of the terms of an agreement to settle a land claim by the Cayuga Indian Nation to over 64,000 acres of land in New York State. This settlement, submitted by the administration last February, is the result of over 3 years of negotiations between the State of New York, the Department of the Inte-

rior and Agriculture, and the Cayuga Nation. As in the case of similar Indian land claims in the Eastern United States already resolved by Congress, the major parties involved with the Cayuga claim agreed on one fundamental premise: Litigation to settle the claim, regardless of the eventual outcome of such proceedings, would have a devastating impact on persons living in the claim area and on the area's economy. In that connection, it may be noted that within the past several months, Congress has approved and the President signed into law legislation to implement a negotiated settlement of a very large land claim by several Indian tribes against the State of Maine. That bill included a payment of \$81 million to the tribes involved, and provisions whereby the tribes would be able to obtain thousands of acres of land.

In the administration's proposal that I introduce today, the Cayuga Indian Nation would receive an \$8 million trust fund and 5,481 acres of State and Federal land. In return, the Indians' claim to over 64,000 acres in Seneca and Cayuga Counties would be extinguished.

Throughout the negotiations to resolve this matter, it has been my position that no private landowner would be required to contribute land in order to settle this claim. This goal has been reached under the settlement, as no private land is to be transferred, and future land acquisition by the Cayugas would be on a willing buyer-willing seller basis.

Since negotiations to settle this issue began more than 3 years ago, everyone involved has sought to find a solution to this difficult and complex problem, one that would win the unanimous agreement of all the parties involved. Toward that end, I am proposing that two changes be made in the settlement agreement as it was forwarded to Congress by the administration.

The first provides that the recreational portion of Sampson State Park, transferred to the Cayugas under the settlement, would remain open after the 1989 date now provided. The second, the purchase of additional land by the Cayugas and held in "trust" by the Federal Government as provided for in the settlement, would be made subject to the Federal Payment in Lieu of Taxes Act. This is intended to meet the concerns of Seneca County residents about the potential impact on the county's tax base should the Indians purchase much additional land. Should this change be accepted, Federal payments would be made to reimburse, at least in part, the tax revenues the area would normally be expected to receive.

It is apparent that some persons who would be affected by the proposed settlement are opposed to it. That is their right. It is also apparent, however, that thousands of residents in both Seneca and Cayuga Counties are deeply concerned about the impact that litigating this claim would have on the area. These residents have a right also: The right to expect their elected representatives to strive to resolve this matter. President Carter, Governor Carey, the New York State Assembly, the Cayuga Tribe, and residents in the claim area, have all

asked that this legislation be introduced in the Senate.

In introducing this measure, I want to make clear that the door is left open to consider additional amendments that, if acceptable to the parties involved and to Congress, would achieve the unanimity that has been the ultimate objective of all the parties involved. It is my hope that Congress will consider this legislation at the earliest opportunity.●

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. STAFFORD):

S. 3223. A bill to amend the Higher Education Act of 1980, Public Law 96-374; to the Committee on Labor and Human Resources.

TECHNICAL AMENDMENT TO HIGHER EDUCATION ACT

● Mr. RANDOLPH. Mr. President, the legislation I am introducing today will make a technical change in the Education Act Amendments of 1980, Public Law 96-374.

This bill will correct an error in the new law, and honor a commitment we made to representatives of the different types of higher education institutions not to provide a greater benefit to any one type of student or institution at the expense of another.

As a result of our joint conference committee deliberations on title 4 of the act, with respect to the basic (or Pell) grants, and on the other campus-based student aid programs included in the title, it was believed that we had agreed to a mechanism for balanced growth of student aid benefits for students attending both public and private, independent colleges and universities.

Unfortunately, due to inadvertent drafting errors, the conference agreement did not accurately reflect our compromise on the percentage-of-cost allowance for Pell grants.

Mr. President, the history of our commitment goes back to August and September of 1979, at which time the representatives of the American Council on Education, the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, the National Association of Independent Colleges and Universities, the National Association of Student Financial Aid Administrators, and the various student organizations, sent a series of letters to subcommittee Chairmen FORD and PELL, committing their associations to a common position on the "half-cost" limitation of the basic educational opportunity grant program, now rightfully known as the Pell grant program.

The essence of the agreement among the higher education community was that staged increases in the Pell grant maximum award would trigger balancing increases both in the percentage-of-cost limitation and the floor funding levels for supplemental educational opportunity grants.

Changes in the percentage-of-cost limitation helped low-priced public in-

stitutions, and the SEOG changes helped higher priced institutions, especially private and independent colleges and universities. The various associations stood by the agreement throughout the entire process of reauthorizing the Higher Education Act, which President Carter signed into law on October 3, 1980.

During the long conferences on this legislation, the higher education community got together once again to develop a specific proposal to settle a number of student grant differences between the House and Senate bills, which proposal was based on the principles they had agreed on. During the joint conference, I offered an amendment intended to retain the percentage-of-cost limitation for Pell grants at 50 percent, which was current law, for fiscal year 1981 when, hopefully, the Pell grant would increase to \$1,900. My amendment would have allowed the half-cost limitation to rise to 55 percent in fiscal year 1982, or when the Pell grant maximum award increased to \$2,100. Subsequently, under my amendment, the percentage of cost would rise in 5-percent increments each year, reaching 70 percent in fiscal year 1985, when the Pell grant maximum reached the authorized level of \$2,600.

The retention of the percentage-of-cost limitation at 50 percent in fiscal year 1981, or academic year 1981-82, was to serve the private and independent school sector for at least 1 more year. The rise to 70 percent in fiscal 1985 would further serve junior and community, and other public colleges and institutions.

Our commitment to retaining the 50-percent, or half-cost limitation for 1 more year to accommodate the private, independent sector was based, for the most part, on the congressional budget office's indicators that once the percentage-of-cost limitation rose to 55 percent and beyond, at least 95 percent of additionally available Pell grant funds would go to the public school sector, with 51 percent of the increased funding going to the junior and community, or 2-year colleges alone.

The critical elements of the compromise agreement were that the percentage-of-cost limitation would not rise to 55 percent until the Pell grant maximum award reaches \$2,100, in trade for the limitation going to 70 percent at the last stage, or fiscal year 1985.

Unfortunately, Mr. President, this agreement was not reflected in the printed version of the conference report, or in the final legislation which was passed and signed into law on October 3, 1980.

I believe this inadvertent drafting error should be corrected now, rather than wait for an omnibus technical corrections bill in the next Congress. That is why I am introducing this technical correction bill today.

It is my understanding that representative WILLIAM FORD of Michigan, chairman of the House Subcommittee on Postsecondary Education, intends to introduce an identical technical amendment in the House of Representatives

during this interim session of the 96th Congress.●

By Mr. BAUCUS:

S. 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for income related to the sale or rental of farmland and grazing land; to the Committee on Finance.

THE FAMILY FARM PRESERVATION ACT

● Mr. BAUCUS. Mr. President, today I am introducing legislation designed to curb a serious and growing threat to the family farm. The Family Farm Preservation Act would prevent investments in agricultural land by pension funds.

THREATS TO FAMILY FARMS

The family farm has been the cornerstone of America's agricultural system since the first pioneers pushed west from the eastern seaboard. The family farm is based on the assumption that farmers and ranchers who own the land they work are the best stewards of America's richest natural resource.

This concept has resulted not only in a strong democratic tradition but also in the world's most productive agricultural system.

But, increasingly the family farm is being threatened by outside forces. The continued increase in the cost of producing food for this Nation and the world already has forced many family farmers out of business.

Now a new threat has appeared. In 1977 a bank and brokerage firm proposed the Ag-Land Fund that would funnel pension and other investment funds into purchases of farmland. This proposal fortunately died in the face of stiff opposition from Congress and national farm groups.

More recently, foreign investors have made substantial purchases of farm and ranch land. These investors have tax advantages that allow them to compete unfairly with American agricultural producers. Congress passed the Agricultural Foreign Investment Information Act and now several of us are discussing proposals to impose capital gains taxes on these investments.

Now the American Agricultural Investment Management Co. has been formed to acquire and manage agricultural properties for pension funds.

PENSION FUND INVESTMENTS

All of us recognize the importance of pension funds. They encourage a voluntary private retirement system and provided badly needed investment capital for U.S. industry. But while these investments are critical in this Nation's efforts to reindustrialize, they yield little if any benefits when made in agricultural land.

Pension funds are interested in purchases of farmland because in recent years it has been a more profitable investment than stocks and bonds. Experts predict that farmland price appreciation will continue, partly because of inflation and partly because of greater pressures on our food supply.

But because of their tax status, pension funds receive an added bonus for

their investments. Under present law, income to pension fund trusts is non-taxable and contributions to establish the trust are tax deductible. Tax only is paid when pension fund benefits are distributed to the plan's beneficiaries. At this point, of course, the beneficiary has benefited from the deferral of taxes for all the years his or her money was in a plan, plus he is able to pay taxes at the lower rate established for persons over age 65.

Thus, pension fund trusts can compete unfairly with family farmers. These funds control massive amounts of capital. If pension funds invested only 1.5 percent of their nearly \$600 billion in annual assets, they could buy up all the farmland that is normally available for public sale. Theoretically, pension funds have enough assets to purchase all the farms and ranches in the United States.

SENATE SMALL BUSINESS COMMITTEE HEARING

These questions were explored at an October 8, 1980, Senate Small Business Committee hearing which I chaired. The American Agricultural Investment Management Co. claims that its proposal to purchase farmland with pension funds will help young people enter agriculture by providing the capital needed to finance farmland.

But experts testifying at our hearing disagreed. They pointed out that there is no shortage of capital to buy farmland. Further, pension fund investments could radically inflate already spiraling land prices, making it even more difficult for existing farmers to expand their operations and for young people to get started in farming.

Pension funds, according to several witnesses, are likely to be less careful stewards of soil and water resources than family farmers and will not contribute nearly as much to local towns and communities.

Most important, however, concentration of control over our farmland by a few large investors would set the stage for control over the price of food. Family farmers who compete among themselves in a free market have provided abundant food supplies at relatively low prices. Reducing competition, by concentrating control of farmland in the hands of a few investors could be the most damaging aspect of this proposal.

Over the long term, Congress can only preserve family farmers through price and income policies that assure an adequate return for farm production and through tax, credit, and landownership policies that encourage producer control of farmland.

The Family Farm Preservation Act is an essential step toward insuring the future of family farmers. I realize that this late in the session there is little prospect for action on my bill. But I hope that my colleagues in the Senate and House of Representatives will study this bill closely. This legislation must be a priority in the next session of Congress, and I intend to reintroduce it when we reconvene in January.

Mr. President, pension fund invest-

ments are opposed by the U.S. Department of Agriculture, the American Farm Bureau Federation, the National Farmers Organization, the National Farmers Union, the American Agriculture Movement, and other groups.

At this time I ask unanimous consent to have printed in the Record several recent articles on pension fund investments in farmland and the text of the Family Farm Preservation Act.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.—This Act may be cited as "The Family Farm Preservation Act."

SEC. 2. APPLICATION OF UNRELATED BUSINESS INCOME TAX.—

(a) MODIFICATIONS TO INCOME.—Subsection (b) of section 512 of the Internal Revenue Code of 1954 (relating to modifications) is amended by adding at the end thereof the following new paragraph:

"(16) Notwithstanding paragraphs (3) and (5), in the case of a trust described in section 401 (a), or section 501(c)(17), which is exempt from tax under section 501(a)—

"(A) there shall be included in unrelated business taxable income gain from the sale or exchange of, and rents from, open land used for pasturage of livestock and farmland (as defined in section 1252(n)(2)), and

"(B) deductions directly connected with such gain or rents shall be taken into account."

(b) UNRELATED TRADE OR BUSINESS.—Subsection (b) of section 513 of such Code (relating to special rule for trusts) is amended by adding at the end thereof the following new sentence: "In the case of a trust described in paragraph (2), the term includes the activity of purchasing, renting, and selling land described in section 512(b)(16)(A)."

SEC. 3. EFFECTIVE DATE.—The amendments made by section 1 shall apply with respect to taxable years beginning after December 31, 1980.

[From the Washington Post, Oct. 11, 1980]

PENSION FUND INVESTMENT FARM PROPOSAL DENOUNCED

(By Associated Press)

A proposal to encourage pension fund investment in U.S. farmland was denounced by a U.S. Agriculture Department official Wednesday as a scheme that could hurt both farmers and consumers.

"Pension fund speculation in farm real estate would benefit no one other than the promoters of such investment schemes," Susan Sechler, the department's deputy director of economics, testified.

The proposal was also opposed at a Senate Small Business Committee hearing by the National Farmer's Union and conservation groups.

Sen. Max Baucus (D-Mont.), who chaired the hearing, said he will introduce a bill against such investments if "necessary to insure that control of American agriculture stays in the hands of farmers."

The proposal was made by the American Agricultural Investment Management Co., Inc., which declined to testify but submitted a statement for the record.

The company said that it "supports the institution of the family farm" and that pension investment would provide the long-term capital "the expansion farmer and the beginning farmer need."

"The properties under our management are family manageable units operated by an individual farmer or farm family under a

tenant-farmer relationship," the statement said.

It said pension fund investments "will not have a material impact on farmland prices" because the price must remain low enough to attract investors.

But Sechler said the pension funds "could overwhelm both the national and the local farm land markets."

She said the pension funds had \$56.4 billion in assets in 1978, just 1½ percent of which could buy up all \$8.5 billion in farm land estimated to be on the open market.

[From the Great Falls Tribune, Oct. 9, 1980]

PENSION FUND FARM INVESTMENT DEcried

(By Kent Jenkins, Jr.)

WASHINGTON.—Buying farmland with the billions of dollars Americans save for retirement could "radically, irrevocably" change the country's network of family farms, an agriculture department official said here Wednesday.

A department economist and four family farm advocates told a Senate committee that pension funds, with their vast resources and tax advantages, threaten farmers trying to buy their own farms.

Sen. Max Baucus, D-Mont., who presided over the hearing, said he probably will introduce legislation next year to curb pension fund investments in farms.

Susan Sechler, the department's deputy director of economics, said large-scale pension fund investments in farmland would alter farming "by changing the ownership of its major asset—the land."

The Senate Small Business Committee heard testimony concerning a firm that wants to manage farms owned by pension funds. The American Agricultural Investment Management Co. of Bannockburn, Ill., is trying to convince pension fund managers to invest in farmland, according to its president, William S. P. Cottor.

The farm groups asked Baucus to introduce legislation that would bar pension funds from buying farmland or that would make farms unattractive investments.

"The possibilities include some kinds of changes in the tax code," Baucus said. "I'm hard-pressed to find any benefits (from pension investment). It's definitely detrimental to family farm ownership."

According to Sechler, farmland has become an attractive investment for pension funds because the land value increases faster than the rate of inflation.

The pension fund managers can pay more for the land than farmers who must pay from money they make through farming, she said. She also said farmers must pay taxes when they sell their land, but pension funds do not.

Because the tax-exempt status of pension funds allows them to make more money on farms, she said, they can afford to pay more for land. "The entry of even a small fund or other institutional investor can dramatically increase the asking prices in a local area," she said.

Some pension funds already have bought farmland, but USDA statistics show funds own very little of the total American land under cultivation. George W. Stone, president of the National Farmer's Union, testified that the potential for investment fund buying is huge.

"Theoretically, there will be more than enough assets in pension funds in the future to buy all the farmland in the nation," Stone said. "However, no one expects that to happen. But, even a small shift of pension fund money into farmland would be felt."

Baucus said officials of American Agricultural Investment Management declined to testify at the hearing. Cottor, the president, sent written testimony for the hearing record.

"Employee benefit funds that invest in farmland will be providing a service to the American farm economy," Cotter said. "It is well known that there is a great need for long-term capital in the agricultural economy."

"In our free enterprise system, the retirement savings of American workers is one of the best sources of this capital. We believe that legislation should not be passed that will prevent or discourage employee benefit funds from investing in farm land."

In 1970, an Illinois bank and a stock brokerage firm tried to form a business similar to American Agricultural Investment.

[From the CA Highlights, November 1980]
LATEST AAIM HEARING PROMPTS LEGISLATION PLANS

CA has entered testimony for another hearing relating to the activities of American Agricultural Investment Management Company, Inc. (AAIM), and it appears that the hearing may result in legislation designed to curb those and similar activities.

The latest hearing was conducted Oct. 8, by the Senate Small Business Committee. CA's testimony was similar to that which was presented Sept. 22 at a hearing conducted by the U.S. House Agriculture Committee's Subcommittee on Family Farms.

Like the earlier hearing, the recent one focused to a large extent on an investigation of AAIM's plans, which call for pension fund investments in U.S. farmland, and having the land rented to operators under the supervision of farm management companies.

CA's testimony called the plan "a threat to the family farm system," and most of the other witnesses expressed similar sentiments.

"Heavy investment in farmland will drive up land values, making it even more difficult for small farmers to expand their holdings or get into farming in the first place," said Rep. Bob Kastenmeier of Wisconsin. "Soil and water conservation will deteriorate as corporate farm managers seek to maximize short-term profits by cutting corners on conservation practices. Agricultural markets will be dominated by large, nonfarm corporations, and the family farmer will lose his place in American farming."

(Kastenmeier is currently sponsoring a bill, the Family Farm Antitrust Act, which would prohibit any person or corporation with non-farming business assets in excess of \$5 million from engaging in farm production. CA is actively supporting this legislation.)

Corey Rosen of the Senate Small Business Committee noted that many of those who testified favored an outright ban on pension fund investments in farmland.

In the wake of the hearing, Sen. Max Baucus of Montana is planning to introduce a bill which would require pension funds to pay capital gains taxes equal to other investors in connection with farmland investments.

The CA testimony stressed that "federal legislation must be enacted to discourage nonagricultural corporations, pension funds and farmland speculation."

Meanwhile, the General Accounting Office's investigation of AAIM, being done at the request of the House Agriculture Committee's Family Farm Subcommittee, is continuing, according to aide Steve Adams.

[From the Rural America, November 1980]
AT CONGRESSIONAL HEARING—NEW "AG LAND" TAKES A BEATING

Concluding that a controversial farmland-investment scheme of the American Agricultural Investment Management Co., Inc. (AAIM) poses "no benefits to American agriculture at all, pure and simple," Sen. Max Baucus (D-Mont.) announced Oct. 8 that he would introduce legislation to discourage the investment of pension funds in agriculture.

Baucus made his remarks, based on testimony presented by Rural America and other national farm and rural organizations as well as the U.S. Department of Agriculture (USDA), following oversight hearings he chaired on the AAIM venture before the Senate Small Business Committee.

AAIM, incorporated in February 1980 by three former executives to Chicago's Northern States Trust Co., plans to hire regional managers who will seek prime farmland throughout the U.S.; negotiate with pension funds to purchase the land and select a local "operator" to farm it. Labor, equipment and related costs would be split evenly between AAIM and the operator, and the operator would receive half of the value of the crops raised on the land.

As was the case with a similar venture, the "Ag Land Fund" proposed in 1977 by Continental Illinois Bank, and the brokerage firm of Merrill Lynch, Pierce, Fenner and Smith, AAIM has been attacked because it would lead to greater absentee ownership of farmland, institute "a new generation of sharecroppers" and accelerate farm prices, squeezing would-be farmers with limited resources out of the market. The Ag Land Fund was killed before it could get off the ground by a combination of public pressure and uncertainties regarding its tax-exempt status.

On the recommendation of Susan Sechler, USDA deputy director of economics, policy analysis and budget, Baucus said he would introduce legislation to change the tax code so that income generated by pension funds invested in agriculture would be taxable. This would remove the major incentive to invest in farmland, since currently all income received by pension funds is tax exempt.

A legislative aide in Baucus' office told ruralamerica that the senator plans to introduce the legislation soon as Congress reconvenes after the election. If efforts to change the tax code fail, he added that Baucus would not hesitate to introduce a bill specifically prohibiting pension funds from investing in farmland.

Testifying on behalf of USDA, Sechler labeled the AAIM plan "a test case that has the potential for radically, irrevocably transforming American agriculture's structure and performance." She explained that farmers "would be competing with cash-paying investors whose interests are, understandably, more narrowly concerned with short-term profits."

Sechler also said that the Carter administration was strongly opposed to farmland-investment plans like AAIM.

Al Krebs, rural corporate accountability researcher with Rural America, urged the committee to enact legislation that would limit corporate ownership and control of agricultural land. "Absentee ownership and farm tenancy will continue to increase so long as wealthy individuals can engage in tax-loss farming to shelter non-farm income and so long as there is a greater profit in speculating in land than in farming it," he said.

Krebs also presented the committee with information he had uncovered on the principal officers of AAIM and on the three "farm management" firms AAIM has retained to date—Southern Farms and Investment Co. of Florida and Gentle Farms and Blackburn Farms of California. AAIM reportedly has not yet purchased any farmland for pension funds, however.

Cathy Lora of the National Family Farm Coalition also condemned AAIM's plan, equating it with "robbing a bonafide farmer or potential new farmer of the opportunity to own land and to farm" because investors have substantially more money and could afford to pay higher prices for land than an individual farmer.

Other witnesses who appeared before the

committee—George Stone, president of the National Farmers Union, and Don Reeves, of the Inter Religious Task Force on Food Policy—were also critical of AAIM. No group spoke in favor of AAIM's venture. AAIM President William S. P. Cotter declined an invitation to testify. ●

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. RANDOLPH, his name was added as a cosponsor of S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

S. 2111

At the request of Mr. TALMADGE, the Senator from Missouri (Mr. DANFORTH), the Senator from Kentucky (Mr. FORD), the Senator from Kentucky (Mr. HUNDLESTON), the Senator from Alabama (Mr. STEWART), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2111, a bill to incorporate the National Federation of Music Clubs.

SENATE RESOLUTION 500

At the request of Mr. DOLE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Resolution 500, a resolution to prevent U.S. funding of PLO activities.

AMENDMENTS SUBMITTED FOR PRINTING

TREASURY, POST OFFICE APPROPRIATIONS ACT, 1981

AMENDMENT NO. 2626

(Ordered to be printed and to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

● Mr. BOSCHWITZ, Mr. President, this amendment, which I hope to attach to the measure providing 1981 appropriations for the Treasury Department, is designed to help insure the continued existence of family farms. This amendment will prevent the Internal Revenue Service from implementing regulations contrary to the intent of legislation passed by Congress only 4 years ago.

Prior to 1976, farms, for estate tax purposes, were valued at the "prevailing market price"; that is, they were valued at the highest price for which they could be sold, which due to land speculation and the generally escalating price of farmland often bears no relation to its earning capacity. As a result, families of deceased farmers, faced with enormous estate tax bills incurred as a result of the "prevailing market price" valuation method, often were forced to sell the family farm to pay off the Federal Government.

Recognizing the vital role farmers play in our national economy and the need to retain existing cropland, Con-

gress in 1976 passed the "farm use valuation" provision, now known as section 2032A of the Internal Revenue Code. This provision allows farms, for estate tax purposes, to be valued on the basis of "productive farm capacity" rather than the "prevailing market price." However, the Internal Revenue Service has now issued regulations which negate the purpose of this section.

The Internal Revenue Service maintains that if a farmer cash rents his farm (for \$2 per acre) prior to his death, use of the favorable valuation method will be denied that farmer's estate, even if the lessee is a member of his own family. Yet farmers who maintain an "equity interest" (a certain percentage of the crop as rent) are eligible for the "productive farm capacity" valuation. Cash-renting of family farms to a son or grandson is a common occurrence when an elderly person is unable to physically work the farm. In Minnesota, for example, well over half of all farms owned by individuals over age 65 fall in this category.

Denying the "productive farm capacity" valuation method where the deceased rented the farm to members of his own family is grossly unfair. My amendment will insure that the tax relief Congress intended when enacting section 2032A is available.

I urge my colleagues to support this amendment.●

ADDITIONAL STATEMENTS

NATIONAL EMERGENCIES ACT

● Mr. CHURCH. Mr. President, Friday marked the end of the second 6-month period after the President's declaration, on November 14, 1979, of a national emergency with respect to the situation in Iran. I bring this to the attention of my colleagues because of the responsibility imposed on the Congress by section 202(b) of the National Emergencies Act. That section requires that, "not later than 6 months after a national emergency is declared, and not later than the end of each 6-month period thereafter that such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated."

The purpose of this provision is to require the Congress on a periodic basis to consider the continued existence of an emergency, in a manner appropriate to the degree of interest and controversy. Pursuant to this provision, the Committee on Foreign Relations agreed on Friday to send a letter to the President informing him of its conclusion that a resolution to terminate this emergency is not warranted at this time. The committee sent a similar letter to the President on May 9, 1980.

I believe, Mr. President, that it is important to make the record clear that the Senate has again taken seriously its responsibility under this section of the act and has complied with the mandate imposed upon it. I ask that the commit-

tee's correspondence on this matter be printed in the RECORD.

The material follows:

COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., November 14, 1980.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: On this anniversary of your declaration of a National Emergency to deal with the situation in Iran, it remains the continued hope of all that your efforts will soon be successful in ending the unlawful detention of Americans and the emergency which resulted.

As you are aware, in cases where a national emergency continues for this length of time, Congress is mandated to consider whether or not that emergency should be terminated. Section 202(b) of the National Emergencies Act states that "not later than the end of each six-month period [after] such emergency continues, each House of Congress shall meet to consider a vote on a concurrent resolution to determine whether that emergency shall be terminated." No Senator has introduced such a resolution.

The Committee on Foreign Relations, acting in satisfaction of the duty imposed by Section 202(b) of this Act, has considered whether or not the introduction of a concurrent resolution is warranted at this time. After due consideration of the question, the Committee has determined that, because the cause for declaring a national emergency with respect to the situation in Iran continues to this day, no reason exists for the introduction and the Senate debate of a resolution to terminate the emergency.

With best wishes,
Sincerely,

FRANK CHURCH,
Chairman.

JACOB K. JAVITS,
Ranking Minority Member.●

A FEDERAL CHARTER FOR THE ITALIAN-AMERICAN WAR VETERANS

● Mr. DOLE. Mr. President, today the Senate Judiciary Committee is holding hearings on legislation to provide a Federal charter for the Italian-American War Veterans (IAWV) of the United States.

CHARITABLE ACTIVITIES

The Italian-American War Veterans is a nonprofit service organization now incorporated in 10 States and active in several other States. IAWV was founded in 1932 and for the last 48 years, the organization has been involved in various charitable—and community—service activities. In assisting this Nation's hospitalized veterans, the IAWV is presently involved with more than 20 veterans hospitals. The group has consistently made donations to the needy and the handicapped. Last year alone, the IAWV donated approximately 7,500 hours of service in its hospital volunteer program. While IAWV draws most of its membership from individuals with an Italian-American heritage, it is open to any veteran regardless of race, religion, or national origin.

FEDERAL CHARTER

Since 1965 the IAWV has sought a Federal charter. The organization meets all of the requirements established by Congress pertaining to Federal charters. Federal recognition of the group's many years of voluntary service would grant new impetus to their activities and mem-

bership, which increasingly are of national scope.

FIFTIETH ANNIVERSARY

As a cosponsor of this important piece of legislation, the Senator from Kansas believes that as the IAWV approaches its 50th anniversary this is a particularly opportune moment for Congress to recognize the outstanding civic, educational, and charitable contributions of the IAWV by granting its longstanding request for a national charter.●

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senator or Senate employee who participated in a program, the principal objective of which was educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which permitted Senator JOSEPH R. BIDEN, JR., to participate in a program sponsored by a foreign educational organization, the Gesellschaft fuer Wehrkunde, in Munich, West Germany, from February 9-10, 1980.

The committee has determined that participation by Senator BIDEN in the program in Munich, West Germany, was in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Steven Roberts on the staff of the Senate Banking, Housing, and Urban Affairs Committee to visit Europe from October 18 to November 14, 1980, at the expense of the European community's visitor's program funded by the European Parliament and the Commission of the European Communities. It has been determined that the principal purpose of Mr. Roberts' trip is educational and that the trip is in the interests of the Senate and the United States.●

THE VICTIMS OF OPPRESSION

● Mr. BOSCHWITZ. Mr. President, it is indeed interesting that in the midst of the Madrid Review Conference (at which we are attempting to press the Soviet Union on its massive violations of human rights, in clear contravention of so-called "basket three" of the Helsinki Accords which Madrid is meant to follow up), the Soviet Union has arrested prominent Jewish dissident Viktor Brailovsky. The timing of this move, which would have been highly objectionable at any time, virtually makes a mockery of the whole Madrid Conference.

Having finally allowed an agenda for this conference which includes human rights issues, the Soviet Union is degrading the meetings by continuing the very type of abuse which makes necessary such a conference. The United

States and other Western Powers granted tangible concessions to the Soviet Union in terms of recognition of post-war Eastern Europe boundaries and expanded economic and scientific links. In exchange for these measures, which clearly favored the Soviet bloc, the West obtained concession in the realm of human rights. If we do not press such claims as those of Brallovsky, Andrei Sakharov, Anatoly Shoharansky and thousands of others in similar positions; if we fail to pursue implementation of promises made and signed by Leon Brezhnev on August 1, 1976, then we will have rendered meaningless the concession in baskets one and two.

We commend the U.S. delegates to Helsinki for having invoked the cases of Sakharov and Brallovsky, and hope the U.S.S.R. understands that we view these great men as but symbols of many thousands more who are being persecuted at this very moment. We will not be satisfied until all of the victims of this oppression are freed.●

PROPOSED ARMS SALES

● Mr. CHURCH. Mr. President, 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 stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the Record at this point the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room S-116 in the Capitol.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., November 12, 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. 81-05 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to a NATO organization for defense articles and services estimated to cost \$120 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Pursuant to subparagraph (C) (ii) of paragraph 3(d) (3) of the Arms Export Control Act, notice is also hereby given that future transfer of this equipment may occur between and among the NATO Hawk Production and Logistics Organization and its member nations, viz., Belgium, Denmark, France, Germany, Greece, and Italy.

Sincerely,

ERNEST GRAVES,
Defense Security Assistance Agency.

TRANSMITTAL No. 81-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

- (i) Prospective Purchaser: NATO.
- (ii) Total estimated value: Major Defense Equipment* \$115 million; other \$5 million; total \$120 million.
- (iii) Description of Articles or Services Offered: Coproduction of up to 29 AN/TSQ-73 air defense command and control systems (Missile Minder) to include technical assistance and postproduction support.
- (iv) Military Department: Army (UUE).
- (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: See annex under separate cover.
- (vii) Section 28 Report: Case not included in Section 28 report.
- (viii) Date Report Delivered to Congress: November 12, 1980.●

PROTECTIONISM VI

● Mr. HEINZ. Mr. President, today I continue my submission of material examining trade restrictive measures used by Japan. This excerpt from "Law and Policy in International Business" reviews product approval procedures promulgated and established by Japan to test and certify imported products for compliance with national standards. Such procedures are import restrictive in theory as well as in practice.

Tracing the fate of U.S. small boat manufacturers who attempted to satisfy Japanese import safety standards the article determines that indefinite testing methods or performance criteria, lack of specific approval standards and the requirement that product approval tests be conducted in Japan all combined to cause unacceptable delays for a company introducing a new product into the Japanese economy. As the article explains:

A company introducing a new product must move quickly to establish its market share since its competitors can be expected to introduce a similar product quickly if it proves popular. Consequently, a long delay in obtaining product approval gives Japanese producers ample opportunity to introduce competitive products before the import can be sold.

As delineated in the article significant trade-restrictive impacts have resulted from the Japanese product approval standards and process. Mr. President, I ask that this excerpt be printed at this point in the Record.

The excerpt follows:

Unlike the customs procedures discussed above, Japanese product approval procedures are import-restrictive in theory as well as in practice. The applicable product approval standards, the methods by which such standards are promulgated and the procedures established to test and certify imported products for compliance with these standards all provide significant impediments to the importation into Japan of many U.S. goods. In the past, these product approval

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

requirements have created trade-restrictive impacts in a number of ways.

First, analysis by FTO staff, in response to problems raised by U.S. industry, indicates that Japanese product approval requirements generally are oriented toward design rather than toward performance characteristics. A U.S. product, for instance, may not be approved for import due to some minor difference in design, even though it may have better performance characteristics than the Japanese product. For example, U.S. businessmen contend that the individual strands in electrical cords manufactured to Japanese standards are slightly thinner than strands designed to U.S. standards. As a result, even though the two cords may be equally safe, the U.S. cord is barred from the Japanese market.

A lengthy, yet valuable illustration of this principle may be found in the fate of the U.S. small boat manufacturers who attempted to meet Japanese import safety standards. In general, Japanese safety standards for small boats are extremely detailed with respect to the physical characteristics which are the objectives of the design requirements. The regulations, however, provide for discretion on the part of the inspecting officer regarding the application or exclusion of certain standards for each vessel undergoing inspection.

Article 16 mandates the installation of certain watertight bulkheads in steel hulled boats in order to achieve buoyancy when compartments are flooded. Article 20 applies these requirements to fiberglass reinforced plastic (FRP) hulls. U.S. boat builders achieve supplementary flotation by using in void spaces (spaces not otherwise used within a boat hull) flotation tanks or materials such as styrofoam. Such techniques enable U.S. boats to meet the stringent flotation standards established by the U.S. Coast Guard for certain classes of boats, without using watertight bulkheads which deter free passage below decks and occupy considerable space within the limited hull area. Compliance with the watertight bulkhead requirement would necessitate radical redesigning of U.S. boats and would not necessarily improve their safety characteristics. While the regulations provide for exemption of boats from this structural requirement in cases where Japanese inspection officers determine that they have sufficient buoyancy, U.S. manufacturers who attempted to market their boats in Japan contend that Japanese inspection officers had not indicated a willingness to exempt U.S.-built boats.

Article 19 of the regulations states that FRP hulls must pass bending or drop tests. The regulation, however, does not set out specific testing methods or performance criteria. U.S. manufacturers report that, until a few years ago, the drop test consisted of dropping the boat, fully laden, from a height of 2.5 meters onto the water, then making a visual examination for damage. The purpose of this test is unclear. The regulation also provides that the bending and drop tests may be omitted at the inspection organization's discretion, upon consideration of such factors as the structure and manufacturing method of the boat. U.S. manufacturers contend that Japanese inspecting officers have not been willing to exempt U.S.-built boats.

One leading U.S. manufacturer and exporter of pleasure boats provided the Department of Commerce with files of its correspondence with its Japanese distributor during the years 1972, 1973 and 1974, which recorded the exporter's efforts to establish itself in the Japanese market. The correspondence documents the firm's efforts for over a year, during which time a massive amount of material outlining the specifications of the boats was provided to meet the requirements of the Japanese Ministry of Transportation.

The company forwarded samples of resins, screws, laminates, lay-up schedules, and detailed blueprints for all their models. The company estimates that it invested literally hundreds of hours of engineering time in order to meet Japanese requirements. In addition, class certification by Lloyds Surveyors was obtained for each boat exported to Japan. In 1973, the company shipped to Japan boats valued at over \$200,000; a Japanese distributor aggressively marketed these products in major Japanese boat shows and carried out an extensive advertising campaign.

The file records the difficulty encountered by the U.S. firm and its agent in attempting to obtain information on the specific standards and inspection procedures to be applied to U.S.-manufactured boats following the establishment in 1974 of the Small Boat Inspection Organization. The Inspection Organization indicated that each model would be required to undergo all prescribed tests and to meet all mandated design requirements in order to obtain certification. The agent stated that this would require extensive modification of the hull and other structures, and that a great amount of the fittings, lifesaving equipment, navigation lights and other installed equipment would have to be removed and replaced with "officially recommended" equipment of Japanese manufacture. As a result of the basic structural modifications that would be required to render the boats acceptable to Japanese inspectors—the need to replace fittings and other gear, the need to obtain a Lloyds survey for each boat exported, and other problems and costs (which appeared extraordinary in comparison with those incurred in other major international markets)—the firm reluctantly terminated its efforts to establish itself in the Japanese market. Recently, however, progress has been made on this issue. As a result of representations made to the Ministry of Transport, the Ministry agreed to meet with industry representatives to discuss the technical issues in this complaint.

The remaining trade-restrictive impacts result from the product approval procedures themselves. Among the problem areas indicated to date by TFC cases are: (1) delay due to lack of sufficient notice; (2) participation by Japanese but not foreign manufacturers during the promulgation of standards; (3) the requirement that approval be obtained through a resident company; (4) the necessary release by U.S. firms of proprietary information; and (5) perhaps most importantly, the general mandate that all testing and approval occur in Japan.

A principal area of difficulty is the inevitable delay caused by meeting Japanese product approval standards. The ability to get a new product on the market quickly can be critical in marketing consumer appliances. The products often do not involve new technology such as microwave ovens, but instead are innovations on existing goods, e.g., electric grills, electric toothbrushes or small-size doughnut makers. A company introducing such a new product must move quickly to establish its market share since its competitors can be expected to introduce a similar product quickly if it proves popular. Consequently, a long delay in obtaining product approval gives Japanese producers ample opportunity to introduce competitive products before the import can be sold.

One factor that contributes to delay (and to common complaint among importers) is that foreign manufacturers seldom receive sufficient notice of new testing standards. Standard-setting deliberations are apparently open to Japanese but not foreign manufacturers. Thus, foreign suppliers often learn about changes in standards only after they have been published, allowing insufficient time to adjust production.

One U.S. manufacturer of vaporizers was confronted with this problem when he dis-

covered a new standard that required vaporizers to be designed to tilt 60 degrees before water leaked from the top. The U.S. vaporizers were built with a low profile so that they could not accidentally be tipped over. Since the company faced the potential loss of its Japanese market, which had expanded rapidly during the preceding two years, the president of the company asked for assistance from the U.S. Embassy in Tokyo. He was willing to redesign his product, but it would take six months, during which time the company could lose its customers to Japanese competitors. In this case, the Japanese government official responsible for administering the standard granted the firm a one-year grace period to redesign its product, with permission to import the existing model in the interim.

To some U.S. businesses it appears that these ever-shifting standards exist solely to frustrate import competitors; in some cases such a conclusion might not be entirely unwarranted. Domestic manufacturers, through industry advisory groups, participate in setting new standards or revising existing standards. Consequently, there is an opportunity for Japanese industry to suggest standards that might give domestic manufacturers a competitive edge over foreign suppliers. In some cases, the delay resulting from the promulgation of such standards may be sufficient to exclude entirely the U.S. manufacturer from the Japanese market. In 1973-74, for example, a U.S. manufacturer introduced into Japan tabletop electric griddles, selling 6,000 units the first year. By the second year, however, the Japanese set the standard for allowable heat (to the touch) for the electrical controls of such griddles at two degrees centigrade below the capability of the imported appliances. This change effectively shut the U.S. company out of the Japanese market. By the time the company found a Japanese supplier for the controls and attempted to reenter Japan in 1978, the market had reached a saturation level of two million units, most of which were made in Japan.

Another problem concerning import approval procedures is the requirement that an approval application must be made through a "resident" company. One peculiar effect of this rule is that a U.S. company may not change agents in Japan without reapplying for product approval unless the first agent is willing to transfer the original approval to the new agent. In addition, the approval process often requires the submission of proprietary information about the product. Clearly, an import agent who receives such information for transmittal to the approving agency is in a position to use this knowledge to develop a competitive product.

Probably the single most significant source of difficulty in the product approval area is the general requirement that product approval tests be performed in Japan. The Japanese generally have not been willing to accept the results of tests conducted outside of Japan, even when performed according to Japanese specification. This need to replicate tests in Japan adds to the cost of imported goods and results in considerable time delays, often a year or longer, thus giving Japanese firms an opportunity to develop competitive products. As a consequence of the delay in gaining product approval, it is not uncommon for a U.S. firm, part way through the product approval process, to make relatively minor changes in the product's design. Such changes require beginning the process all over again. Even minor alterations in product design require retesting of the product. This Japanese practice raises the fundamental issue of reciprocity. It is generally the U.S. practice to accept foreign test data provided such testing is in accordance with appropriate U.S. standards and test procedures.

It should be noted that it is somewhat risky to overgeneralize about Japan's product testing requirements, which vary considerably depending on the product or industry involved. Moreover, there are several exceptions to what seems to be the general requirement that all product approval tests be performed in Japan. For instance the medical test and equipment approval procedures under the Japanese Ministry of Health and Welfare (MHW) generally do not provide for the acceptance of foreign test results. In similar fashion, electrical appliance approval procedures under the Japanese Ministry of International Trade and Industry (MITI) fail to allow for authorized testing in foreign laboratories. On the other hand, the Japanese Ministry of Transport (MOT) accepts tests conducted outside Japan when witnessed by an MOT inspector (ships and automobiles) or when such tests establish that the product conforms to foreign standards accepted as equivalent to Japanese standards (automobiles only).

Further evidence that product approval procedures vary by agency and product area is found in a background paper prepared by the TFC staff. This paper describes generally the relevant Japanese and U.S. practices regarding not only testing procedures but also other product approval problems. [Portions of this paper are reproduced in an appendix.]

Two cases brought before the TFC illustrate the trade-restrictive effect of the Japanese government's refusal to accept amply documented foreign health tests. The first case, raised before the TFC in January 1978, denied market access to a hepatitis blood test widely recognized to be one of the most advanced and effective on the market. The test, invented and produced by a U.S. company, received U.S. Federal Drug Administration (FDA) approval in 1972, and is currently used by Red Cross organizations in the United States, Canada and several European countries. The company initially applied for approval from the Japanese Ministry of Health and Welfare in 1974 pursuant to the requirements of the Pharmaceutical Affairs Law (PAL). The company was asked to re-submit its application in 1976 following modifications in the testing procedure. Although MHW, under a "grandfather clause," permitted the sale of the test as a "charged clinical" to hospitals and diagnostic clinics, the company nevertheless sought approval under the PAL so that the product would be eligible for reimbursement under Japan's National Health Insurance Program.

In a separate action, the company asked MHW to authorize the Japan Red Cross (JRC), a quasi-government agency, to use the test in its blood bank program. The company told TFC officials that it was informed by the Ministry that the test was considered to be of doubtful effectiveness in detecting the peculiar and dominant Japanese subtype of hepatitis B, "adr", and that it would take an "expert group" one year to reach a conclusion on whether the product should be approved. The MHW response to the company also stated that the JRC had adopted another test in April 1978 and implied that there were no plans to change the test currently used. Further, JRC had not formally requested permission to use the test.

Subsequent information supplied by the company tended to show that: (1) the company and the JRC conducted extensive clinical testing of the product in the Japanese population, demonstrating its effectiveness in detecting the Japanese subtype of hepatitis B, "adr"; (2) the product is significantly more sensitive than the tests currently used by the JRC; and (3) no justification existed for another year's delay since a full body of empirical data on the test's safety and efficacy had been available from FDA and other U.S. sources for many years. The company

also claimed that it had been working with a member of the JRC technical staff who had informally requested, without success, that MHW approve the test for Red Cross use in Japan's blood donor program.

The U.S. side of the TFC resubmitted this case in mid-May of 1978, asking for (1) expedited MHW approval of the product under the Pharmaceutical Affairs Law; and (2) authorization for the JRC to purchase the test for screening blood donors. Final approval for the test was granted in June 1979, and MHW indicated that the test would be qualified for reimbursement approval under the National Health Insurance Program. However, it was stated that the JRC would have to make its own determination as to the efficacy of the procedure and whether it would request budgeting to use the test.

The second case was raised in the TFC in March 1979 on behalf of the Animal Health Institute. The Government of Japan controls the purchase, sale and distribution of certain categories of veterinary medicines. These controls include the imposition of import quotas, as well as requirements for testing and approval under the provisions of Japan's Pharmaceutical Affairs Law. The administration of the quota system, along with the lengthy and duplicative testing procedure under the PAL, has the effect of restricting access by U.S. manufacturers to the Japanese market.

Japan also established, under the general exceptions provisions of the General Agreement on Tariffs and Trade (GATT), quotas for the importation of certain microbial vaccines and antisera which apply to veterinary products. These quotas are administered by the Ministry of Agriculture, Forestry and Fisheries (MAFF). Letters written to and by U.S. manufacturers and their Japanese representatives who have attempted to introduce into the Japanese market vaccines falling under these quota provisions suggest that the quotas are administered in a manner that prohibits imports when there is "sufficient" domestic production of the product in Japan.

A U.S. manufacturer that attempted to introduce in Japan its Marek's disease vaccine for poultry was informed by its Japanese agent that the Japanese government did "not want . . . new importers or dealers in this field" since the supply exceeded demand. Another U.S. manufacturer that attempted to market in Japan its vaccine for Atrophic Rhinitis (AR) in swine was informed in a letter from a senior MAFF official that "AR vaccine is classified as [a] nonliberalized item" requiring an import quota and approval under the PAL. The letter further stated that "[a]t present sufficient amount of AR vaccines are produced and on sale domestically. So I regret that there is no possibility of importation of this kind of vaccine."

On the other hand, in instances where there is no comparable local product, importers might be authorized anywhere from 60-80 percent of their request. In other

words, the quota level appears to vary according to availability of domestic supply.

Progress is being made regarding some important approval procedures, although to date the Japanese have yet to accept foreign test data to the desirable degree. An illustration of Japanese willingness to compromise may be found in the household electrical appliance field. Japan's Electrical Appliance Control Act regulates the manufacture and sale of all (including household) electrical appliances. Household electrical appliances generally fall into "Category A", i.e., those which, prior to sale in Japan, must be tested independently for compliance with Japanese standards. Until 1979, the Japanese administration of this law under the Ministry of International Trade and Industry required that all testing applications for foreign "Category A" electrical appliances be made by importers rather than by foreign manufacturers, and that all test data be generated in Japan in designated Japanese testing laboratories, primarily the Japan Electrical Testing Laboratory (JET).

In late 1977 and early 1978, an electrical appliances subcommittee of the Tokyo Trade Study Group concluded that the major barrier to increased exportation of U.S. electrical appliances to Japan was the testing and approval procedure. This procedure, which operated without provision for either direct access to JET by U.S. manufacturers or acceptance of U.S. test data, was resulting in costly delays of up to a year for the introduction of U.S. products into the Japanese market. The TSG report noted a number of additional specific problems with the Japanese approval procedure and standards, including the lack of an appeals process and of sufficient advance notification of standards changes, and the dominance of individual "judgmental factors."

The Japanese procedures as applied to U.S. exports to Japan contrast sharply with U.S. procedures for the testing and certification of Japanese electrical products exported to the United States. Japanese firms obtain approvals from Underwriters Laboratories (UL) in usually less than four months. Moreover, approval is often based on direct application to UL, and UL acceptance both of Japanese manufacturers' test data and of tests conducted by appointed UL representatives in hundreds of laboratories in Japan.

In November 1978, MITI responded to the TSG recommendations by allowing U.S. manufacturers to obtain approval by dealing directly with the Japanese testing facilities, rather than by acting through a Japanese agent. MITI also provided for U.S. representation on the Japan Electrical Association (JEA) committees that formulate and revise standards—a process which hitherto had been closed to foreign companies, and thus had allowed Japanese manufacturers a greater lead time than foreign competitors to anticipate and prepare for new standards. Finally, MITI began to prepare an official translation into English of all the Japanese electrical standards. In May 1979, a U.S. government-industry team held discussions with MITI in Tokyo to clarify the

new Japanese procedures and to indicate the need for continuing progress toward the ultimate goal of reciprocity.

These measures represent meaningful progress in revising product approved procedures in the area of electrical standards. U.S. firms that do not have a representative office in Japan and market in Japan through a local import agent or distributor, however, will still need the services of a local representative to deal with the approving agency and the testing laboratory. The solution sought by U.S. industry, therefore, is Japanese acceptance of UL standards where they are equivalent to those required in Japan, or acceptance of tests conducted in the U.S. that conform to Japanese standards.

Cases submitted to the TFC thus demonstrate that significant trade-restrictive impacts result from the Japanese product approval standards and process. These barriers stem both from the design-oriented nature of the standards and from specific procedural requirements of the approved process. Furthermore, it is likely that similar difficulties exist in industries other than those identified by the particular TFC cases brought thus far. As in the area of customs procedures, it would be far more helpful for Japan to reevaluate and revamp product approved standards and procedures as a whole rather than to wait for individual complaints to be brought before the TFC. ●

ORDER OF BUSINESS

Mr. ROBERT C. BYRD, Mr. President, are there orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. Does the convening order provide for a 10 o'clock meeting tomorrow?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

DEFENSE APPROPRIATIONS BILL

Mr. ROBERT C. BYRD, Mr. President, the Senate will take up the Defense appropriations bill tomorrow, and I anticipate several amendments thereto with rollcall votes.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. 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 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:05 p.m. the Senate recessed until Friday, November 21, 1980, at 10 a.m.

HOUSE OF REPRESENTATIVES—Thursday, November 20, 1980

The House met at 10 a.m.
The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Praise the Lord. O give thanks to the Lord, for He is good; for His steadfast love endures forever. Who can utter the mighty doings of the Lord, or show forth all His praise? Blessed are they who observe justice, who do righteousness at all times.—Psalms 106: 1-3.

In all the moments of life, O Lord, teach us humility and make us aware of our dependence on You. Though we seek to strive and labor for what is right, too often we exalt in our own efforts and wisdom. Make us appreciative of Your abiding presence and the encouragement of friends that support us each new day. 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. 5406. An act to amend the National Historic Preservation Act of 1966, and for other purposes;

H.R. 8112. An act to require the Secretary of the Interior to convey a parcel of land located in Colorado and certain mineral interests to the Ute Mountain Ute Tribe and to pay an amount to such tribe for energy development;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes; and

H.R. 8329. An act to allow the obsolete aircraft carrier U.S.S. *Intrepid* to be transferred to the Intrepid Museum Foundation, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 43. An act to promote safety and health in skiing and other outdoor winter recreational activities;

S. 885. An act 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; and

S. 2261. An act to amend the Clayton Act to prohibit restrictions on the use of credit instruments in the purchase of gasoline.

The message also announced that the Senate insists upon its amendment No. 70 to the bill (H.R. 6671) entitled "An act to unify the rules for preventing collisions on the inland waters of the United States, and for other purposes," requests a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and appoints Mr. CANNON, Mr. EXON, and Mr. DANFORTH to be the conferees on the part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7584, STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER ON FRIDAY, NOVEMBER 21, 1980, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 7584, STATE, JUSTICE, COMMERCE, JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Friday, November 21, or any day thereafter, to consider the conference report and any amendments in disagreement thereto on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7724, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1981

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a con-

ference report on the 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 SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SEIBERLING. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Illinois can tell us whether there will be any effort to waive points of order?

Mr. YATES. I know of no effort to waive points of order.

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

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

U.N. RESOLUTION CALLING FOR REMOVAL OF FOREIGN TROOPS FROM AFGHANISTAN

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

Mr. BEREUTER. Mr. Speaker, this morning we will have a vote in the United Nations, a reiteration of a resolution calling for removal of foreign troops from Afghanistan and calling for a political, not a military, solution to the problems in that part of the world.

Mr. Speaker, this Member, and I believe many Members of this Congress and the American people, will be looking to see who supports that resolution. The Soviets have been unusually unrestrained in the strongarm tactics and the political threats they have been bringing to bear on the members, particularly the Third World countries. We will be looking to see whether or not the Third World countries in particular stand behind their convictions that they have so often expressed to this country.

AUTHORIZING APPROPRIATIONS FOR AMERICAN FOLKLIKE CENTER FOR FISCAL YEARS 1982, 1983, AND 1984

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 7805) to authorize appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of the American Folklife Preservation Act (20 U.S.C. 2107) is amended—

(1) by inserting a comma after "1978";
 (2) by striking out "and" after "1980";
 and
 (3) by inserting after "1981" the following: ", \$760,000 for the fiscal year ending September 30, 1982, \$970,000 for the fiscal year ending September 30, 1983, and \$1,131,000 for the fiscal year ending September 30, 1984".

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

Mr. Speaker, H.R. 7805 authorizes appropriations for the American Folklife Center for fiscal years 1982, 1983, and 1984. This is the second reauthorization for the Folklife Center.

As many of you will remember, after extensive congressional hearings and discussion in the early and mid-seventies, the American Folklife Preservation Act was signed into law on January 2, 1976, which established the American Folklife Center at the Library of Congress.

The American Folklife Center is a coordinating and resource center for the preservation and presentation of the rich variety of folk traditions in the United States. The Center provides assistance upon request to community, State, and regional folklife groups in the form of topical and resource information, organizational and administrative assistance, and clearinghouse services.

The Folklife Center also has a program of model projects initiated by the Center itself, providing research, publications, media dissemination, and presentations such as the outdoor concert series on the steps of the Library of Congress, and exhibits such as the "Buckaroo" show which was developed in conjunction with the Smithsonian Institution. The American Folklife Center is not a grant-giving agency.

In the hearings conducted in 1977 on the first reauthorization of the Center, it was then stated that the Folklife Center expected to reach full national program status by 1981.

However, because of the current climate of fiscal and budgetary restraint, the Center's Board of Trustees wisely has revised the projected timetable and has submitted appropriations levels which will enable the Center to carry out its mandate with essentially the same pattern of growth to a plateau of funding and staffing where the Center can provide services on a comprehensive national scale.

The bill calls for \$740,000 in fiscal year 1982, \$890,000 in fiscal year 1983, and \$990,000 in fiscal year 1984 totaling \$2,620,000 for the 3-year period. This is in contrast to the approved authorization of \$3,105,000 for the period of fiscal 1979-81, an indication of the Center's careful preparation of its budget

and planning and its commitment to budgetary restraint.

This is a modest appropriation request for a very important Federal program which affects all of our lives and traditions. I urge favorable consideration of this legislation.

Although reauthorization is not required until fiscal year 1982, passage of the bill this year will avoid complications in the Center's budget and appropriations process which begins early next year.

AMENDMENTS OFFERED BY MR. NEDZI

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

The Clerk read as follows:

Amendments offered by Mr. Nedzi: Page 1, line 8, strike "\$760,000" and insert in lieu thereof "\$740,000".

Page 1, line 9, strike "\$970,000" and insert in lieu thereof "\$890,000".

Page 2, line 1, strike "\$1,131,000" and insert in lieu thereof "\$990,000".

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 6942, INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs may have until midnight tonight to file a conference report on the bill (H.R. 6942), the International Security and Development Cooperation Act of 1980.

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

There was no objection.

DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1981

Mr. PRICE. Mr. Speaker, 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. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I

object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 2, answered "present" 1, not voting 96, as follows:

(Roll No. 647)

YEAS—333

Abdnor	Erdahl	Leach, La.
Addabbo	Erlenborn	Leath, Tex.
Akaka	Ertel	Lederer
Albosta	Evans, Del.	Lee
Alexander	Evans, Ga.	Leland
Anderson,	Evans, Ind.	Lent
Calif.	Fary	Lewis
Andrews, N.C.	Fazio	Livingson
Annunzio	Fenwick	Loeffler
Archer	Ferraro	Long, La.
Ashbrook	Findley	Long, Md.
Aspin	Fish	Lott
Atkinson	Fisher	Lowry
AuCoin	Fithian	Lujan
Badham	Flippo	Luken
Bafalis	Florio	Lundine
Balley	Foley	Lungren
Barnes	Forsythe	McClery
Baumman	Fowler	McDade
Bedell	Franzel	McDonald
Bellinson	Frost	McEwen
Benjamin	Fuqua	McKinney
Bennett	Gephardt	Markoy
Bereuter	Gialmo	Marks
Bethune	Gibbons	Marlenee
Biaggi	Gilman	Marrlott
Bingham	Gingrich	Mattau
Blanchard	Glickman	Mattox
Boggs	Gonzalez	Mavroules
Boland	Goodling	Mazzoli
Boner	Gore	Mica
Bonior	Gradison	Michael
Bonker	Graham	Mikulski
Bouquard	Grassley	Miller, Ohio
Bowen	Green	Mineta
Brademas	Grisham	Minish
Breaux	Guarini	Mitchell, N.Y.
Brinkley	Gudker	Moakley
Brodhead	Guyer	Mollohan
Broomfield	Hagedorn	Montgomery
Broyhill	Hall, Ohio	Moore
Buchanan	Hall, Tex.	Moorehead, Pa.
Burton, John	Hamilton	Calif.
Buttler	Hammer-	Moorehead, Pa.
Campbell	schmidt	Mottl
Carney	Hance	Murphy, Pa.
Carr	Hanley	Musto
Carter	Harkin	Myers, Ind.
Cavanaugh	Hareha	Natcher
Chappell	Hawkins	Nedzi
Cheney	Fefner	Nelson
Clausen	Hightower	Nowak
Clay	Hillis	Cakar
Cleveland	Hinson	Oberstar
Clinger	Holland	Oberstar
Coleho	Hollenbeck	Ohey
Coleman	Holt	Panetta
Collins, Tex.	Hopkins	Pashayan
Conable	Howard	Patten
Conte	Hubbard	Patterson
Conyers	Huckaby	Paul
Coughlin	Hughes	Pease
Courter	Hutchinson	Pepper
Crane, Daniel	Hutto	Perkins
D'Amours	Hyde	Feist
Daniel, Dan	Johard	Feyser
Daniel, R. W.	Ireland	Pickle
Dan'e'son	Jacobs	Porter
Dannemeyer	Je'ords	Preyer
Dasch'e	Jeffries	Price
Davis, Mich.	Jenkins	Pritchard
de la Garza	Johnson, Calif.	Pursell
Derrick	Johnson, Colo.	Quayle
Derwinski	Jones, Okla.	Quillen
Devine	Kastenmeyer	Rahall
Dicks	Knzen	Taliback
Dinwvll	Kildee	Rangel
Dougherty	Kindness	Ratchford
Drinan	Kogovsek	Regula
Duncan, Tenn.	Kramer	Reuss
E'igar	LaFalce	Rhodes
Edwards, Ala.	Lagomarsino	Rinaldo
Edwards, Okla.	Latta	Ritter
English	Leach, Iowa	Roberts
		Robinson

Rodino	Snowe	Vander Jagt
Roe	Snyder	Vanik
Rose	Solarz	Vento
Rostenkowski	Solomon	Volkmer
Roth	Spence	Walgren
Rousselot	St Germain	Walker
Roybal	Stack	Watkins
Royer	Staggers	Waxman
Rudd	Stangeland	Weaver
Russo	Stanton	Weiss
Sabo	Steed	White
Santini	Stenholm	Whitley
Sawyer	Stewart	Whittaker
Scheuer	Stokes	Whitten
Schroeder	Stratton	Williams, Mont.
Schulze	Studds	Wilson, O. H.
Sebellus	Stump	Winn
Seiberling	Swift	Wirth
Sensenbrenner	Symms	Wolf
Shannon	Synar	Wolpe
Sharp	Tauke	Wright
Shelby	Tauzin	Wyatt
Shumway	Thomas	Wylie
Shuster	Traxler	Yates
Simon	Trible	Yatron
Skelton	Udall	Young, Mo.
Smith, Iowa	Ullman	Zablocki
Smith, Nebr.	Van Deerlin	Zefaretti

NAYS—2

Lloyd Mitchell, Md.

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—96

Ambro	Donnelly	McHugh
Anderson, Ill.	Dornan	McKay
Andrews,	Downey	Madigan
N.Dak.	Duncan, Oreg.	Maguire
Anthony	Early	Martin
Applegate	Eckhardt	Mathis
Ashley	Edwards, Calif.	Miller, Calif.
Baldus	Emery	Moffett
Barnard	Fascell	Murphy, Ill.
Beard, R.I.	Ford, Mich.	Murphy, N.Y.
Beard, Tenn.	Ford, Tenn.	Murtha
Bevill	Fountain	Neal
Bolling	Garola	Nichols
Brooks	Gaydos	No'an
Brown, Calif.	Ginn	O'Brien
Brown, Ohio	Goldwater	Richmond
Burgener	Gray	Rozenchal
Burlison	Hansen	Batterfield
Burton, Phillip	Harris	Spillman
Byron	Heckler	Stark
Chisholm	Heftel	Stockman
Collins, Ill.	Holtzman	Taylor
Corcoran	Horten	Thompson
Corman	Jenrette	Wampler
Cotter	Jones, N.C.	Whitehurst
Crane, Philip	Jones, Tenn.	Williams, Ohio
Crockett	Kelly	Wilson, Bob
Davis, S.O.	Kemp	Wilson, Tex.
DeKard	Kotmayer	Wydler
Delums	Lehman	Young, Alaska
Dickinson	Levitas	Young, Fla.
Dixon	McCloskey	
Dodd	McCormack	

□ 1020

So the motion was agreed to.
The result of the vote was announced as above recorded.

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. 7265, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentlewoman from Maryland (Mrs. Holtz) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, on behalf of the Committee on Armed Services it is my priv-

ilege to bring before the House the bill H.R. 7265 with the unanimous recommendation of the committee for its passage.

H.R. 7265 would authorize appropriations for the national security and military applications of nuclear energy programs administered by the Department of Energy for fiscal year 1981. Other programs of the Department are included in other bills under the jurisdiction of other committees.

We have sought to eliminate from H.R. 7265 any programs which do not have national defense and national security applications.

Briefly, I will explain the highlights of the bill. But first, by way of background, I will say that the President's fiscal year 1981 budget request has been most thoroughly reviewed by the Subcommittee on Procurement and Military Nuclear Systems, which I have the honor to chair.

The subcommittee held 5 days of hearings during which we heard from many witnesses. In addition, a great deal of information was supplied for the record.

In arriving at its recommendations, the committee has considered the paramount objectives of the DOE's national security programs. These objectives are the production and maintenance of a reliable offensive and defensive nuclear deterrent for the United States. The committee gave first priority to the programs essential to these primary missions and made adjustments within a tight budget.

The committee include several small safety and security items requested as a fiscal year 1980 supplemental authorization.

The committee also considered certain situations which came about subsequent to the preparation of the budget request and which, in the committee's judgment, require a change in priorities for the next fiscal year.

Mr. Chairman, when the bill is read for amendments, I intend to offer three amendments which are supported by the administration by an amendment to the budget request for fiscal year 1981. The budget amendment requests increases in authorizations over the amount originally requested that total \$132.1 million. The increases requested are primarily the result of greater than anticipated cost increases for materials, labor, utilities, and special metals. The amendments are crucial to the national defense.

The bill as reported by the committee is much more responsive to national security requirements than the budget request.

HIGHLIGHTS OF H.R. 7265

The bill, as approved by the committee on May 8 with a rollcall vote of 38 yeas and no nays, would authorize appropriations totaling approximately \$3.5 billion—which is about \$158 million below the amount requested.

Principal increases were made by the committee in operating expenses for weapons testing and research and development, and for defense nuclear materials production and byproducts management. These programs were sub-

stantially underfunded by the budget request.

The committee recommends reductions in operating expenses requested for one program which was poorly defined and justified by the information presented. The funds requested are needed by higher priority programs. Reductions are also recommended in several construction projects for which authorizations were requested in excess of required appropriations. Four small but necessary projects were added. The committee also recommends the consolidation of defense nuclear materials production and byproducts management functions under the direction of the Assistant Secretary of Energy for Defense Programs. This brings all aspects involved in the production, stockpiling and retirement of nuclear weapons under a single manager to improve the management of defense programs.

These changes are summarized on pages 2 and 3 of the report, and are explained in detail in other parts of the report.

The bill would continue the very important inertial confinement fusion research program. The bill would also authorize appropriations for the development of improved naval propulsion reactors, for technology to improve our ability to monitor foreign nuclear tests, and for nuclear materials security and safeguards.

Title II contains the general provisions of the bill. Those provisions are explained on pages 28 through 30 of the report.

Mr. Chairman, for more than three decades the nuclear arsenal of the United States has provided both the cutting edge of strategic capability and the shield of deterrence. Deterrence depends upon real military capability and the perceived will to use that capability if the supreme national interest is threatened. U.S. policy has promised both a sure and harsh retaliation in the event of an attack upon itself or its allies. That policy requires that the United States possess sufficient numbers of surviving strategic weapons and delivery systems after an attack with which to cause an unacceptable level of destruction upon a particular attacker.

In response to the military buildup by the Soviet Union, unprecedented in time of peace by any nation, the United States and its allies have found it necessary to strengthen and modernize their conventional and nuclear forces whether or not a strategic arms limitation treaty becomes a reality.

The President has presented plans to modernize U.S. NATO nuclear forces and to rely heavily upon new strategic systems such as the Trident, Missile-X, and various types of cruise missiles. This program will require that substantial additional resources be provided to the Department of Energy over the next several years. H.R. 7265 would authorize appropriations in support of the President's decisions.

While this authorization bill represents only about 2 percent of the President's total request for national defense for fiscal year 1981, its importance and

contribution to our future strategic posture is much greater than this percentage indicates.

The bill deserves the support of the House and I ask its approval.

□ 1030

Mrs. HOLT. Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 7265 and wish to associate myself with the remarks of the distinguished chairman of the Committee on Armed Services and of the Subcommittee on Procurement and Military Nuclear Systems.

As Chairman PRICE has explained, this bill would authorize appropriations for a national security program of the Department of Energy (DOE) for fiscal year 1981. This bill is most important to the national security and to the defense of the United States.

While the defense programs of the DOE have little visibility, it is these programs which have provided and will continue to provide all of the deterrent power which resides in our strategic nuclear systems and in our tactical nuclear forces. All of the strategic missiles in our ICBM and SLBM forces would be useless unless they were supported by the research, development, testing and maintenance effort which this bill would support.

In addition, this bill supports the important naval reactors development program which is constantly improving the propulsion plants of our nuclear-powered Navy and the very important task of training naval reactor operators and supervisory personnel. One goal of the naval reactor development program is to develop a powerplant which will not have to be refueled during the 30-year life of a naval vessel. I predict that Admiral Rickover and his team of engineers and contractors will reach this goal.

Also supported by this bill are the nuclear materials security and safeguards program and the program for management of radioactive wastes in an environmentally safe manner.

The Committee on Armed Services reported H.R. 7265 on May 8 of this year. The Subcommittee on Procurement and Military Nuclear Systems conducted thorough hearings on the budget request and made certain structural changes in several programs. In addition, title II contains several housekeeping items which are needed for congressional oversight purposes.

I am frequently asked why structural and monetary changes are made to the submitted budget. Let me point out that in the exercise of its constitutional responsibilities to provide for the common defense and to provide for and maintain Armed Forces, the Congress plays a major role in maintaining the U.S. nuclear arsenal. It is the Congress which decides whether the types and numbers of weapons and delivery systems are sufficient to meet the needs generated by U.S. policies; whether or not arms control agreements lessen or increase risks to the national security; or whether the funds requested in the annual authori-

zation and appropriations requests are sufficient to provide for the actual needs or for the requirements expressed in the annual "stockpile memorandum."

The requirement for new and improved weapons implies that sufficient funds must be provided for research and development, for testing, and for maintenance of the weapons stockpile in order to maintain a credible, reliable, and viable nuclear deterrent force. Also, the requirement for more rigorous standards for safety, security, and control of nuclear weapons implies the need for sufficient resources for those purposes. Since the defense programs of the Department of Energy are not exempt from compliance with EPA, OSHA, and numerous other costly regulations, the Congress must either provide funding for compliance or provide for exemptions from these provisions.

This bill is noncontroversial. H.R. 7265 was reported unanimously by the subcommittee and by the full Armed Services Committee. We have brought out a good bill. I support it and strongly recommend its passage.

Mr. Chairman, I reserve the balance of my time.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON of California. Mr. Chairman, about 27 years ago when our nuclear program started the management of the laboratories which do the research and development on the nuclear weapons systems was given to the University of California to supervise and look after.

About 4 years ago, Governor Brown of California made a decision that he did not want the nuclear laboratories to be involved while under the jurisdiction of the University of California, to be involved in any nuclear weapons systems, that only peacetime use of nuclear energy should be worked on by the University of California which, of course, is under his jurisdiction because of the regents to the university that he has the authority to appoint.

We did not take this too seriously at first because we knew the feeling of the great majority of the regents of the university but in the bill 2 years ago the provision was put in which calls for a study to determine various options which might be made in the event the State of California decided they would no longer go ahead with the weapons systems programs in the laboratories at Livermore and Los Alamos, Los Alamos in New Mexico. That is not in the bill this year.

The result of that study was that the Government would have 90 days in which to withdraw from the contract with the university at any time it felt there was some danger to the programs which were traditionally a part of this work being done by the university, and put out the program to other educational institutions or to industry to assume the responsibility that has been taken by the University of California. The university on the other hand has a 2-year period in which to withdraw from any activities in the nuclear field as far as weapons systems are concerned.

Mr. Chairman, I merely take this time this morning to direct attention to this very important part of this DOE bill that has to do with our nuclear weapons systems to remind the House that this is still a very live issue. As the Governor is able to appoint more members of the board of regents, if factors become more dangerous, that he could accomplish the goals that he wants.

Mr. Chairman, I think we should be aware of this and be on notice that there may be other institutions in this great country of ours which may become interested and should be prepared in the event that California takes this untimely step, to step in and do what is necessary in this very, very important field.

I yield back the balance of my time.

□ 1040

Mrs. HOLT. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I want to take a few minutes of the committee's time to bring to their attention a proposal that is floating around to take the guard force at an important installation, Los Alamos, and take them from an employee guard force and make it a contract guard force.

The circumstances are that there are about 250 guards needed. They have slots for about 150. Now, they maintain that, the best thing to do is get rid of the 150 who are presently employee guards and go out and contract with some private companies to furnish 250 contract guards.

Now, there are a number of things that bother me about that. First, the very basic idea of having a contract guard force that could strike at any time does not lend itself to very good security of an important installation.

The second thing is just from a cost standpoint. It seems to me that what happens when they go out and contract for the 250 employees, that then they are going to take those 150 slots and move them on to some other function of the Department of Energy. So we are going to have a double expense and not quite as good a security system.

What happens to the 150 guards who are there?

It is a direction that the Department of Energy is moving, which I would like to have this committee look at. I know this is not the proper place to offer an amendment to tell them to go very slowly on this thing, but I would like to have a little colloquy, if I may, with the members of the committee and ask them to have a hearing on this subject, because I think it is a dangerous direction that the Department of Energy is taking us in.

Would anyone from the committee, maybe the chairman of the committee, the gentleman from Illinois (Mr. PRICE), having brought that to the attention of the committee, would the gentleman look favorably upon having hearings and think that such hearings are necessary, rather than having moved in the direction that they are going?

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

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

Mr. PRICE. I thank the gentleman for yielding.

The gentleman makes a helpful suggestion. The committee would be glad to hold hearings on that matter right after the first of the year when we come back.

Mr. LUJAN. I thank the gentleman. I appreciate that. In the meantime, if the committee would just keep an eye on it to see that nothing is done between now and the time that the hearings are held so that we might look into this matter in depth.

Mr. PRICE. We will try to do that also, try to keep in close contact with them.

Mr. LUJAN. I thank the chairman.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I have, if I might, a couple of questions related to the Rocky Flats Nuclear Weapons Plant.

I know that the chairman is familiar with the long-term study of the Rocky Flats Nuclear Plant in Colorado that is presently being conducted by the Department of Energy. I wonder if the chairman could tell us the status of that study?

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

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

Mr. PRICE. The study to which the gentleman refers began in August of 1979 and it is estimated that it will take approximately 28 months at a cost of approximately \$2.3 million. The study is a long-term reassessment of the Rocky Flats operation and is focusing on potential future safety standards to determine whether security modifications or additions to the plant might be required, as well as whether operations should be continued or relocated.

It should be understood that the Department of Energy made no request during the hearings on the present legislation for any change in the present purposes of Rocky Flats or for moving any portion of that facility to another location. Should the long-range study lead to a conclusion that some modification or relocation is warranted, authorization for such action would have to be requested in future legislation.

As a matter of interest, I think the Members of the House would like to know that the study itself grew out of the efforts of the distinguished gentleman from Colorado. Specifically, the Lamm-Wirth task force on Rocky Flats, which the gentleman established in 1974 in cooperation with Gov. Richard Lamm of Colorado, made a series of recommendations concerning Rocky Flats, and one of those recommendations became the basis for the present study. I think the gentleman has provided an important service to the Nation, as well as to his constituents, in his continuing concern for the future of the Rocky Flats operation.

Mr. WIRTH. Will the gentleman agree with me that the study should examine the ramifications of the unique nature

of Rocky Flats for our total defense posture? In addition to the analysis of any changes at Rocky Flats that might be recommended for reasons of security, safety and efficiency, do you not also think it would be advisable for the study, given the present schedule of development and modifications, to examine the question of whether a redundant capability should be built into the system?

Mr. PRICE. The gentleman raises a valid point and I would assume that a thorough study would examine the need for redundancy in the system. In any case, we will bring the gentleman's views to the attention of the Department of Energy.

Mr. WIRTH. As the gentleman has stated, I have long taken a particular interest in the Rocky Flats plant and I strongly support the present study. I have worked closely with the Department of Energy on the study since its inception.

I am also interested in our defense nuclear capability as a whole. Nuclear installations around the country have been the subject of increasing controversy. Would the gentleman agree that the long term study of Rocky Flats might be helpful, not only for Rocky Flats but for the defense nuclear establishment as a whole and that it might serve as a model or examining questions relating to other nuclear installations around the country?

Mr. PRICE. The gentleman's point is well taken. There has been controversy surrounding nuclear facilities and the value of these facilities is not always fully understood. Broad community understanding of the purpose and value of our defense nuclear facilities is important and I think the gentleman from Colorado has provided a valuable service in improving the climate of understanding in the Rocky Flats area. Not only might the DOE study be a model for future studies of nuclear installations, but the process by which the study was undertaken and the initiative of the Lamm-Wirth task force could serve as a model for fostering responsive community action and better public understanding of our nuclear weapons complex.

Mr. WIRTH. I thank the gentleman.

□ 1050

Mrs. HOLT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I have two questions I would like to ask. One, is there any money in this for the development of neutron warheads, or is there any action in any way related to neutron warheads that would encourage their production?

The second question is, are there adequate provisions in this bill for the transportation and above all, the storage of nuclear wastes?

Mr. PRICE. The categorical answer to the gentleman's question is "No."

I can assure the gentleman that there is no authorization in this bill, or words in the committee's report, authorizing the production of enhanced

radiation weapons which, incidentally, Pravda refers to as "neutron bombs."

I wish that this were not the case.

But I can assure the gentleman that we are in the same position that we were in when she was assured last year and the year before.

We are in the same position with respect to enhanced radiation weapons that we have been in since April 7, 1978. On April 7, 1978, President Carter, in an extraordinary demonstration of unilateral restraint, decided to defer—I emphasize the word "defer"—the production of ER weapons, while we observed the Russians for similar signs of restraint. We have been patiently watching and waiting ever since but have seen no restraint.

Since April 7, 1978, the Soviets have demonstrated "restraint" by invading Afghanistan, massing troops on the border of Iran, and continuing the massive buildup in their nuclear and conventional weapons.

In addition, there have been press reports that the Soviets themselves are going to develop ER weapons. France has announced a similar intention. But I can assure the gentleman that the United States has no present intention to do so.

Mrs. FENWICK. I thank the chairman.

In relation to the transportation and storage of nuclear wastes, are these provisions in this bill that would provide for that?

Mr. PRICE. Yes.

Mrs. FENWICK. Both these questions are of great importance to a number of people in my constituency. I am glad to have the chairman's reassurances.

I thank the chairman.

The CHAIRMAN. Are there further requests for time?

Mr. PRICE. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

Mrs. HOLT. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman for yielding the time.

I rise in strong support of this bill. The committee, as it usually does, comes out with a very fine, outstanding bill, but I am concerned, as the committee has shown its concern on page 7 of the report, having to do with meeting this country's commitment to meet the nuclear weapons stockpile memorandum requirements that annually the President must deliver to the Congress and to the country. The committee has shown its concern about the ability to meet those requirements.

Now, the administration, as the chairman has said, has shown unusual restraint. Whether that is good or bad remains to be seen; however, we have not been meeting any requirements of the stockpile memorandum and the committee has recognized that fact.

The Department of Energy has failed to come forth with any request for funds to meet that requirement. It suggests here in the report that the committee believes that there will be a shortfall in

defense nuclear materials unless action is taken in fiscal year 1981.

Now, unfortunately, the Appropriations Committee has already acted upon the appropriations for this authorization. We have no appropriations, no funds available to meet the memorandum requirements.

What did the committee find as far as being able to meet the requirements of 3 years, and further out 5 years? I know this is somewhat classified, but is it true that unless we do have some type of supplemental appropriation, that we would not be able to meet this country's commitments under the memorandum?

I yield to the chairman for a response.

Mr. PRICE. Certainly, in reply to the final remarks of the gentleman, it is certainly true, what the gentleman is saying.

Mr. MYERS of Indiana. Well, in a discussion earlier this week when the House considered the second budget resolution, the chairman of the Budget Committee admitted under questioning that in this year's budget as it passed the House, there were no funds to meet this requirement and the chairman of the Budget Committee suggested that we on the Appropriations Committee would have to squeeze some money out of some other functional category. I do not know what is in the new budget as has now been compromised and in the conference report, but there was nothing in the second budget resolution that passed the House.

We are going to have to squeeze out some money. There was a request this week from the administration, from the Department of Energy, to meet this requirement. As I recall, the Department of Energy did request \$147 million. That request was reduced by OMB to \$112 million; but yet we have no functional category money to meet this requirement.

Mr. PRICE. There has been testimony before the Subcommittee on Procurement and Military Nuclear Systems as far back as June, which does show that an additional budget amendment is in preparation and has been a long time in preparation for the production of defense nuclear materials. Preliminary calculations show that about \$140 million in additional authorizations will be required for the defense nuclear materials production program; so thought is being given to it.

Mr. MYERS of Indiana. I am sure there is thought but unfortunately, there is not much action, either from this administration, and there has not been in the past 3 years, nor is there from the Budget Committee. This is what concerns me. In the Budget Committee we are going to discuss this a little bit later when the Budget Committee considers it; but it is the feeling of this committee that this needs to be done. I take it this page here in the report is urgent. Would the gentleman call it urgent?

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

Mrs. HOLT. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana.

Mr. PRICE. Mr. Chairman, if the gentleman will yield further, the gentleman is expressing the concern of all of us. We have the same concern the gentleman has.

Mr. MYERS of Indiana. Well, I hope this committee will join in urging the Appropriations Committee; it is too late, I guess, to urge the Budget Committee, to give funds, but it does discourage me and gives me some concern when we all talk about this need, but no one does anything about it. It is something like Mark Twain's comments about the weather. Everyone talks about the weather, but no one does anything about it.

As was stated in the colloquy with the gentlewoman from New Jersey, there is an urgency in the world situation; but yet it seems like the administration, as well as the Budget Committee, does not realize the same urgency.

I hope the committee in the days ahead will urge that we do get this supplemental appropriation, because the testimony we had was that there would be a definite shortfall.

Mr. PRICE. Things are being done about it. Our committee has been in contact with the Appropriations Committee and at times with the chairman of the particular subcommittee. We are trying to move it along.

Mr. MYERS of Indiana. But it is not very realistic for the Budget Committee to say, "Yes, we need to do it, but you will have to find the funds. Don't ask us to find the money."

Mr. PRICE. Well, of course, I personally have never been a great advocate of a third level committee, which we have, I might say.

● Mr. STARK. Mr. Chairman, I would like to take this opportunity to commend the Lawrence Livermore National Laboratory for its contribution to this Nation's defense.

Since 1952, every nuclear weapon in the U.S. arsenal has been designed at Livermore or Los Alamos Laboratory in New Mexico. These national laboratories, with their dedicated cadre of scientists, engineers, and technicians, are the real basis for our Nation's strategic capability and shield of deterrence. Their efforts have not only made the United States the world's most powerful and technically advanced nation, but have also led the way to technological advances in the development and production of new energy sources.

An excellent example of the twin goals of greater defense capacity and energy development exists in the inertial confinement fusion program at Livermore. While the short-term goal of this research is to provide scientists with a better understanding of the thermonuclear process, the long-term goal is safe and inexhaustible energy. I would like to commend the committee for their commitment to this excellent project and thank them for restoring fusion research funds that were severely cut by the administration.

I would also like to thank the committee for approving a special project to upgrade earthquake safety at Law-

rence Livermore National Laboratory. Although no one was seriously injured during the magnitude 5.6 earthquake last January, some damage did occur and it became obvious that laboratory facilities needed upgrading to prevent serious damage during any future earthquakes. By authorizing a total of \$5 million to start repairs and upgrading at Livermore and Sandia Laboratories, the committee will insure the 8,000 laboratory employees of a safe and secure environment in which to carry on their important work. I thank the committee for their interest and assistance in this matter.●

● Mr. LUNDINE. Mr. Chairman, I think we can all agree that it is vitally important that we maintain an adequate program in the area of research and development for the production and maintenance of our strategic nuclear force. While there are several important programs contained in H.R. 7265 which I feel are critically important to our overall national defense capability, I intend to vote against this bill because of other provisions which I cannot support.

Before describing to you my specific reasons for opposing this bill, I would like to particularly express my support for the inertial confinement fusion program authorized in this bill. I believe inertial confinement fusion can make an important contribution both to our nuclear weapons technological development and civilian energy development in this country. I applaud the strong support the Armed Services Committee has given this technology. As a member of the Science and Technology Committee with jurisdiction over civilian nuclear development, I look forward to continuing to work with the Armed Services Committee toward the development of an acceptable approach to management of inertial confinement fusion technology.

I intend to vote against this bill today for two reasons. First, I am deeply concerned regarding the provision in the bill which transfers authority for the management of defense nuclear wastes from the Assistant Secretary for Nuclear Energy to the Assistant Secretary for Defense Programs within the Department of Energy. Both civilian and defense nuclear wastes are currently managed by the same office within DOE to improve the efficiency and effectiveness of the overall national effort in the area of nuclear waste management. Development and implementation of a solution to the waste management problem resulting from the production of nuclear weapons, as well as those produced from our civilian nuclear operations are technological and managerially interlocked, and, therefore, should not be separated. To do so can only result in duplication of effort and complication of the task of developing a national system to dispose of all of our nuclear wastes.

I am further concerned regarding the designation in this bill of nuclear wastes as defense "byproducts" and of the committee action to increase funding for interim nuclear waste storage activities and cut back on funding for develop-

ment of permanent disposal techniques. In this regard, I am supportive of the amendment offered by Congressman DERRICK to add \$10 million in design work funds for the solidification of military nuclear waste at the Savannah River Waste Storage Site.

Development of acceptable permanent disposal techniques for the 75 million gallons of liquid nuclear waste from our defense programs, currently being stored in steel tanks for interim management, has been ignored too long and must be given priority attention. A strong technological base in the nuclear waste area has been developed by the Federal Government to permit us to proceed to address both our defense and commercial nuclear waste management problems. I am convinced that the committee action to separate our defense nuclear wastes into a separate administrative category is not in the best interest of this objective. Instead, the committee position on this issue is likely to result in duplication of effort, increased administrative costs, and programmatic chaos and delay.

Second, I intend to vote against this bill because it contains \$10 million to provide facilities to produce MX missile warheads. I have consistently opposed efforts to proceed with development of the MX missile system and therefore cannot support this allocation of funds to this project.

Mrs. HOLT. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

The CHAIRMAN. All time has expired. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk proceeded to read section 1.

H.R. 7205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

SEC. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For the defense inertial confinement fusion program, \$137,000,000, to be allocated as follows:

(A) For glass laser experiments, \$69,800,000.
(B) For gas laser experiments, \$38,000,000.
(C) For particle beam experiments, \$15,400,000.

(D) For supporting research and experiments, \$12,525,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, \$1,275,000.

(2) For the naval reactors development program, \$250,350,000, including \$10,350,000 for program direction.

(3) For weapons activities, \$1,699,723,000, to be allocated as follows:

(A) For research and development, \$478,084,000.

(B) For weapons testing, \$286,000,000.

(C) For production and surveillance, \$895,000,000.

(D) For program direction, \$37,659,000.

(4) For verification and control technology, \$38,691,000, including \$1,795,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, \$640,055,000, to be allocated as follows:

(A) For production reactor expenses, \$200,907,000.

(B) For the processing of defense nuclear materials, \$92,019,000.

(C) For supporting services, \$80,939,000, of which \$15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, \$26,890,000.

(E) For special isotope separations research, \$14,815,000.

(F) For decontamination and decommissioning, \$4,000,000.

(G) For interim waste operations, \$149,940,000.

(H) For long term waste management technology, \$62,500,000, of which \$5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164.

(I) For transportation research and development, \$5,000,000.

(J) For program direction, \$3,045,000, of which \$1,330,000 shall be used for materials production and \$1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), \$43,304,000, including \$3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, and acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, \$36,760,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, \$14,300,000, for a total project authorization of \$15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000 for a total project authorization of \$7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of \$8,000,000, for a total project authorization of \$62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, \$9,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$13,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$2,700,000. (3) For weapons activities:

Project 81-D-102, general plant projects, various locations, \$28,800,000.

Project 81-D-103, plant engineering and design, various locations, \$4,600,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, \$1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, \$1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, \$31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, \$2,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, \$8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, \$9,000,000.

Project 81-D-115, MX warhead production facilities, various locations, \$10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, \$75,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, \$1,200,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, \$1,000,000.

Project 81-D-133, Earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, \$3,000,000.

Project 81-D-134, Earthquake damage restoration, Sandia National Laboratory at Livermore, California, \$2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of \$3,000,000, for a total project authorization of \$7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of \$29,900,000 for a total project authorization of \$69,300,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of \$7,000,000 for a total project authorization of \$35,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, \$15,600,000.

Project 81-D-124, plant engineering and design, various locations, \$4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, \$5,100,000.

Project 81-D-128, restoration of production capabilities, various locations, \$34,100,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$28,500,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of \$34,000,000, for a total project authorization of \$149,400,000.

Project 81-T-101, general plant projects, various locations, \$9,140,000.

Project 81-T-102, plant engineering and design, various locations, \$5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$5,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, \$11,000,000;

(B) for naval reactors development, \$39,000,000;

(C) for weapons activities, \$113,700,000;

(D) for verification and control technology, \$800,000;

(E) for materials production and byproducts management, \$57,907,000 of which

\$35,400,000 shall be used for materials production and \$22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and safeguards development, \$3,400,000.

TITLE II—GENERAL PROVISIONS
REPROGRAMMING

Sec. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of such period has transmitted to the Secretary written notice to the effect that it has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

Sec. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds \$1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total cost of all general plant projects carried out under this Act exceed by more than 10 percent the total amount authorized to be appropriated for such projects under this Act.

LIMITS ON CONSTRUCTION PROJECTS

Sec. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

Sec. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

Sec. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs and may obtain architectural and engineering services in connection with any proposed construction projects.

(b) In any case in which the estimated design cost for any construction project is in excess of \$400,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Sec. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

Sec. 207. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

ADJUSTMENTS FOR PAY INCREASES

Sec. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

Sec. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

Sec. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

Sec. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

Sec. 212. Before the expiration of the current contract between the Department of Energy and the Washington Public Power Supply System the Secretary of Energy shall

negotiate price in a new contract for the delivery of byproduct steam from the N-reactor based on the fair market replacement value of the steam rather than cost of production of the steam.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the Record, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments.

AMENDMENTS OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Price: On page 3, line 5, strike out "\$1,698,723,000" and insert in lieu thereof "\$1,804,823,000";

On page 3, line 8, strike out "\$478,064,000" and insert in lieu thereof "\$501,064,000";

On page 3, line 11, strike out "\$895,000,000" and insert in lieu thereof "\$980,100,000";

On page 8, after line 12, insert the following:

"Project 79-7-e production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of \$13 million, for a total project authorization of \$23 million."

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, printed in the Record, and that they be considered en bloc.

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

There was no objection.

Mr. PRICE. Mr. Chairman, the amendments I am now offering are necessary to sustain the fiscal year 1981 nuclear weapons program that the President has submitted to the Congress.

The amendments are in support of the President's amended budget request and would increase the total authorizations in the bill by \$121.1 million.

The amendments would add \$23 million to the weapons research and development effort and \$85.1 million for the operation of the weapons complex. The last amendment would provide an additional authorization of \$13 million for a construction project now in progress at the Pantex plants near Amarillo, Tex.

Mr. Chairman, the amounts recommended by the committee in H.R. 7265 were based on testimony taken earlier this year, and on a joint report submitted by the Secretary of Energy and the Secretary of Defense. More recently, testimony received by the committee shows that the amounts originally requested will not support the nuclear weapons stockpile plan approved by President Carter.

Unless additional funds are authorized and appropriated, the weapons program will be disrupted for several years, deliveries of certain weapons to the Department of Defense cannot be made. The entire research, development, and production operation will have to be phased down.

The shortfalls in the amounts re-

quested result from higher than the anticipated 8-percent inflation rate for labor, materials, energy, utilities, and special metals. The actual inflation rate experienced for fiscal year 1980 has been about 15 percent.

Mr. Chairman, the increased amounts requested, and included in these amendments, are well justified and are required for national defense and security. I move the adoption of the amendments.

□ 1100

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. PRICE).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. DERRICK

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

The Clerk read as follows:

Amendment offered by Mr. DERRICK: On page 9, after line 19, insert the following: Project 81-D-135, Defense waste processing facility, stage I; Savannah River Plant, South Carolina (design, engineering, and site exploration only), \$10,000,000.

Mr. DERRICK. Mr. Chairman, the Savannah River Plant is the only source of new plutonium and tritium for the U.S. nuclear weapons program and is the only place in the United States where high-level nuclear waste is still being produced. In the plant's operations since 1954, approximately 68 million gallons of this high-level nuclear waste has been generated. This radioactive waste has been reduced to 23 million gallons of sludge which is now safely stored in steel tanks. My amendment would provide funds for the design and engineering of a defense waste processing facility which would change the waste now stored as sludge, liquid, and salt cake into solid forms, such as borosilicate glass and essentially nonradioactive salt. The actual output from the defense waste processing facility is expected to be 1 million "gallons" of borosilicate glass logs and 18 million gallons of salt which contains one ten-thousandths of 1 percent of the radioactivity it initially contained. This also represents an overall reduction of some 7 million gallons of waste—a reduction of about 30 percent.

Stage I of the facility, which my amendment will initiate, will cost about \$500 million and should be in operation by 1987. Stage I will encapsulate the sludge, which constitutes about 10 percent of the total volume but which contains about 80 percent of the total radioactivity, and the long-lived elements such as plutonium.

Stage II of the waste processing facility will clean up the liquids and salts by removing the entrained cesium. Stage II is projected to cost about \$700 million. Design of stage II could start in the next few years.

I would like to point out that if the defense waste processing facility is not built, it will require 5 to 12 new tanks over the next 10 years just to hold the newly generated waste. This will cost \$60 to \$150 million. Since the waste must eventually be solidified for permanent disposal in some sort of terminal storage

facility, it makes good economic sense to start the defense waste processing facility now and not have to build new tanks.

Funds were not authorized in H.R. 7265 for the facility because plans had not been completed by May 13, 1980, when the bill was reported to the House.

I recommend that the amendment pass.

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

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

Mr. PRICE. Mr. Chairman, I would like to say on behalf of this side of the aisle that the gentleman from South Carolina (Mr. DERRICK) has discussed this amendment with me and I find it to be a desirable and acceptable amendment. As the gentleman has stated, the Committee on Armed Services was not advised of the revised plans for the defense waste processing facility at the Savannah River plant, located in the gentleman's district, until several months after we reported H.R. 7265 out of the committee. We have been concerned about the lack of progress toward such a facility by the administration for several years. The facility that the gentleman's amendment would begin is cost effective and would immobilize the defense wastes at Savannah River in an environmentally sound manner at the earliest practical time. In addition, the technology applied in this project will be available in the processing of wastes which result from nuclear power reactors.

Mr. DERRICK. I thank the gentleman. Mrs. HOLT. Mr. Chairman, will the gentleman yield?

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

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment of the gentleman from South Carolina (Mr. DERRICK) on this side and have no objection to it. In fact, I believe that it is an excellent amendment.

Mr. DERRICK. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. DERRICK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. SEIBERLING, 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. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes, pursuant to House Resolution 687, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

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

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIAIMO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 39, not voting 60, as follows:

(Roll No. 648)

YEAS—333

Abdnor	Daschle	Harris
Addabbo	Davis, Mich.	Harsha
Akaka	Davis, S. C.	Heckler
Albosta	de la Garza	Hefner
Alexander	Dockard	Hofel
Anderson,	Derrick	Hightower
Calif.	Derwinski	Hillis
Andrews, N.C.	Devine	Hinson
Andrews,	Dingell	Holland
N.Dak.	Dixon	Hollenbeck
Annunzio	Dodd	Holt
Anthony	Donnelly	Hopkins
Applegate	Dorman	Howard
Archer	Dougherty	Hubbard
Ashbrook	Downey	Huckaby
Aspin	Duncan, Oreg.	Hughes
Atkinson	Duncan, Tenn.	Hutchinson
AuCoin	Edwards, Calif.	Hutto
Badham	Edwards, Okla.	Hyde
Bafalis	English	Ichord
Balley	Erdahl	Ireland
Barnes	Erlenborn	Jacobs
Bauman	Ertel	Jeffords
Beard, E.I.	Evans, Del.	Jeffries
Beard, Tenn.	Evans, Ga.	Jenkins
Benjamin	Evans, Ind.	Johnson, Calif.
Bennett	Fary	Jones, Okla.
Beruter	Fascell	Kazon
Bethune	Fazio	Kildee
Blaggi	Ferraro	Kinross
Bingham	Findley	Kogovsek
Blanchard	Fish	Kostmayer
Boggs	Fisher	Kramer
Boiland	Fithian	LaFalce
Boner	Fippo	Lagomarsino
Boner	Florio	Latia
Bonker	Foley	Leach, Iowa
Bouquard	Ford, Mich.	Leach, La.
Bowen	Forsythe	Leath, Tex.
Brademas	Fountain	Lederer
Brinkley	Fowler	Lee
Brodhead	Frenzel	Lent
Broomfield	Frost	Lewis
Brown, Calif.	Fuqua	Livingston
Broyhill	Gaydos	Lloyd
Buchanan	Gephardt	Loeffler
Burtonson	Gialmo	Long, La.
Butler	Gibbons	Long, Md.
Byron	Gilman	Lott
Campbell	Gingrich	Lowry
Carnoy	Glickman	Lujan
Carr	Goldwater	Luken
Carter	Gonzalez	Lungren
Chappell	Goodling	McClory
Cheney	Gore	McDonald
Clausen	Gradison	McEwen
Cleveland	Grenny	McHugh
Clinger	Grassley	McKay
Coelho	Green	McKinney
Coleman	Grisham	Marks
Collins, Tex.	Guarini	Marlenee
Conable	Gudger	Marrlott
Conte	Guyer	Mathis
Coughlin	Hagedorn	Matsui
Courter	Hall, Tex.	Mattox
Crane, Daniel	Hamilton	Mavroules
D'Amours	Hammer-	Mazzoli
Daniel, Dan	schmidt	Mica
Daniel, R. W.	Hance	Michel
Danielson	Hanley	Miller, Ohio
Dannemeyer	Hansen	Mineta

Minish	Ritter	Stewart
Mitchell, N.Y.	Roberts	Stratton
Moakley	Robinson	Stump
Mollohan	Rodino	Swift
Montgomery	Ros	Symms
Moore	Rose	Synar
Moorhead, Calif.	Rosenthal	Tauke
Moorhead, Pa.	Rostenkowski	Tauzin
Mottl	Koth	Thomas
Murphy, Pa.	Rousselot	Traxler
Musto	Roybal	Tribble
Myers, Ind.	Royer	Udall
Natcher	Rudd	Van Deerlin
Nelson	Russo	Vander Jagt
Nichols	Sabo	Vento
Nowak	Santini	Volkmur
Osaka	Satterfield	Walgren
Oberstar	Sawyer	Walker
Obey	Scheuer	Watkins
Panetta	Schroeder	Waxman
Pashayan	Schulze	White
Patten	Sebellus	Whitley
Patterson	Sensenbrenner	Whittaker
Pease	Sharp	Whitten
Pepper	Shelby	Williams, Mont.
Perkins	Shumway	Wilson, Tex.
Petri	Shuster	Winn
Peyster	Simon	Wirth
Pickle	Skilton	Wolton
Porter	Smith, Iowa	Wolpe
Proyer	Smith, Nebr.	Wright
Price	Snowe	Wyatt
Pritchard	Snyder	Wyder
Quayle	Solara	Wyllie
Quillen	Solomon	Yates
Rallaack	Spence	Yatron
Ratchford	St Germain	Young, Fla.
Regula	Stack	Young, Mo.
Reuss	Staggers	Zablocki
Rhodes	Stanton	Zefaretti
Rinaldo	Steele	
	Stenholm	

NAYS—30

Bedell	Fenwick	Moffett
Bellenson	Gray	Ottinger
Burton, John	Harkin	Paul
Burton, Phillip	Hawkins	Rahall
Cavanaugh	Holtzman	Rangel
Chisholm	Johnson, Colo.	Richmond
Clay	Kastenmeier	Seiberling
Conyers	Leahy	Stangeland
Crockett	Lundine	Stokes
Dellums	Markey	Studds
Dicks	Mikulski	Vanik
Drinan	Miller, Calif.	Weaver
Edgar	Mitchell, Md.	Weiss

NOT VOTING—60

Ambro	Emery	Murphy, N.Y.
Anderson, Ill.	Ford, Tenn.	Murtha
Ashley	Garcia	Neal
Baldus	Ginn	Nedzi
Barnard	Hall, Ohio	Noan
Bevill	Horton	O'Brien
Bolling	Jenrette	Pursell
Breaux	Jones, N.C.	Shannon
Brooks	Jones, Tenn.	Spelman
Brown, Ohio	Kelly	Stark
Burgener	Kemp	Stockman
Collins, Ill.	Lehman	Taylor
Corcoran	Levitas	Thompson
Corman	McCloskey	Ullman
Cotter	McCormack	Wampler
Crane, Phillip	McDade	Whitehurst
Dickinson	Madigan	Williams, Ohio
Early	Maguire	Wilson, Bob
Eckhardt	Martin	Wilson, C. H.
Edward, Ala.	Murphy, Ill.	Young, Alaska

The Clerk announced the following pairs:

Mr. Thompson with Mr. Emery.
 Mr. Cotter with Mr. O'Brien.
 Mr. Jones of Tennessee with Mr. Pursell.
 Mr. Murphy of New York with Mr. Brown of Ohio.
 Mr. Ginn with Mr. Phillip M. Crane.
 Mr. Breaux with Mr. Madigan.
 Mr. McCormack with Mr. Kemp.
 Mr. Levitas with Mr. McDade.
 Mr. Jenrette with Mr. Edwards of Alabama.
 Mr. Shannon with Mr. Coohran.
 Mr. Murtha with Mr. Burgener.
 Mr. Ullman with Mr. Dickinson.
 Mr. Stark with Mr. Bob Wilson.
 Mr. Nolan with Mr. Stockman.
 Mr. Barnard with Mr. Horton.
 Mr. Baldus with Mr. Wampler.
 Mr. Ashley with Mr. McCloskey.

Mr. Ambro with Mr. Martin.
 Mr. Bevill with Mr. Young of Alaska.
 Mr. Brooks with Mr. Taylor.
 Mr. Garcia with Mr. Whitehurst.
 Mr. Ford of Tennessee with Mr. Maguire.
 Mrs. Collins of Illinois with Mr. Kelly.
 Mr. Corman with Mr. Hall of Ohio.
 Mr. Early with Mr. Lehman.
 Mr. Eckhardt with Mr. Williams of Ohio.
 Mr. Nedzi with Mr. Neal.
 Mr. Murphy of Illinois with Mr. Jones of North Carolina.

□ 1120

Mr. CAVANAUGH and Mr. YATES changed their votes from "yea" to "nay." Mr. DAVIS of Michigan and Mr. YATES changed their votes from "nay" to "yea."

So the bill was passed.
 The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes, and ask for its immediate consideration. The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Energy National Defense Programs Authorization Act of 1981".

TITLE I—NATIONAL DEFENSE PROGRAMS
OPERATING EXPENSES

Sec. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national defense programs as follows:

- (1) For inertial confinement fusion, \$159,500,000.
- (2) For naval reactors development, \$250,350,000.
- (3) For weapons activities, \$1,816,692,000.
- (4) For verification and control technology, \$40,591,000.
- (5) For materials production, \$481,935,000.
- (6) For defense nuclear waste management, \$265,655,000.
- (7) For nuclear materials security and safeguards development, \$47,004,000.

PLANT AND CAPITAL EQUIPMENT

Sec. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities; land acquisition related thereto; and acquisition and fabrication of capital equipment not related to construction) necessary for national defense programs, as follows:

- (1) For inertial confinement fusion:
 - Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, \$36,750,000.
 - Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, \$14,300,000.
 - Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000.
 - Project 75-3-b, high energy laser facility,

Los Alamos National Scientific Laboratory, New Mexico, an additional sum of \$8,000,000 for a total project authorization of \$62,500,000.

(2) For naval reactors development:

- Project 81-T-111, general plant projects, \$3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$103,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$2,700,000.

(3) For weapons activities:

- Project 81-D-102, general plant projects, \$28,000,000.

Project 81-D-103, plant engineering and design, \$10,000,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, \$1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, \$1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,600,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, Phase I, RDTE complex, various locations, \$31,000,000.

Project 81-D-108, reactor support facility, Sandia National Laboratory, New Mexico, \$9,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, \$8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, \$9,000,000.

Project 81-D-112, tritium handling facility, Los Alamos National Scientific Laboratory, New Mexico, \$4,100,000.

Project 81-D-114, exhaust plenum modifications, Rocky Flats Plant, Golden, Colorado, \$10,500,000.

Project 81-D-115, M-X warhead production facilities, various locations, \$10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, production complex, various locations, \$115,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, \$1,200,000.

Project 81-D-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, \$4,400,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Amarillo, Texas, \$1,600,000.

Project 80-AE-5, ground launched cruise missile (GLOM) warhead production facilities, various locations, an additional sum of \$3,000,000, for a total project authorization of \$7,000,000.

Project 79-7-e, production and assembly facilities, Pantex Plant, Amarillo, Texas, an additional sum of \$13,000,000 for a total project authorization of \$23,000,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of \$7,000,000 for a total project authorization of \$35,000,000.

(4) For materials production:

- Project 81-D-123, general plant projects, \$14,600,000.

Project 81-D-124, plant engineering and design, \$4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, Richland, Washington, \$5,100,000.

Project 81-D-126, pollution abatement facilities, Richland, Washington, \$1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, \$68,400,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$28,500,000.

Project 81-D-141, hangars for N-reactor irradiated fuel storage, Richland, Washington, \$5,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, \$7,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, \$18,000,000.

Project 77-13-a, fluorinol dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of \$34,000,000 for a total project authorization of \$149,400,000.

(f) For defense nuclear waste management:

Project 81-T-101, general plant projects, \$9,140,000.

Project 81-T-102, plant engineering and design, \$9,865,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$20,000,000.

Project 81-T-105, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, \$10,000,000 (AF only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of \$20,000,000, for a total project authorization of \$119,000,000.

(g) For capital equipment not related to construction—

(A) for inertial confinement fusion, \$11,000,000;

(B) for naval reactors development, \$30,000,000;

(C) for weapons activities, \$113,700,000;

(D) for verification and control technology, \$300,000;

(E) for materials production, \$38,700,000;

(F) for defense nuclear waste management, \$25,000,000; and

(G) for nuclear materials security and safeguards development, \$3,400,000.

TITLE II—GENERAL PROVISIONS

REPROGRAMING

Sec. 201. (a) Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this Act exceed the total amount authorized to be appropriated by this Act.

LIMITS ON GENERAL PLANT PROJECTS

Sec. 202. (a) The Secretary is authorized to carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost

of such construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project authorized by this Act, the estimated cost of such project is revised due to unforeseen cost variations and the revised cost of such project exceeds \$1,000,000 the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this Act exceed the total amount authorized to be appropriated for such projects by this Act.

LIMITS ON CONSTRUCTION PROJECTS

Sec. 203. (a) Whenever the current estimated cost of any construction project which is authorized by section 102 of this Act, or which is in support of the national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent (1) the amount authorized for such project, or (2) the amount of the total estimated cost for such project as shown in the most recent budget justification data submitted to Congress, such project may not be started or additional obligations incurred in connection with such project, as the case may be, unless a period of 30 days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or unless each such committee before the expiration of such period has notified the Secretary that such committee has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

Sec. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and such funds so transferred may be merged with the appropriations of the agency to which such funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

Sec. 205. (a) (1) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$3,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

Sec. 206. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform such planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secre-

tary determines that such design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Sec. 207. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENT FOR PAY INCREASES

Sec. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

Sec. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

ENHANCED RADIATION WARHEADS

Sec. 210. The Secretary of Energy shall produce and stockpile the nuclear materials and the warhead components necessary to enable the rapid conversion of the W70-3 and the W70-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

Sec. 211. The Secretary of Energy shall develop a plan for a cooperative program to provide assistance in the stabilization and management of uranium mill tailings which have resulted from ore processing to extract uranium under contract with the United States for use primarily in defense programs and which are now commingled with other tailings. In developing the plan, the Secretary shall establish the amount and condition of the tailings resulting from such Federal contracts at each currently operating or currently licensed extraction site in order to permit calculation of the federally contracted share of the total tailings which must be stabilized and managed over time. The plan shall include a methodology for establishing the extent of Federal assistance appropriate to meet the costs for stabilizing and managing such tailings at each such site in order to comply with a requirement of Federal law or regulation imposed after termination of such Federal contracts. The Secretary shall consult with the owners and operators of each such site and shall submit the plan and his recommendations to the Congress not later than October 1, 1981.

MOTION OFFERED BY MR. PRICE

Mr. PRICE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PRICE moves to strike out all after the enacting clause of the Senate bill, S. 3074, and to insert in lieu thereof the provisions of H.R. 7825, as passed, as follows: That this Act may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981".

TITLE I—NATIONAL SECURITY PROGRAMS

OPERATING EXPENSES

Sec. 101. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related

management and support activities) as follows:

(1) For the defense inertial confinement fusion program, \$137,000,000, to be allocated as follows:

(A) For glass laser experiments, \$69,800,000.

(B) For gas laser experiments, \$38,000,000.

(C) For particle beam experiments, \$15,400,000.

(D) For supporting research and experiments, \$12,525,000, none of which may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for inertial confinement fusion experiments and inertial confinement fusion systems.

(E) For program direction, \$1,275,000.

(2) For the naval reactors development program, \$250,350,000, including \$10,350,000 for program direction.

(3) For weapons activities, \$1,804,823,000, to be allocated as follows:

(A) For research and development, \$501,004,000.

(B) For weapons testing \$286,000,000.

(C) For production and surveillance, \$980,100,000.

(D) For program direction, \$37,659,000.

(4) For verification and control technology, \$38,591,000, including \$1,765,000 for program direction.

(5) For the defense nuclear materials production and byproducts management program, to be administered by the Assistant Secretary for Defense Programs, \$640,055,000, to be allocated as follows:

(A) For production reactor expenses, \$200,907,000.

(B) For the processing of defense nuclear materials, \$92,019,000.

(C) For supporting services, \$80,939,000, of which \$15,000,000 shall be used for the fiscal year 1981 increment of startup costs for the Purex chemical processing plant and N-reactor mode conversion at Richland, Washington.

(D) For fluorinel processing of nonproduction fuels and related activities, \$26,890,000.

(E) For special isotope separations research, \$14,815,000.

(F) For decontamination and decommissioning, \$4,000,000.

(G) For interim waste operations, \$149,940,000.

(H) For long term waste management technology, \$62,500,000, of which \$5,000,000 shall be used only for the waste isolation pilot plant as authorized by section 213 of Public Law 96-164.

(I) For transportation research and development, \$5,000,000.

(J) For program direction \$3,045,000, of which \$1,330,000 shall be used for materials production and \$1,715,000 shall be used for byproducts management.

(6) For nuclear materials security and safeguards technology development program (defense program), \$43,304,000, including \$3,795,000 for program direction.

PLANT AND CAPITAL EQUIPMENT

SEC. 102. Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1981 for plant and capital equipment (including planning, construction, acquisition and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs, as follows:

(1) For defense inertial confinement fusion:

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, New Mexico, \$36,750,000.

Project 80-AE-11, target fabrication facility, Los Alamos National Scientific Laboratory, New Mexico, \$14,300,000, for a total project authorization of \$15,300,000.

Project 80-AE-12, target fabrication facility, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,000,000 for a total project authorization of \$7,600,000.

Project 75-3-b, high energy laser facility, Los Alamos National Scientific Laboratory, New Mexico, an additional sum of \$8,000,000, for a total project authorization of \$62,500,000.

(2) For naval reactors development:

Project 81-T-111, general plant projects, various locations, \$3,300,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, \$13,000,000.

Project 81-T-113, fuel materials examination area upgrading, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, \$2,700,000.

(3) For weapons activities:

Project 81-D-102, general plant projects, various locations, \$28,000,000.

Project 81-D-103, plant engineering and design, various locations, \$4,000,000.

Project 81-D-104, heavy duty drill repair facility, Nevada Test Site, Nevada, \$1,700,000.

Project 81-D-105, engineering office building, Nevada Test Site, Nevada, \$1,800,000.

Project 81-D-106, weaponization facilities, Ernest Orlando Lawrence Livermore National Laboratory, California, \$6,000,000.

Project 81-D-107, utilities and equipment restoration, replacement, and upgrade, various locations, \$31,000,000.

Project 81-D-108, reactor support facilities, Sandia National Laboratories, New Mexico, \$2,000,000.

Project 81-D-110, upgrade industrial liquid waste treatment plants, Los Alamos National Scientific Laboratory, New Mexico, \$8,000,000.

Project 81-D-111, water system upgrade, Los Alamos National Scientific Laboratory, New Mexico, \$9,000,000.

Project 81-D-115, MX warhead production facilities, various locations, \$10,000,000.

Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, Phase II, various locations, \$78,000,000.

Project 81-D-119, reclamation facility improvements, Savannah River Plant, Aiken, South Carolina, \$1,200,000.

Project 81-D-121, upgrade weapons staging area roads, Pantex Plant, Texas, \$1,600,000.

Project 81-D-133, Earthquake damage restoration, Ernest Orlando Lawrence Livermore National Laboratory, \$3,000,000.

Project 81-D-134, Earthquake damage restoration, Sandia National Laboratory at Livermore, California, \$2,000,000.

Project 80-AE-5, ground launched cruise missile (GLCM) warhead production facilities, various locations, an additional sum of \$3,000,000, for a total project authorization of \$7,000,000.

Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations, an additional sum of \$29,900,000 for a total project authorization of \$69,300,000.

Project 79-7-p, facilities for new modern strategic bomb, various locations, an additional sum of \$7,000,000 for a total project authorization of \$36,000,000.

Project 79-7-c production and assembly facilities, Pantex plant, Amarillo, Texas, an additional sum of \$13,000,000, for a total project authorization of \$23,000,000.

(4) For materials production and byproducts management:

Project 81-D-123, general plant projects, various locations, \$15,600,000.

Project 81-D-124, plant engineering and design, various locations, \$4,200,000.

Project 81-D-125, N-reactor safety and environmental improvements, security and surveillance, Richland, Washington, \$5,100,000.

Project 81-D-128, restoration of production capabilities, various locations, \$34,100,000.

Project 81-D-131, remote analytical facility upgrade and expansion, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$28,500,000.

Project 77-13-a, fluorinel dissolution process and fuel receiving improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, an additional sum of \$34,000,000, for a total project authorization of \$149,400,000.

Project 81-T-101, general plant projects, various locations, \$9,140,000.

Project 81-T-102, plant engineering and design, various locations, \$5,130,000.

Project 81-T-103, sixth set of calcined solids storage bins, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, \$5,000,000.

Project 81-D-135, Defense waste processing facility, stage I; Savannah River Plant, South Carolina (design, engineering, and site exploration only), \$10,000,000.

(5) For capital equipment not related to construction—

(A) for defense inertial confinement fusion, \$11,000,000;

(B) for naval reactors development, \$30,000,000;

(C) for weapons activities, \$113,700,000;

(D) for verification and control technology, \$800,000;

(E) for materials production and byproducts management, \$67,907,000 of which \$35,400,000 shall be used for materials production and \$22,507,000 shall be used for byproducts management; and

(F) for nuclear materials security and byproducts management; and

TITLE II—GENERAL PROVISIONS

REPROGRAMING

SEC. 201. Except as otherwise provided in this Act—

(1) no amount appropriated pursuant to this Act may be used for any program in excess of 105 percent of the amount authorized for that program by this Act or \$10,000,000 more than the amount authorized for that program by this Act, whichever is the lesser, and

(2) no amount appropriated pursuant to this Act may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the proposed action, or unless each committee before the expiration of such period has transmitted to the Secretary written notice to the effect that it has no objection to the proposed action.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 202. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this Act if the total estimated cost of the construction project does not exceed \$1,000,000.

(b) If at any time during the construction of any general plant project, the estimated cost of the project is revised due to unforeseen cost variations and the revised cost of the project exceeds \$1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total cost of all general plant projects carried out under this

Act exceed by more than 10 percent the total amount authorized to be appropriated for such projects under this Act.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 203. (a) Whenever the current estimated cost of a construction project which is authorized by section 102 of this Act, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress, the project may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

FUND TRANSFER AUTHORITY

SEC. 204. To the extent specified in appropriation Acts, funds appropriated pursuant to this Act may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 205. (a) Within the amounts authorized by this Act for plant engineering and design, the Secretary may carry out advance planning and construction designs and may obtain architectural and engineering services in connection with any proposed construction projects.

(b) In any case in which the estimated design cost for any construction project is in excess of \$400,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of the project at least thirty days before any funds are obligated for design services for the project.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 206. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this Act for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 207. In addition to the advance planning and construction design authorized by section 102, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

ADJUSTMENTS FOR PAY INCREASES

SEC. 208. Appropriations authorized by this Act for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 209. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

RESTRICTION ON LICENSING REQUIREMENT FOR CERTAIN DEFENSE ACTIVITIES AND FACILITIES

SEC. 210. None of the funds authorized to be appropriated by this or any other Act may be used for any purpose related to licensing of any defense activity or facility of the Department of Energy by the Nuclear Regulatory Commission.

RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

SEC. 211. None of the funds authorized to be appropriated by this or any other Act may be used to pay any penalty, fine, forfeiture, or settlement resulting from a failure to comply with the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any defense activity of the Department of Energy if (1) the Secretary finds that compliance is physically impossible within the time prescribed for compliance, or (2) the President has specifically requested appropriations for compliance and the Congress has failed to appropriate funds for such purpose.

SEC. 212. Before the expiration of the current contract between the Department of Energy and the Washington Public Power Supply System the Secretary of Energy shall negotiate price in a new contract for the delivery of byproduct steam from the N-reactor based on the fair market replacement value of the steam rather than cost of production of the steam.

The motion was agreed to.

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

A similar House bill (H.R. 7265) was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7265, DEPARTMENT OF ENERGY NATIONAL SECURITY AND MILITARY APPLICATIONS OF NUCLEAR ENERGY AUTHORIZATION ACT OF 1981

MR. PRICE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 7265) to authorize appropriations for the Department of Energy for national security programs for fiscal year 1981, and for other purposes, the Clerk be authorized to make necessary technical corrections, including section numbers, punctuation and cross references, as may be necessary.

THE SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

MR. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

THE SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1130

WHY AUTO COMPANIES ARE TOO BIG

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

MR. PEPPER. Mr. Speaker, Americans have been shocked that some of our greatest companies which we thought were the most powerful and progressive in the world lost their supremacy and a large part of their market to smaller and far less distinguished companies abroad. This patent decline in the giant American companies in automobiles, steel, tires, and consumer electronics, to name a few industries, was not only almost disastrous to the national economy but painfully embarrassing to the Nation as well as to these defeated champions. There have been many reasons offered for the toppling of so many American economic giants.

The usual reasons given are foreign competition by competitors who pay less wages and have more government help than their major companies get. There are those who assess the failure of our giant companies in the competitive market of our own country as well as in the world upon these companies themselves—to the same disability which brought down the ancient dinosaur—bigness. They fell victims first, I imagine, to decline and then to extinction. They suffered from the disaster of persistent bigness.

This is the thesis ably presented by a distinguished long-time friend of mine, a resident of Palm Beach, Fla., who has long and very successfully specialized in advice and negotiations on corporate mergers and reorganizations, Mr. Arthur Burck. Mr. Burck presents his views under "Ideas and Trends" in Business Week of November 17, 1980, page 18, et seq. Mr. Burck ably points out how, for example, the big automobile companies refused to convert to small cars with a loss in plant equipment that would entail and continued to reap the big profits derived from the manufacture and sale of large cars. This attitude was due primarily to the inertia of the big companies in respect to change, the lack of incentive to decentralize—to break up into smaller units—because each's competitive situation was satisfactory in America and they all failed to perceive the movement of the American consumer toward smaller cars.

Mr. Burck, I believe, has given us all serious cause for concern about the top-heavy economic structure of the major enterprises of this country. At a time when we are talking about tax incentives to enable American business thoroughly to modernize, we might well consider, in the opinion of Mr. Burck, providing more incentive by breaking down the big giants into smaller and more competitive parts.

Mr. Burck is speaking the language which was heard in the days of Theodore Roosevelt and in later days when Standard Oil and some of the big utilities were broken up. Mr. Burck may be a prophet.

At least his thoughtful article is worthy of not only reading but of most earnest consideration by those who want to see America not only in military might but industrial leadership as well soar again into world supremacy.

Therefore, Mr. Speaker, I include the able comments of Mr. Burck to be incorporated at this point in the body of the RECORD:

WHY AUTO COMPANIES ARE TOO BIG
(By Arthur Burck)

With hundreds of communities already blighted by the widening unemployment among the auto companies and their helpless suppliers, it is vital that we rebuild a sound industry. To do so, we must know why the industry failed to make a timely response to the inevitability of small cars.

The small-car market was nothing that came on suddenly. Indeed, about 20 years ago, many leaders in the world auto industry were already convinced that American consumers were ready. Most European leaders agreed.

If so many automotive people could see the inevitability of the small car, why not the managers in Detroit? Were they afflicted with myopia, stupidity, ostrich-like tendencies, or plain greed in not wanting to lose the huge profits engendered by big cars? Perhaps some of these factors entered into the equation, but it is unthinkable that an entire industry could be ill-managed for so long.

The simple reality is that the Detroit managers had no choice. They were locked into a situation that resulted from the concentrated structure of the industry: one behemoth and two giants. With countless billions tied up in plants, tools, dies, and products that would become obsolete with a drastic size change, managers naturally resisted steps that would jeopardize the huge investment, especially since large cars were so profitable and there was no real threat (so they thought) from domestic or foreign competitors.

The inertia into which auto managers so naturally slipped was recently noted by a former top General Motors Corp. official, John DeLorean: "Like any established industry, it's easier to keep doing what you are doing than to stand back and ask what the public really wants. Now they've been dragged kicking and screaming into the small car era, more by the government's fuel economy standards than by anything else, and thank God for that. Or they'd be doing half the business they're doing now."

The failure of huge companies to react to changing conditions is by no means unusual; major developments rarely emerge from the giants of industry. Just as Eastman Kodak Co. failed to pioneer the instant camera and most major innovations came from small companies, the Big Three could not be expected to endanger their established positions by radical changes until foreign companies had taken the lead.

NO COINCIDENCE

In sum, there is no doubt that long ago we would have had a thriving small car industry if the industry had been comprised of 6 to 10 vigorous competitors instead of the three giants.

In recent years many other American industries have also been relegated to second-rate status by foreign competitors—steel, tires, and consumer electronics are a few examples. It is noteworthy that the victims usually are industries that are concentrated and dominated by huge companies. For example, the fact that U.S. Steel Corp. had \$11 billion in assets and Bethlehem Steel Corp. \$5 billion didn't prevent nimble foreigners from obsoleting their technology and

plants—indeed, it was their very size in a concentrated industry that made them vulnerable.

LESSONS AND QUESTIONS

There is one overriding lesson to be learned from the experience of these declining industries. It is that when we permit any industry to become too concentrated—especially when we permit any one company to reach the size of General Motors—we imperil not only the nation itself but also the huge companies that are rendered immobile to change by reason of their giant size.

In the meantime, takeovers of huge companies have become a way of life in industrial America. Aren't these huge amalgamations planting the seeds for further erosion of the nation's industrial position? It should not be forgotten that the concentration of the auto industry resulted from the merger wave that inundated that industry in the '20s, just as the giants in steel emerged from the nation's first merger binge late in the last century.

Isn't it time that our national policy should be changed so as to encourage the largest number of viable competitors by (1) discouraging mergers between huge companies, and (2) deconcentrating industries where there are too few competitors?

One deeply imbedded instinct we share with the Russians is that big is good, and so it is not surprising that there has been currency for the notion that "what is good for General Motors is good for the nation." No wonder it seems almost heretical to propose deconcentration—indeed, I myself opposed breaking up the huge companies some years ago in testimony before three congressional committees.

Yet in view of the wreckage we now see everywhere on our industrial scene, isn't it imperative that we seek new solutions for restoration of our industrial creativity and innovation? We now have ample proof that, like the dinosaurs, the huge industrial bureaucracies have outgrown their day of usefulness in a hotly competitive world where innovation is the name of the game.

Breaking up companies is not as harsh a remedy as everyone thinks—indeed, stockholders will invariably benefit. Why? Today's economic reality is that the parts of most huge underperforming companies are worth much more than the whole; i.e., their stock is selling at less than the proceeds realizable from selling off piecemeal the underlying assets. Most big companies have squirreled away an unbelievable array of infertile assets or peripheral businesses not germane to the main corporate thrusts. That process has been nurtured by the high tax rates that since the '40s have warped the conduct of corporate managers in retaining unneeded earnings that often are then spent on questionable investments and uses, spurred by a corporate spending philosophy that expects Uncle Sam to pay about half the cost.

What oil is to the Arabs, capital is to America—our most valuable economic asset, which should be husbanded and fully utilized.

Moreover, the capital that can be thus freed up could finance the smaller spin-off companies that emerge from the breakup, even in industries that now cannot attract capital because of depressed earnings. For example, General Motors, for its cash bequest to its offspring, could free up countless billions through sale of its locomotive and bus businesses—operations that many deem are in social conflict with its basic auto business—as well as other nonautomotive assets such as its finance and insurance subsidiaries. Similarly, most candidates for breakup have huge assets having no relation to their basic businesses.

Incidentally, the profit potentials that lurk in voluntary breakups already underlie the

strategies of the leading takeover artists, the entrepreneurs engaged in leveraged buy-outs, and astute and creative managers. For example, just note the many recent headlines about the voluntary pruning programs or proposed split-ups of major companies, such as Borden, Esmark, Ashland Oil, IU International, W. R. Grace, and UV Industries. In other words, we are already in a period where breakups are in fashion among perceptive managers who are interested primarily in improved values for stockholders.

THE FIGHT TO OBFUSCATE

To be sure, dilution of power will hold little appeal for managements interested primarily in preserving the status quo, and most managements of companies in concentrated industries have minuscule stockholdings. It can therefore be expected that the industries that have fared worst for stockholders and workers will be the battlegrounds of the coming struggle to obfuscate the need for deconcentration.

Once before, on a much smaller scale, the nation faced the need to break up an entire industry, the huge public utility empire that was created through the helter-skelter mergers of the '20s. The dismantling of the holding companies by the Securities & Exchange Commission left a much healthier utilities industry, benefiting consumers, stockholders, and workers. I speak with some knowledge because as a young SEC lawyer I was involved in the breakup of giant utility holding companies such as Associated Gas & Electric.

The voices that now oppose the remedy raise most of the same arguments that were rejected by Congress when it enacted the Public Utility Holding Company Act of 1935. For example, now as then, a major outcry is about the imagined problems that the split-up companies could face in obtaining needed capital, especially since many breakup candidates are already wallflowers in the capital markets. That was the position of the entire utility holding company industry in the '30s. Indeed, the two largest empires ended up in bankruptcy reorganization, but despite the predictions of doom by those who fought the break-up legislation, no sound utility ever foundered, even where there were the dual hurdles of deconcentration and reorganization.

Moreover, as previously noted, the proceeds from selling assets should provide enough capital for most, if not all, of the split-up companies. Be that as it may, the time has come when the nation needs some sort of "disaster insurance" program to finance failing corporations as an alternative to Chrysler-style taxpayer bailouts. Legislation is needed for creation of a huge capital pool, to be managed by private enterprise, for major investments in troubled situations where orthodox financing is unavailable.

DECONCENTRATION

With respect to the auto industry, a new question is emerging. The world industry is now in a state of flux as foreign car companies begin to consolidate and concentrate in a natural counteraction to the size of our companies. Some experts therefore predict the time will come when the entire world auto industry becomes concentrated, with only a couple of gargantuan companies in each of the main continents. If this might happen, they ask, can we afford to deconcentrate in spite of the risk of injury to our industry?

Proponents of deconcentration answer that: (1) the motive for foreign concentration stems from the desire to cope with the inordinate size of U.S. giants; if we fractionalize, the impetus of foreigners will abate; (2) just as small and nimble foreign companies have routed our giants, so we will be

able to move advantageously against them if they augment their size and thereby develop the immobility that has afflicted our industry; and (3) the coming decade undoubtedly will see the proliferation of alternate power sources for vehicles that could completely change the character of the industry. Should we stifle such innovation and allow the industry to immobilize itself with the new generation of small cars powered by internal combustion engines that have undergone little basic change in 50 years?

Unquestionably, the time has come when we must take a hard look at deconcentration. Perhaps, instead of resorting to legislative fiat, we should undertake to get as much of the job done as possible by creating tax incentives—or disincentives based on graduated income taxes based on size—that motivate managements to effect size reductions through spinoffs, divestitures, or other voluntary breakups. If there is irony that one who has spent most of a lifetime in merging activities now proposes de-merging as the salvation of the free enterprise system, so be it.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT AUTHORIZATIONS EXTENSION

Mr. ROE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 3152) to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such acts for 2 additional years and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, and I do not plan to object, but I would take this time to yield to my distinguished and able subcommittee chairman to explain to us his request.

Mr. ROE. Mr. Speaker, it is the intent of the chairman of the committee to introduce an amendment that will extend this legislation for the following reasons, that we have been in conference with the Senate, as the gentleman from Arkansas knows, for the last 6 or 7 months and we have not been successful in adjusting and adjudicating our differences of opinion between the Senate version and House version of this legislation and we think it is in the interests of the programs to keep them moving and provide the funding that is necessary to extend them for a 3-year period, in which case the gentleman from New Jersey will be offering an amendment to extend these programs for a 3-year period.

Mr. HAMMERSCHMIDT. Mr. Speaker, a bill to extend through fiscal year 1982 the programs under the Economic Development Administration, the title V regional commissions, and the Appalachian Regional Commission. This bill passed the other body on September 28.

It is a result of the breakdown in deliberations between the House and Senate conferees on S. 914. The conference could not agree to terms of amendments to these programs so we have decided to extend the current law through fiscal year 1982, and try again to produce amendments to these acts agreeable to both bodies.

Since its enactment in 1965, the Public Works and Economic Development Act has been broadened by a succession of amendments that, among other things, added programs directed to economic recovery for disaster areas (title VIII); special economic adjustment assistance for areas experiencing, or anticipating, significant structural economic dislocations, especially those resulting from Federal activities (title IX); and job opportunities emergency assistance to areas suffering from unusually high levels of unemployment (title X). Although titles VIII and X are dormant, they did serve a purpose and addressed immediate needs.

In addition, other legislation gave EDA administrative responsibilities over related programs: The Trade Act of 1974 authorized programs to aid communities and firms impacted by foreign imports and the Public Works Employment Act of 1976 and 1977, authorized 100-percent grants for the local public works program. This act was a major piece of anti-recession legislation to help State and local governments accelerate economic recovery by targeting local public works construction programs in areas of high unemployment.

The EDA statement of purpose has been broadened over the years, from ARA's original mission which in turn had evolved from a proposal in 1955 by the late Senator Paul Douglas. Senator Douglas concluded that the rapid expansion of postwar technology was resulting in structural as opposed to cyclical dislocations that created areas of high unemployment, low per capita income, outmigration, and declines in business activity, and social capital investment. The original intent was to aid chronically depressed industrial areas with an emphasis on business loans to assist firms located in such areas.

Early in 1965, the comprehensive Appalachian Regional Development Act was passed to help reverse the longstanding economic deterioration of this region of our country. Recognizing that problems of economic development often transcend State lines, Congress embarked upon a concept of regional economic development. This legislation created a Federal-State partnership to deal with, and find remedies to, economic development problems that extended beyond State boundaries, such as the construction of a developmental highway system to provide access to isolated sections of the region and to make possible a flow of industry and tourism within the region.

During consideration of this legislative initiative, it was decided that the progress of the entire Nation depended greatly on the improvement of those areas which were distressed or underdeveloped. In order to alleviate the distress

or "depressed" areas in America, the economic development legislation was designed to authorize grants and loans for public works and development facilities, loans and loan guarantees for industrial and commercial expansion; technical assistance research and information, and financial aid to planning agencies at the multicounty district and regional levels. This proposal encouraged the local people to develop the necessary ingredients, through planning and the recognition of their needs for long-range economic growth.

The Economic Development Act was based on the past experience and contained features of the accelerated public works program, the Area Redevelopment Administration, and Appalachia Regional Development Commission. It was one of the major pieces of legislation passed by the 89th Congress and it contained an authorization of funds—\$760 million per year for 4 years.

The need for broad political support led, however, to adding special provisions for loans to firms in low-income rural areas and to increased funding for public works.

Amendments over the years have added new eligibility criteria; notably the Farbstain amendment, which provided eligibility to pockets of distress in otherwise healthy areas. Such pockets could be as small as a city block. These impact areas did not need OEDP, but could rely on immediate construction projects to alleviate unemployment.

Additionally, the public works impact program, added in 1971, authorized between 15 and 35 percent of title I grants for construction projects to act as a permanent countercyclical program for high unemployment areas.

EDA did meet resistance in reauthorization efforts; in 1971 and 1973 the administration proposed to dismantle the agency and replace it with special revenue sharing (1971) and block grants to States (1973). Ultimately, in 1974 Congress added a new title IX to address economic adjustment assistance. Plant closures in single industry towns, and military base closings were two types of action needing adjustment assistance for affected communities.

In March 1979, the Subcommittee on Economic Development began hearings on H.R. 2063, the extension of the Public Works and Economic Development Act. We first heard from two noted economists commenting on the role of Public Works construction in economic development.

The subcommittee held 8 days of hearings, the last 2 days, April 24 and 25, devoted to administration witnesses commenting on the National Public Works and Economic Development Act of 1979 (NPWEDA). The submission of this bill to Congress was late, giving the subcommittee very little time to review the bill. The membership ultimately thought so little of it, no one introduced the bill for referral to the committee.

The subcommittee heard over 40 witnesses on the subjects and began deliberation in May for a bill. H.R. 2063, reported May 11, contained amendments to the Public Works and Economic

Development Act, title V regional commissions, Appalachian Regional Commission, and authorized a standby program for local public works.

Amendments to EDA contained some of the administration's draft bill; specifically the committee included the new loan guarantee program for \$1.8 billion in fiscal year 1980, and \$2.5 billion for fiscal year 1981. It also contained new authority for 15-percent grants to businesses, new criteria in addition to existing criteria, and increased funding for all planning programs. Additionally, the committee took initiatives to include a gasohol program and defense related amendments for titles IV and IX, a revolving grant program for cities and changes in administration of the program. The committee also amended the title V commission program to reflect the need for better fiscal management, to recognize new economic conditions under which commissions function and to create a planning relationship with State and local entities.

The Appalachian Regional Commission Authority was extended for 2 years, with the highway program extended for 4 years. The Commission authority was changed to add enterprise development grants, housing aid, innovative project grants, and coal gasification plant assistance.

Finally, title IV of H.R. 2063 amended the Local Public Works Capital Development and Investment Act of 1976, as amended, by authorizing \$2 billion on a standby basis whenever the average national unemployment rate exceeded 6.5 percent for the most recent calendar quarter. This LPW program originally authorized, in 1976, \$2 billion to combat high unemployment. It provided 100-percent grants to States and local governments to construct public facilities. In 1977, the act was amended to add an additional \$4 billion for the same purpose. The committee chose to provide standby authority for this program.

The work done by the Public Works and Transportation Committee came under challenge by the Banking Committee's Subcommittee on Economic Stabilization. This subcommittee reviewed the administration's draft EDA bill, introduced it for consideration and began a markup of it. However, in the spirit of cooperation, the Banking Committee chose not to confront the Public Works Committee over jurisdictional matters.

In November 1979, the House, by a vote of 301 to 99, accepted H.R. 2063. On a vote of 148 to 250, it rejected efforts to delete the standby authority for local public works. The House position was clear; it wanted H.R. 2063 as reported by the committee, with the local public works standby authority.

In December, conferees of both the House and Senate began deliberations to resolve differences in the two versions. The House version, a 2-year extension with LPW, authorized over \$8.6 billion, plus \$4.3 billion in loan guarantee authority. The Senate version contained an extension of 4 years for these programs, except the loan program, which

now has the jurisdiction of the Senate Banking, Housing and Urban Affairs Committee. That committee decided on a 2-year extension for all loan programs except the interest subsidy program which was extended for only 1 year.

The conference committee met four times in December, but could not agree on the major differences of the bills. The conference did not meet again until late July, and met again in September. Time ran out without an agreement. I reluctantly proposed in the last conference meeting on September 18 to dissolve the conference and each committee pass an extension of the regular program under consideration through fiscal year 1981. This was to be a simple extension; no changes in law, no changes in the operation of these programs, no changes in authorization. S. 3152, as amended, is in this spirit.

I will urge prompt oversight hearings at the beginning of the 97th Congress on EDA. I have said before and I say today EDA has disregarded congressional mandates on the operation of the program. I wish to know why EDA allocates funds to Federal regions before the beginning of each fiscal year. I wish to know why EDA established a development finance program, hired staff, opened new regional offices without the new finance authority. These questions and others deserve our attention.

I urged a study commission to recommend changes in EDA eligibility criteria. The conference committee tentatively agreed to this concept. I still support this idea; in future deliberations this independent commission may be formed. I will urge its creation.

Finally, I commend my colleagues, the gentleman from New Jersey, Bob Roe, for his tireless efforts to produce a bill. A simple extension is not an insult to any member. We had honest differences on the direction of this program, and we will try again.

Mr. Speaker, I yield to the distinguished ranking member of our full committee, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, I reluctantly support passage of S. 3152, as amended. This bill extends through fiscal year 1982 the programs of the Public Works and Economic Development Act, title V regional commissions, and the Appalachian Regional Development Act. I would prefer to extend these programs longer, and make changes in law, but that is not possible at this time.

Since last December, a conference committee of 27 members of both bodies have attempted to reach an agreement on S. 914. That bill contained comprehensive amendments to EDA, title V commissions, Appalachia, and the House version contained standby authority for the local public works program. In the ensuing months, the conference met over 10 times to propose alternatives to the serious impasse over program changes for EDA and inclusion of the \$2 billion LPW standby authority.

In September, significant concessions were made by the House, but to no avail.

On September 18, the conference chose not to report a conference agreement. On September 26, the other body passed S. 3152, extending through fiscal year 1981 the basic programs contained in S. 914. The bill, now before the House, does increase slightly the administration expenses for the Appalachian Regional Commission, and the authorization for the fiscal year 1981 Appalachian highway program and adds additional sums for the fiscal year 1982 highway program. The other programs are authorized at current levels.

EDA, title V commissions and Appalachia have operated without legislative authority since October 1, 1979. These programs have continued at basic levels through appropriation action, but EDA has operated at much lower funding levels than had been requested. Indeed, EDA was slated by the administration's original fiscal year 1981 request for \$1.1 billion. Since then, due to budget constraints and the inability to agree on S. 914, the budget request has been passed over, and continuing resolution has appropriated funds at the fiscal year 1979 level.

I cosponsored H.R. 2063, the companion measure to S. 914. I offered an amendment to extend the Appalachian child development demonstration program for an additional 2 years, which was accepted. During consideration by the House on November 14, 1979, I offered an amendment to preserve EDA loan guarantee authority for two steel mill loans, pending with EDA but not approved. Loan program changes contained in H.R. 2063 would have precluded EDA to complete the special loan guarantee program, designed to revitalize ailing steel mills.

One such pending loan is for McLouth steel mill of Detroit, Mich. This amendment was accepted. These provisions as well as many other changes in the law must be put over to a later date. The needs still exist, but Congress cannot agree on larger issues involving changes in the direction of the programs involved.

I have always supported these programs and will continue to do so. The district I represent is mostly within the Appalachian boundaries; I have seen the benefits of this program for the citizens of the Sixth District of Ohio. EDA is also active in my district. I am proud of the funding record by EDA of projects in my district.

There was much at stake in this now defunct conference on S. 914. The new loan guarantee program under title II, the development finance program, would have, under the final conference proposal, authorized \$900 million in loan guarantees. Business investment in central cities would have been a boon to many areas of the country. New grant moneys would have also been increased. The conference attracted pressure from many sources, notably the administration and White House. Negotiations took place to resuscitate the conference. The efforts collapsed. But had these amendments contained in S. 914 been truly an important part of economic revitalization, then honest and sincere efforts could have

been expended earlier. A quality product cannot be produced in such an atmosphere.

S. 3152 will allow additional time to consider amendments to EDA, title V commissions and Appalachia. I urge the House to adopt S. 3152, as amended.

Mr. HAMMERSCHMIDT. Mr. Speaker, further reserving the right to object, I yield to the distinguished chairman of the full committee, the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, I strongly support this bill to extend the economic and regional development programs authorized under the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965, through fiscal year 1982. Over the last 15 years these programs have assisted towns and cities throughout the Nation in adjusting to economic changes, building needed public facilities and creating jobs. Swift passage of this legislation is needed so these worthwhile programs can continue.

Last November, the House of Representatives voiced its overwhelming support of these economic development efforts by passing a more comprehensive bill. The earlier passed bill would have nearly double the funds available to construct local public works facilities and assist with economic adjustment problems. It would have provided greater assistance through loans and loan guarantees to encourage businesses to locate in depressed areas and to expand their business operations.

In addition, that legislation would have established a standby local public works program which could be activated when national unemployment rises to or above 6.5 percent. I am convinced that if this bill had been enacted earlier this year—our national economic recovery would have been on its way, and thousands of workers presently without jobs would now be working.

Unfortunately, a years' efforts to work out differences in the House and Senate versions of this bill have not been fruitful. Despite the outstanding leadership of Bob ROE, as chairman of the conferees, the bipartisan support of JOHN PAUL HAMMERSCHMIDT and BILL HARSHA, and the tireless effort and support of the House conferees, we were unable to reach agreement that would result in an improved and strengthened economic development program.

While there were substantial differences in the two bills, there is nearly unanimous agreement that the programs of the Economic Development Administration, the Appalachian Regional Commission, and other regional commissions should be continued. They have proven to be an effective means of job creation as well as a valuable source of assistance for urban and rural communities alike.

The Economic Development Administration has been limited to funding at 1979 appropriation levels, awaiting final enactment of an authorization bill. Passage of the bill before us today, will allow for the appropriation of funds for these economic development programs, and it

will record our endorsement of this program as a viable means of fostering economic recovery.

I urge your support of this measure.

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

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. ROE)?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(2) Section 105 is amended by striking out "and September 30, 1979," at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981." Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(3) Section 201(c) is amended by striking out "and September 30, 1979," at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(4) Section 204(c) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(5) Section 303(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981." Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(9) Section 509(d) (1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981." Section 509(d) (2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(10) Section 605 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, and September 30, 1981."

(11) Section 1007 is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1981."

Sec. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304) as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1981,"

Sec. 3. The Appalachian Regional Development Act of 1965 is amended as follows: (1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: ", and not to exceed \$6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed \$1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff).";

(2) Section 106(7) is amended by striking out "1979" and inserting in lieu thereof "1981".

(3) Section 201(g) is amended by striking out "and \$170,000,000" and inserting in lieu thereof "and \$215,000,000".

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: ", and \$300,000,000 for the two-fiscal-year period ending December 31, 1981."

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1981".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ROE

Mr. ROE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. ROE: Strike all after the enacting clause and insert in lieu thereof the following:

That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:

(1) The first sentence of section 102 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(2) Section 105 is amended by striking out "and September 30, 1979," at the end of the first sentence and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982." Section 105 is further amended by striking out "and September 30, 1979," in the third sentence thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(3) Section 201(c) is amended by striking out "and September 30, 1979," at the end thereof and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(4) Section 204(c) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(5) Section 303(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982." Section 303(b) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(6) The first sentence of section 304(a) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(7) Section 403(g) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(8) Section 404 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982,"

(9) Section 509(d) (1) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982." Section 509(d) (2) is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(10) Section 905 is amended by striking out "and September 30, 1979," and inserting in lieu thereof "September 30, 1979, September 30, 1980, September 30, 1981, and September 30, 1982."

(11) Section 1007 is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982."

Sec. 2. Section 2 of the Act entitled "An Act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971", approved July 6, 1970 (Public Law 91-304), as amended, is amended by striking out "September 30, 1979," and inserting in lieu thereof "September 30, 1982."

Sec. 3. The Appalachian Regional Development Act of 1965 is amended as follows:

(1) Section 105(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed \$6,700,000 for the two-fiscal-year period ending September 30, 1981 (of such amount not to exceed \$1,100,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff), and not to exceed \$3,350,000 for the fiscal year ending September 30, 1982 (of such amount not to exceed \$550,000 shall be available for expenses of the Federal cochairman, his alternate, and his staff)."

(2) Section 105(7) is amended by striking out "1979" and inserting in lieu thereof "1982".

(3) Section 201(g) is amended by striking out "and \$170,000,000" and inserting in lieu thereof "\$215,000,000" and by inserting before the period at the end of such section the following: "; and \$215,000,000 for fiscal year 1982".

(4) Section 214(c) is amended by striking out "1978" and inserting in lieu thereof "1980".

(5) Section 401 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and \$300,000,000 for the two-fiscal-year period ending September 30, 1981, and \$140,000,000 for the fiscal year ending September 30, 1982."

(6) Section 405 is amended by striking out "1979" and inserting in lieu thereof "1982".

Mr. ROE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The gentleman from New Jersey (Mr. ROE) is recognized for 1 hour.

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

Mr. Speaker, this bill is needed to insure the continued operation of our Nation's primary economic development programs. The prompt enactment of this bill will extend the programs of the Economic Development Administration, the Appalachian Regional Commission, and other multistate regional commissions, through fiscal year 1982. This action is necessary to permit the appropriation of funds so that vital local projects can move forward, jobs can be created, and economic recovery stimulated.

These economic development programs, since their inception in 1965, have had strong congressional support. This support is warranted because these programs have proven to be an effective way to expand job opportunities, respond to local needs and priorities, and to promote economic stability in depressed areas throughout the country.

I am personally disappointed that I am not bringing to the House floor today a conference report on the national public works and economic development bill which we passed more than a year ago by a 3-to-1 margin. As you will recall, that bill would have established a framework for a national economic policy. It would have expanded economic assistance available to local communities and provided a critical source of development financing to stimulate business investment. Through these additional funds, thousands of jobs would have been created, and the economic impact of the recession would have been substantially lessened.

As chairman of the conference committee, I want to report to you that we spent many long months attempting to accommodate Senate views. We offered numerous compromises which, had they been accepted by the other body, would have resulted in a greatly strengthened economic development program. However, continued disagreement on a number of key issues indicated that an acceptable compromise could not be reached during this session of Congress. However, I do want to compliment and thank the House Conferees: Chairman JOHNSON, the ranking minority member, BILL HARSHA; the able minority member of the Economic Development Subcommittee, JOHN PAUL HAMMERSCHMIDT; as well as my fellow respected and capable colleagues, Representatives OBERSTAR, NOWAK, BOUQUARD, EVANS, CLINGER, LEATH, BONIOR, CLEVELAND, and Congressman MOORHEAD of the House Banking Committee, for their hard work and their continued support and commitment to economic development legislation.

With national unemployment presently at 7.8 percent, the prime interest rate rising this week to 16½ percent, and a lengthy backlog of local projects which cannot be started to spur economic recovery—the need for a stronger, more effective economic development role in this country is apparent. With rumors abounding that the new administration will be slashing or eliminating a number of Federal assistance programs, I feel it is paramount that the Congress point out the importance of a national policy for economic stability and growth. It is essential to point out the past success and the potential expanded role of these economic development programs. These economic development programs have revitalized many local areas by providing the seed money to assist rural and urban communities diversify their economies. They have enabled businesses to survive in light of threatened foreign competition. This is a prudent use of tax dollars—it generates revenues and creates and retains jobs. It provides a strong foundation to build on.

Not only should the regional and economic development programs be retained—but they should be expanded. Funding for all the economic development programs for fiscal year 1980 was barely over \$500 million dollars—the multiregional commission funding serving nearly every State was a mere \$400 million. Is that a fair indication to the 8 million unemployed Americans that creating jobs is a high priority for this Nation? Is that a realistic or viable amount to revitalize decaying cities, to improve economic opportunities in urban America or an honest attempt to create the more than 15 million new jobs we are projected to need in the 1980's. I think not.

We must give greater attention to developing a national policy to promote economic growth and stability. This policy must attack the economic problems we will be facing in the 1980's. Certainly a stronger policy is needed to encourage energy independence, spur productivity and innovation, and increase our Nation's economic competitiveness. We have a tremendous challenge to revitalize this country's industrial stock and to broaden the base of our economy. There remains serious pockets of distress which must be rebuilt and the rapid growth taking place in certain areas must be handled in a manner that promotes economic stability. A national economic development policy must address each of these areas.

I am proud to be a supporter of these economic development programs. I urge my colleagues to join me in supporting this legislation and to work for a more realistic level of funding for these programs. They have been effective, and I will continue to work to expand them, refine them, and give them a greater role in building and regenerating our economy.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. ROE).

The amendment in the nature of a substitute was agreed to.

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

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the Senate bill, S. 3152, just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONFERENCE REPORT ON SECOND CONCURRENT RESOLUTION ON THE BUDGET—FISCAL YEAR 1981

Mr. GIAIMO. Mr. Speaker, pursuant to an order of the House of November 19, 1980, I call up the conference report on the concurrent resolution (H. Con. Res.

448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. FISHER). Is there objection to the request of the gentleman from Connecticut (Mr. GIAIMO)?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of Wednesday, November 19, 1980.)

Mr. GIAIMO (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to section 305(a) of the Congressional Budget Act of 1974, Public Law 93-344, the gentleman from Connecticut (Mr. GIAIMO) will be recognized for 2½ hours, and the gentleman from Ohio (Mr. Latta) will be recognized for 2½ hours.

The Chair recognizes the gentleman from Connecticut (Mr. GIAIMO).

GENERAL LEAVE

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the conference report on House Concurrent Resolution 448.

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

There was no objection.

Mr. GIAIMO. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is my pleasure to rise and urge strongly adoption of the conference agreement on the second concurrent resolution on the budget for fiscal year 1981. The agreement reached just yesterday is not much different from that adopted by the House on Tuesday of this week.

The principal difference between the conference agreement and the resolution we adopted here a few days ago is that there is now provision for a larger tax reduction than had been accommodated in our resolution. Where the House version of the resolution provided for a net revenue loss due to a tax cut of \$5.4 billion after computing the amount of reflow, or feedback, generated by such a cut, the conference agreement now provides for nearly twice as much tax cut. The conferees agreed to make provision to accommodate a tax reduction of \$10.1 billion net, after feedback, for the fiscal year. Depending on when such a reduction would be enacted and depending further on what taxes are reduced more than others, this provision would accommodate early action next year by the Congress on a reduction of approximately \$35 billion.

On the spending side, the House conferees and those from the other body basically split their differences, which were small. The net result is that the agreement before you contains \$650 million in higher outlays than did the resolution when it passed the House. This amounts to about one-tenth of 1 percent. The income security function and that for defense have been increased from House-passed figures.

The aggregate ceilings on budget authority and outlays for fiscal year 1981 contain an overall spending reduction which is consistent with the President-elect's announced intention of reducing Federal spending through the elimination of waste, extravagance, fraud, and abuse without damage to programs. All functional totals have been adjusted to reflect overall reduction in spending.

The managers, however, wish to make it clear that this reduction in spending has been distributed to budget functions simply to display the overall reduction. In other words, the functional reductions are purely illustrative. Prorated reductions in budget authority and outlays in a particular function do not imply that the reductions are that function's share of waste, extravagance, fraud, and abuse. The prorated reductions in functions are not intended to serve as specific spending guidelines for those functions. The final determination of where reductions will occur will await the specific recommendations of the President-elect and disposition by the appropriate spending committees of the Congress.

When this occurs, it will be necessary to adjust each functional total to comply with those decisions. In fact some functions, such as function 600, "Income security," may have to be increased.

The resulting deficit in the conference agreement is \$27.4 billion—\$2.4 billion higher than the House-passed resolution. Of that \$1.7 billion is accounted for by the larger tax cut provided for in the compromise.

Two provisions that were contained in the House-approved resolution have been adopted in the conference agreement. One provides for a prompt review of the Budget Act and the working of the budget process to see whether it can be improved. The other requires adoption of a conference report on the Omnibus Reconciliation Act of 1980 before adjournment sine die.

A provision that was in the resolution as it passed the other body also has been included in the conference agreement. It calls for careful monitoring of cost impacts of any new regulations promulgated and urges that compensating savings be achieved whenever new regulations are adopted.

When the House considered the budget resolution recommended by the Budget Committee, I pointed out the importance of putting binding limits on spending and revenues so that the 96th Congress could complete the discharge of its duties and so that the orderly procedures of Government might go on.

I am very pleased that we were able to achieve a speedy and equitable agreement in conference.

Let me say, Mr. Speaker, we are bringing back a conference report which we completed with the Senate yesterday afternoon and last evening setting forth binding ceilings on Federal spending and a floor on Federal revenues for the fiscal year 1981.

As is known, we adopted these in the House several days ago, the Senate did subsequently, and we worked out some differences which we have in conference. We have established Federal revenues for fiscal year 1981 at \$605 billion which will provide for a tax cut with a fiscal year 1981 impact of \$10 billion in reduced revenue.

In other words, the conferees are presupposing that the next Congress, the Congress which will meet in January, will enact a tax cut of the magnitude of about \$30 billion to \$35 billion which, depending on its makeup and how and when it will become effective, could effect fiscal year revenues in fiscal year 1981 by about \$10 billion.

□ 1140

This is higher than the \$6.4 billion we had in the House bill and lower than the \$16 billion that was in the Senate bill, but it is reasonably agreed that a \$10 billion revenue figure change in the revenue number could be accommodated by a \$35 billion tax cut next year by the Congress.

We had a difference between the House and Senate on the outlays. We were at \$631.7 billion. They were at \$633 billion. We compromised our differences at \$632.4 billion, which is \$700 million above the House number and \$600 million below the Senate number.

This provides for a deficit of \$27.4 billion.

I want to stress this budget provides for a reduction in expenditures of \$18 billion. The correct estimate of expenditures for fiscal year 1981, according to the mid-session review of OMB, the CBO review, the House and Senate Budget Committees estimates and in fact, many other people, including the President-elect's people, have indicated that outlays for fiscal year 1981 will be about \$648 billion. This is the best estimate that we have on what outlays will be for fiscal year 1981. It is essential that there be reductions. We all know that. We all believe that is essential for the coming year.

How much should these reductions be? Clearly, the \$648 billion outlay figure is unacceptable. It is certainly unacceptable to a majority of people in this body and in the other body.

Therefore, the decision was made to reduce outlays. Having made that decision, we were faced with the question of where we should make the reductions and how much the reductions should total; and at that point, the Budget Committee of this body and the other body came to the conclusion of where the reductions should be specifically made, should rest with the new Congress and with the President-elect.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

Mr. GIAIMO. Mr. Speaker, I yield myself an additional 5 minutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. We should not attempt to define and isolate those decisions, those reductions, at this time. I think that is fitting and proper. We should not tie the hands of the incoming administration, the President-elect, and of the next Congress.

As this body knows, I am retiring from this great Congress this year after 22 years of service, and I am determined to do everything that I can to get better management of the way in which we govern and the way in which we spend the taxpayer's dollar. I have no axe to grind. I do not want to embarrass the President-elect.

I applaud the efforts of the President-elect and of the many people who are coming here next year who clearly want to do what is necessary to stem the runaway budgetary situation which faces us in our expenditures.

So it is essential that we should leave flexibility to the President-elect and to the next Congress in their efforts to reduce expenditures. They will have to make the bitter and the difficult determinations. They will have to advise Congress, and Congress will have to act on them. So we did not decide and determine where specific cuts should be made. What we did was to take the correct accurate estimates of what outlays would be, not only in the total aggregate of \$648 billion, but also in the functional breakdowns in the various functions of Government, and we applied the correct numbers there. And then, we assessed an arbitrary reduction across the board excluding defense and interest on the debt and offsetting receipts because of the realities of trying to reduce those three functions, recognizing that it is impossible to reduce those three functions, and we assessed the reduction pro rata across the board to all the other functions.

The next question that faced us was how much should the reduction be below the \$648 billion. We could have cut the entire \$43 billion deficit. We could have reduced that entire amount and been in balance. That would have been improper. That would have been unrealistic, and to try to reduce expenditures by \$43 billion would have imposed an impossible burden on the incoming administration and on the incoming Congress. It would really and truly have been sandbagging.

So clearly, we did not adopt that course. How much then should we reduce it? What would be a sensible attainable goal in reductions?

We came up with the figure of about a 2-percent reduction. We were guided quite honestly and frankly to a great extent by the fact that the President-elect himself has indicated that he thought 2-percent reduction in Federal spending could take place in fiscal year 1981.

As a matter of fact, one of his advisers, I believe Mr. Weinberger, has recently stated that he thought even more than that could be reduced. So we in the

House reduced expenditures to \$631.7 billion. That was the 2-percent reduction. The Senate was very close to us, \$633 billion in outlays. We think that that number is realistic.

The SPEAKER pro tempore. The time of the gentleman from Connecticut (Mr. GIAIMO) has again expired.

Mr. GIAIMO. Mr. Speaker, I yield myself an additional 5 minutes.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. GIAIMO. We do not suggest or tie anyone's hands as to where the reductions should be made. Again, we leave it up to the President-elect and to the Congress.

We compromised our differences between the House and Senate outlay numbers of \$631.7 and \$633 billion, and we came forth with outlay number of \$632.4 billion, leaving a deficit of \$27.4 billion.

□ 1150

We believe most, if not all of this, can be obtained from an abolition of fraud, waste and abuse. The President-elect believes that he can obtain that sum of money, and so do many of us here in Congress.

I think this will help us and compel us to take greater efforts to find where those wasteful expenditures are and where we can eliminate them.

For those of you who are interested, I want to stress that more money is included in some of the functions you are interested in, such as income security, than we had in the House bill, some more money in defense, and a bit more money in some of the other programs; some reductions were made in the interest estimate and some reductions in some of the other functions. But again these reductions are pro rata and are not binding on the President-elect.

The point is that the conference report is not much different from the bill that passed the House. There is a slightly increased deficit caused by the provision for a larger tax cut than we envisioned in the House. We envisioned a tax cut with a revenue impact of \$5.4 billion. This provides for a tax cut with a revenue impact of \$10 billion in keeping with the amendment which prevailed in the Senate and which was incorporated into the Senate bill.

Mr. Speaker, I urge the adoption of this conference report. This is a real effort to begin to hold the line on Federal spending. It is going to take every bit of effort that we will have in the new Congress, with the new administration and the President-elect, to bring down the hemorrhaging which is occurring in Federal outlays.

I think this budget is a step in the right direction. I believe it does not tie the hands of the President-elect. It does not tie the hands of the future Congress which will come here January 3. It deserves your support, and I urge its adoption.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, since this will hopefully and presumably be the last time the distinguished gentleman from

Connecticut manages legislation on the floor of this House, I want to take this opportunity as a member of the Budget Committee to say what a tremendous pleasure it has been to work under his leadership over the course of the last 2 years. The gentleman from Connecticut (Mr. GIAIMO) has been, in my judgment, one of the outstanding Members of this House and as chairman of our committee, if the gentleman can listen for a minute while I pay lavish tribute to him, I want to say that his leadership, his commitment, his insight into the issues that we have had to grapple with has truly been an inspiration.

Like Virgil in the "Divine Comedy," he was our legislative guide through the contemporary and secular version of the "Divine Comedy," which is the budgetary process.

I must say that nothing impressed me more about the chairman than the fact that he was able to get the second budget resolution through the conference committee in a grand total of 45 minutes. As a legislative engineer, he made the bullet train which goes from Tokyo to Klotz look like the BMT going from Brighton Beach to Times Square in New York.

Our great chairman has done a marvelous job.

I am particularly delighted to have an opportunity now to address myself to the substance of this question, the budget resolution conference report before us. I will be very brief, Mr. Speaker, because basically what I want to say is that this conference report represents the first real test of voodoo economics since the election a few weeks ago.

During the course of the campaign, Governor Reagan told the American people that he would be able to cut billions of dollars out of the Federal budget in the form of waste, extravagance, and abuse, without impacting on any substantive and needed Government programs. This conference report puts President-elect Reagan to the test. It takes him at his word. It provides for a 2-percent across-the-board cut, which comes to about \$17 billion, that presumably if the President-elect is correct it can come in the form of elimination of waste, fraud, and abuse, without impacting on Government programs. If it turns out that the President-elect cannot cut \$17 billion in fraud, waste, and abuse, then at that point there would either have to be real programmatic reductions of a third budget resolution.

I hope the new administration can deliver on its campaign promises. I hope it can translate its campaign rhetoric into budgetary realities; but if not, we will be back, I am sure, for another round on a third budget resolution.

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

Mr. Speaker, I, too, want to join with my friend, the gentleman from New York, in the very kind words that he has said about our chairman. We are going to miss Bob GIAIMO in this House and certainly when he comes back to Washington, I hope that he will come back and give us the benefit of his wise counsel, especially about these times when we are considering our budget resolutions.

Mr. Speaker, I rise in opposition to this conference report on the second budget resolution for 1981. I opposed the budget resolution then, and, because budget authority, outlays, deficit, and the public debt are all up on those contained in the resolution as it left the House, I oppose it now.

For my colleagues, let me explain exactly why I believe they should join me in opposing this conference report.

First, and most important, this 96th Congress has been repudiated at the polls. Its economic policies, and those of the incumbent President, were overwhelmingly rejected by the American people. As such, it is highly inappropriate and ill-advised for this body to attempt to impose its will on the new and vastly different 97th Congress and President-elect Reagan. I am extremely concerned that this is a budget built on highly unrealistic economic assumptions—assumptions the financial markets are at this very moment proving incorrect and too optimistic. Should this be the case, and I believe it is, we will be saddling the new Congress and our new President with a budget which is out of date and much deeper in deficit before they even take office. I believe this to be a cruel and dangerous situation, and one we should not seek to impose on the new administration.

Second, while the rhetoric would leave you to believe we are cutting the budget by about \$16 billion, I warn you not to be fooled by appearances. First, this resolution calls for spending \$632.4 billion in 1981, an increase of \$53 billion over the level in 1980. The deficit will be at least \$27.4 billion under this proposal, and the public debt will climb to \$978.6 billion—just a hair under the \$1 trillion mark.

So do not be fooled into thinking you are cutting spending when you consider voting a budget resolution which is \$19 billion higher than in the first budget resolution for 1981 we adopted this past summer. More important, while this budget may well call for spending \$16 billion less than the Government would otherwise spend, nowhere in this resolution is any means provided to make these reductions. There is no additional reconciliation language forcing the committees of the Congress to cut spending under their control, and this body refused to give the President limited, 9-month powers to impound funds in excess of the budget ceiling established in this resolution. So once again we are trying to pull the wool over the eyes of the taxpayers. We say we are cutting spending, then vote against giving the Congress or the President the tools to enact these cuts.

Because the 96th Congress refused to grant emergency powers either to itself or to the President these spending reductions may well not take place. As a result, what you are really voting on today is not a budget of \$632 billion, but one of at least \$648 billion; you are not voting for a deficit of \$27.4 billion, but rather one of \$43 billion. Under those circumstances, I do not see how any Member of this House who is concerned

about inflation, unemployment and excessive growth of Government can support this budget resolution.

I realize the votes are not here to defeat this conference report. We failed by 12 votes on Tuesday. However, let the word go out across this land at this time that come next January and a new administration and a new Congress, things are going to be different.

● Mr. MATTOX. Mr. Speaker, I rise in support of the conference agreement on the second budget resolution. It signifies that the 96th Congress has met its constitutional and legal responsibility in fashioning an agreement that provides wide latitude and flexibility for the incoming administration.

It is significant to note that again the Republicans are divided and unwilling to cooperate in the House of Representatives in a constructive effort to provide for a tax cut, spending reductions, and a lower deficit. The Senate Republicans cooperate, but their House colleagues remain recalcitrant and negative, more interested in rhetoric than deeds. I can only hope this attitude does not persist in the 97th Congress, but the signs are not positive.

In any event, the Democrats in the House and a bipartisan coalition in the Senate have proceeded to carry on the Nation's business by adopting a budget for fiscal year 1981. ●

Mr. Speaker, I have no requests for time. I yield back the balance of my time. Mr. GIAIMO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 21, 1980, TO MONDAY, DECEMBER 1, 1980, AND RECESS OF THE SENATE FROM TUESDAY, NOVEMBER 25, 1980, TO MONDAY, DECEMBER 1, 1980

Mr. SIMON. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 451) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 451

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate recesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridian on Monday, December 1, 1980.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There is no further business before the House for today.

Tomorrow we understand that the

conference reports on appropriations for the Department of Interior and for the District of Columbia should be available; so the House will meet at 10 o'clock tomorrow morning, and we will take up those matters and trust we will be through at a reasonable hour.

If the surface transportation bill is available tomorrow, that also will be on the schedule.

□ 1200

Are there any 1-minute speeches at this particular time?

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from New York (Mr. STRATTON).

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

There was no objection.

GENERAL LEAVE

Mr. DONNELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Georgia (Mr. BRINKLEY).

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

There was no objection.

TRIBUTE TO DAWSON MATHIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BRINKLEY) is recognized for 60 minutes.

Mr. BRINKLEY. Mr. Speaker, I congratulate the House for having done their work in such an expeditious manner and having arrived at this point at such an early time.

Many of my colleagues from Georgia are in their offices and perhaps they will be here right away.

As dean of the Georgia delegation I have requested this time in order to honor a dear friend and colleague, Dawson Mathis of the Second District of Georgia.

The "Dear Colleague" letter that I sent around to each of my colleagues I think aptly describes the man. I would like to share that letter with my colleagues again at this point for the RECORD.

It reads as follows:

WASHINGTON, D.C.,
November 18, 1980.

DEAR COLLEAGUE: For ten years Dawson Mathis has served his country, his Congressional District and his fellow citizens with uncommon resolution . . . reflecting constitutional principles and a broad understanding of diverse national needs, human needs and matters touching upon the people who sent him. Dawson majored in agriculture in the House of Representatives and formed a

close working relationship, also, with Members who had strong consumer interests. Perhaps he understood best of any of us that agriculture and consumerism go hand in hand, and that, when either suffers, both are injured.

Dawson Mathis has met the Edmund Burke test. He does prefer the interest of his constituents always, ever, and in all cases, over his own. Yet his unbiased opinion he would not and has not sacrificed, "... to any man, or to any set of men living!"

Dawson Mathis is an uncommon man. Please join the Georgia Delegation at the close of business on Thursday, November 20th, for a Special Order expressing our appreciation to him.

Respectfully,

JACK BRINKLEY,
Member of Congress.

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

Mr. BRINKLEY. I am pleased to yield to my friend from Texas.

Mr. GONZALEZ. I thank my very distinguished and very much admired and appreciated colleague from Georgia (Mr. BRINKLEY) for this special order and for also having advised us that we would be having this special order in order to note the tenure and the performance during that tenure of our colleague, DAWSON MATHIS of Georgia, whom I have gotten to know extremely well over and above the usual knowledge and association that one has with the average colleague in a 435-Member House of Representatives.

The Representative from Georgia whom we honor at this point has always been impressive to me by his youth, his energy, and his vision, above all, his friendly spirit. There is a word in Spanish that cannot quite be translated into English that I think describes perfectly our colleague. We say an individual es muy campechano. The reason it cannot be translated into English is that it is a very colloquial secular expression in Spanish.

What I really mean, though, is roughly translated a handsome and well-doing young man and one who very diligently as a Representative from his district in Georgia reflected not only those interests but also those aspects of those interests that transcended the purely local and effect us all when we vote in a body such as this one. I have in mind one particular instance. As chairman of the Subcommittee on International Finance and Banking Institutions we have occasion to handle some of the most delicate and most expressive legislation. At one point we were having hearings for the fifth replenishment in one of the regional banks when the gentleman from Georgia (Mr. MATHIS) asked to be heard. He first talked to me and pointed out that we have a situation confronting the competition given American producers of such things as palm oil and some of the other productions of our agricultural economy and how, wittingly or unwittingly, we were contributing in an unjust way to diminishing our ability to compete worldwide in these specific areas of agricultural production.

Thanks to the gentleman from Georgia (Mr. MATHIS) we were able to present some knowledgeable hearings that in turn enabled us to have a pres-

ence with this multinational institution and, therefore, defend the proper interests of American agricultural production.

This is just one example of how it was brought home to me how efficient and how diligent our colleague from Georgia has been.

It was with a great deal of sadness that I saw that his hope and aspirations to join us on the other side of the Capitol were frustrated. I think now when we realize what happened in November that there are many, many people I am sure in Georgia that wish that our colleague (Mr. MATHIS) had succeeded in the primaries.

Nevertheless, there is another aspect. I played ball with Dawson Mathis and if you ever want to know an individual, you play sports with them. We played hard ball on behalf of the Democratic Club against the Republican Club a few years ago. That was where I really got to know Dawson and struck up a very good, close personal friendship.

□ 1210

We teased each other, and I want the record to show, at a time when Mr. MATHIS will have an opportunity to read it, that I bid him farewell and Godspeed in all his future endeavors, but that back in San Antonio, Dawson, we still have Club Numero Tres. In other words, Club 13, which exists in his district, but I want to point out to my colleague that the only difference is that in my district, they have personal search for gun and switchblades before allowing admission to Club 13 or Club Numero Tres in my area.

I thank the distinguished colleague from Georgia (Mr. BRINKLEY) for allowing me this privilege.

Mr. BRINKLEY. I thank the gentleman from Texas (Mr. GONZALEZ) so much for his contribution. I want the record to show that for a decade here in the Congress, Mr. GONZALEZ was a star pitcher for the Democratic baseball team when we played during those years at RFK Stadium, when the Washington Senators were here. Those are some of the happiest hours in our book of memories, Mr. Speaker, when we were with the gentleman during those times.

Congressman MATHIS, of course, was one of our stars in those hardball games. I would like to briefly say a few other things about Dawson, who has served us so well from the State of Georgia in the realm of agriculture—which is mighty important to my State and really important to the Nation—because he has not had a "store shelf mentality." He has known that food does not just appear on the grocery shelves nor fiber upon the haberdasher's racks. He knows, and has tried to translate the fact, that we need to have a healthy agriculture in order to have a healthy foundation, a robust foundation for the country. Because of his efforts, we have minded the store, we have maintained the good health of our agricultural system in spite of continuing problems which do exist today.

Because of those problems, we shall sorely miss him. A personal word or two about Congressman MATHIS. He hails from extreme south Georgia, the Second

District of Georgia. In the mold of his predecessor, Maston O'Neal, Representatives from that district always seem to stand squarely on their feet, to look a man or a woman directly in the eye, and to meet people on a man-to-man basis, on the level, as it were.

Dawson Mathis is such a man as that. He meets and communicates well with people in all ranks and stations of life. The rich and the poor and the high and the lowly have come to him for assistance and without regard to rank or station, he has always done his dead level best to respond to their needs.

When he first came to Congress, he was that articulate, handsome, young man with ambitions to go to the other body. In 1972, there came an opening, and he did consider running for the United States Senate, not too long after Senator David Gambrell had been appointed.

Many people, myself included, believe that had he chosen to run on that occasion, he would have won. Another bright young man came upon the scene and did run and was elected, Senator SAM NUNN, who has become one of our rising stars from the South and from the Nation; but as Shakespeare said,

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to
fortune;

Omitted, all the voyage of their life
Is bound in shallows and in miseries.

On such a full sea," he said,
"We are now afloat and we must take the
current

When it serves or lose our ventures."

For Dawson Mathis, some may have thought that tide was 1972 for the U.S. Senate, because he did run this year in 1980 and unsuccessful; but I say in response to that Shakespearean quote, that there have been other tides for Dawson Mathis, chief among which has been the 8 years of service which he has performed with distinction in this House of Representatives, since that time.

I predict for him that there will be still other tides upon which he may go in other areas of endeavor where he chooses to serve. If he returns to the Empire State of the South, we know he will succeed. If he chooses to stay in Washington and help us with our labors here, we know he will be successful.

So, Dawson, we express appreciation to you. We are grateful for your friendship and we wish you well.

Mr. FUQUA. Will the gentleman yield?

Mr. BRINKLEY. I will be glad to yield to the gentleman from Florida.

Mr. FUQUA. I would like to thank the gentleman from Georgia (Mr. BRINKLEY) for yielding. I, too, want to join with him in paying our respects to our dear friend, Dawson Mathis. For the past 10 years I have been privileged to serve in this House with a gentleman from Georgia who represents the district across the State line from my own.

Dawson Mathis, of Georgia's Second District, has served this House and his constituents with a dignity and dedication which has earned the respect of all who know him.

Though we are from different States, our districts are about as similar as any two congressional districts can be; we

share the same red clay and a constituency which could be virtually interchangeable. Our districts touch along the Georgia-Florida border across most of our States, more than 100 miles. Both are agricultural districts and Dawson MATHIS' record of intelligent support for the farmer has particularly distinguished his service on the Agriculture Committee.

Soybeans and peanuts are the primary crops in the Second District of Georgia, just as they are major crops in the Second District of Florida. As chairman of the Subcommittee on Oilseeds and Rice, with jurisdiction over peanuts and soybeans, Dawson MATHIS has ably represented his constituents and valiantly protected their interests.

His sponsorship of successful legislation to establish trade offices throughout the world to promote American crops, the Agriculture Act of 1978, was a farsighted and effective aid to all of America's farmers.

To dwell on Dawson's congressional accomplishments, however, is to overlook his value as a person. What higher praise is there than to say "This man is my friend." I'm sure this Chamber is filled with other colleagues who feel the same.

The Florida Times-Union of Jacksonville probably captured the spirit of Dawson's reputation at home when it wrote this:

Dawson Mathis is an incredibly hard worker, a meticulous planner, a demander of dedication, a perfectionist. He expects a lot from himself and his staff . . . his ideology dovetails neatly with the thinking of a lot of Georgians.

DAWSON MATHIS has represented my constituents as well as he represented his own.

I join my own constituents as well as his in saying his service will be greatly missed though his continued friendship will be valued forever.

Mr. BRINKLEY. I thank the gentleman from Florida and would agree with his assessment that within the Second District of Georgia, where they know Dawson MATHIS best, he had a safe seat; they loved him then, they love him now, and they appreciate him very, very much.

A final word: with reference to his dear wife Sharon, it has been said that a man can do anything as long as he has a woman to hand him things. There is a great deal of truth to that. You are up there on the chair trying to replace the light bulb. You say, "Hand me the screwdriver," et cetera, et cetera. I wish to compliment this fine and beautiful lady for being a helpmate to her husband. For while keeping up with responsibilities here, both she and Dawson crisscrossed the State of Georgia which is a fairly large State, the largest east of the Mississippi. They did a very fine job in meeting with people and in addressing the rigors which are always incurred in a political race of this nature. Dawson and Sharon were with me at the Columbus Iron Works Trade and Convention Center, and I shall always be grateful for that; Then again at the special birthday party at home, Sharon, as a lady of grace and ability, we wish

you well; and again, Dawson, we say to you, our friend, Godspeed and do not stay away too long.

Mr. ADDABBO. Mr. Speaker, I rise to take this opportunity to pay tribute and call to the attention of my colleagues in the House, one of the finest Congressmen and gentlemen the South has ever given this body, Representative Dawson MATHIS of Georgia.

I have served in Washington for a great many years and can recall few men who impressed me as much as a newcomer to the House, than Dawson. In a short time, Dawson soon began to earn the respect of his colleagues for the long hours he put in, his knowledge of a great many and complicated issues, and a man who was true to his word.

Dawson always placed a high priority on the needs of his constituents, serving admirably on the Agriculture Committee and chairing the Subcommittee on Oilseeds and Rice, a position of great importance to Georgia's economy. Dawson became known as a friend of the free enterprise system, and supported bills to increase the territorial fishing limit to 200 miles, safeguarding the needs of the American fisherman.

His other interests concerned, among others, the ever growing need for this country to become energy self-sufficient and he pursued this goal while serving on the Committee on Interior and Insular Affairs. He has been a strong supporter of legislation dealing with geothermal, solar, and safe nuclear research and has been an advocate for the development of synthetic fuels and research on nongas powered automobiles. Thanks to his tireless efforts, our country is moving ever closer to reducing its dependence on foreign sources of fuels.

DAWSON MATHIS has served the people of Georgia well since he first arrived here in 1970. I consider him a good friend and a wonderful man to have worked with and wish him the best of luck in the future. I am sure that whatever line of work he returns to he will give it the same all out effort he shared with us.

● Mr. OTTINGER. Mr. Speaker, I would like to take this opportunity to recognize the outstanding service of one of my most distinguished colleagues, Dawson MATHIS.

For the past 10 years, Dawson has represented Georgia's Second Congressional District. In that time, he has proven himself a fair-minded and able legislator.

His ability to represent his constituents while looking out for the national interest has earned him the esteem of his colleagues.

Noteworthy among his accomplishments have been his contributions to the Democratic Party. As an active member of both the Democratic Study Group and the Democratic Steering and Policy Committee, Dawson has helped guide the Democratic Party's legislative agenda.

Dawson MATHIS has not shied away from pressing national issues. His support for energy conservation was important in developing policy measures to help relieve us from reliance on imported oil. He has been a leading advocate of campaign finance reform. As chairman of an important Agriculture Subcom-

mittee, he has fought to maintain America's preeminent position in food production.

Mr. Speaker, the House of Representatives and the people of Georgia's Second District will sorely miss Dawson MATHIS.●

● Mr. FINDLEY. Mr. Speaker, Dawson MATHIS is a jewel, a fine gentleman, an able legislator, and a man of great talent. I came to know him very well during the 3 years we served together on a subcommittee of the Agriculture Committee. Our institution is the poorer for his departure, and we will miss especially his keen sense of humor.●

● Mr. REUSS. Mr. Speaker, I appreciate this opportunity to congratulate Congressman Dawson MATHIS on 10 years of stellar service as a Member of this body. Dawson has been an extremely hard-working member of the Agriculture and Interior Committees, and, at only 39 years of age, leaves an impressive legacy of accomplishment in his wake. Dawson was the chief sponsor of the Agriculture Trade Act of 1978, which set up trade offices throughout the world to promote American crops. He has also worked hard to help our country achieve energy independence through his consistent support for research in geothermal and solar energy and synthetic fuels.

In his 10 years of congressional service, Dawson has provided the citizens of Georgia's Second District with devoted and energetic representation. I am impressed by what this intelligent and attractive man has already accomplished, and heartened that he has so many productive years of service still before him.●

● Mr. GINN. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Dawson MATHIS, although it is with great sadness that I see him depart this Congress.

Dawson has special meaning to me as an individual and as a Member of Congress, since for the last decade he has represented the congressional district in which I was born and raised. He has been a warm personal friend for many years, and I have for the last 10 years looked upon him as my Congressman. Although he will be replaced by a very able man, I will sorely miss him as my Congressman, and I wish for him the best for the future.

Of significant note, Mr. Speaker, is the fact that Dawson has not only represented his district superbly, he has been an able advocate for the agricultural interests in this country—an area of our economy which is so vital to the entire State of Georgia. His service on the House Agricultural Committee, and as chairman of its Subcommittee on Oilseeds and Rice, will long be remembered. His monumental effort to preserve the peanut commodity program has been the saving grace of this important segment of our agricultural industry, and he will always be recognized as the champion of peanut farming concerns in the Congress.

It is indeed unfortunate that this unique man has chosen to leave the House, for too few of us have such a keen understanding of the importance of agriculture to our economic stability as this

man does. His knowledge and persuasiveness on this subject have been instrumental in this Congress awareness of the significance of farm legislation in our daily lives, whether we live in the city or the country. That ability as a true spokesman for agriculture will be difficult to replace in this body, and I hope Dawson will continue to allow us the benefit of his views in whatever endeavor he intends to pursue.

In addition to the expertise in agriculture which Dawson has brought to the House, he has exposed us to his great charm, warmth, wit, and humor. To me this has been the secret of his success. He has always displayed a remarkable ability to discuss the great issues which confront this House in a manner which tempered argument and dissipated divisiveness. He has used his talents in this regard for the benefit of the country and his colleagues, and it is that approach to problems which we will miss most.

Mr. Speaker, I regret that we will go into the 97th Congress without the services of Dawson Mathis, but I know I represent the views of all of our colleagues when I say that we are grateful to have had the opportunity to proudly serve with him.●

● Mr. LEVITAS. Mr. Speaker, I would like to express my appreciation and admiration for one of the most distinguished Members of this body, Dawson Mathis. Dawson's departure from this body is a loss to us, to his constituents in Georgia's Second District, and to the Nation.

I do not believe it is necessary to list all of Dawson's accomplishments since he entered the House in 1970 as the youngest member ever elected. After a distinguished career as a news director for a Georgia television station, Dawson was elected on his first attempt at running for office. At the age of 29, the "tall, lanky maverick from Southwest Georgia," the self-styled country music singer took his place as the spokesman for agriculture and agribusiness in the Nation's Capitol.

Dawson obtained the respect of his colleagues, and he never forgot his constituents. Coming to Congress in 1970, Dawson has served with great devotion and distinction on the Agriculture and Interior Committees. He has built a solid record reflecting a philosophy of less Government interference in personal lives while supporting guarantees of freedom for all.

The departure of Dawson Mathis diminishes all of us. His work and accomplishments over the past 10 years have enriched the Congress and the country, and all of us are deeply grateful.●

● Mr. BOWEN. Mr. Speaker, it has been my great pleasure to serve in the Congress and on the Agriculture Committee with Dawson Mathis since I came here in January 1973, 2 years after he took office.

Dawson Mathis is one of the best informed, most determined, most effective, and most colorful Congressmen I have known, and certainly none has ex-

ceeded him in dedication to his congressional district and to the people of his State.

It is indeed a loss to all of us that he is retiring from the U.S. House of Representatives, but I am confident that he will find some way to be of continued service to the people of Georgia and to the Nation.

Dawson has an almost unique skill for negotiating issues that enabled him to achieve the maximum for those he was elected to represent in the Congress through sympathetic understanding of his colleagues, winning their respect, and working with them on matters vital to their own constituents.

I had the opportunity to serve under Dawson as chairman of the Oilseeds and Rice Subcommittee, and he chaired that very important subcommittee with great fairness and sympathy for the interests of his subcommittee members. In that role he has with great effectiveness looked after the needs of the peanut growers of the Nation, an interest very important to his own State, while at the same time working closely with those of us concerned with rice and soybean matters, so that both producers and consumers of those products could be well served through the legislative actions of his subcommittee.

We all wish Dawson well as he leaves the Congress, that he will continue to share with us his knowledge, insight, and experience, and hopefully that he will find an opportunity to continue his distinguished career of public service.●

● Mr. FOWLER. Mr. Speaker, the Georgia delegation will suffer a great loss when the 97th Congress convenes and Dawson is not among our number. With Dawson's leaving, many of us in the delegation and in the House will miss the companionship and counsel of a close personal friend.

But our loss diminishes in comparison with the loss our State will experience without Dawson's able leadership and effective representation of both State and national concerns here in Congress.

Many of you here are familiar with our colleague's meteoric rise to prominence since his arrival here in Congress a decade ago as the youngest Member at that time. Dawson skillfully landed a seat on the most important committee to his district, the Agriculture Committee. Unusually early in a congressional career, Dawson became chairman of a subcommittee, one crucial to Georgia, the Subcommittee on Oilseeds and Rice which has jurisdiction over Georgia's two primary crops: Soybeans and peanuts.

The kind of effective representation he has provided his district and State, along with the leadership he has lent to Congress, in agricultural matters in particular is a model for all of us.

It is my hope, Mr. Speaker, that Dawson will remain here in Washington and continue to share his wise counsel, his unique perspective, and his sense of proportion with Congress. I realize this is a selfish hope and one which Dawson might presume to be equivalent to a criminal sentence, but I hope he will not abandon us altogether.●

● Mr. COELHO. Mr. Speaker, I also rise to pay tribute to Dawson Mathis, a good man with whom I have had the privilege of serving on the Committee on Agriculture.

For the past decade he has represented his district in Georgia not only faithfully but well. It is interesting to note that, due in part, I am sure, to his efforts, the economic health and well-being of his district has improved greatly during that same period.

Dawson has been a friend and in the true spirit of the words, a southern gentleman.

We will miss him.●

● Mr. JOHNSON of California. Mr. Speaker, I rise to add my voice to the tributes to Congressman Dawson Mathis who, as my colleagues know, will be leaving the House of Representatives at the end of this session.

Dawson Mathis has performed distinguished service for the State of Georgia and the entire Nation for the past 10 years. When he came to Congress in 1970, he was, at age 29, the youngest Member of this body. It did not take him very long, however, to establish himself as a genuine force in the House of Representatives.

He has provided yeoman's service as a senior member of the House Committee on Agriculture, where he chairs the Subcommittee on Oilseeds and Rice. Among the many pieces of legislation in which he played an instrumental part is the Agriculture Trade Act of 1978—legislation which set up trade offices throughout the world to promote American crops and of which he was chief sponsor. Reflective of the esteem in which his colleagues hold him, Congressman Mathis served two terms as regional representative on the influential Democratic Steering and Policy Committee.

I do not know if all of my colleagues are aware of Dawson Mathis' great talent as a singer and guitarist. He performs, in a genuinely professional manner, country, and gospel music, and has brightened the lives of many of his constituents and other citizens of our Nation with his talent.

Not quite 40 years old, Dawson Mathis has many, many years ahead in which I know he will be serving his Nation in whatever capacity he deems most suitable. I wish him well in the years ahead, and I applaud his outstanding record of leadership and service.●

● Mr. SCHULZE. Mr. Speaker, it is my pleasure to join Jack Brinkley, the Georgia delegation, and my colleagues from across the land in honoring the Honorable Dawson Mathis here today. This recognition will not begin to do justice to his energy and accomplishments.

Just one, but perhaps the best illustration of Dawson's constructive approach to the often thorny and emotional issues debated here has been his innovative work with the food stamp program. His almost uncanny ability to perceive and mobilize the support of his colleagues was decisive in bringing greater discipline and integrity to this necessary, yet often unwieldy program.

I am convinced that the reforms which he advocated have resulted in a program both better administered and more responsive to the needs of low-income citizens.

Dawson, you have made a conspicuous contribution to the proud heritage which lends strength and conviction to all Americans. It is my hope that we will continue to follow your lead in emphasizing the importance of sound management techniques to the operations of the Federal Government. And more, I hope that we will aspire to your example of sensitive and sincere concern for our fellow man.●

● Mr. LONG of Maryland. Mr. Speaker, we shall all miss Dawson MATHIS who is retiring from Congress after ably serving the people of Georgia's Second Congressional District for the past 10 years.

As an active member of the Committees on Agriculture, and Interior and Insular Affairs, Dawson's influence grew because of his commonsense approach to dealing with the Nation's problems. It is fair to say that if we had more Members like Dawson MATHIS, this country would not be in its present condition.

My best wishes to Dawson, his lovely wife Sharon, and their four children Anthony Dawson, Craig Steven, Jason Everett, and Russel Dean.●

● Mr. JONES of Oklahoma. Mr. Speaker, at this time of the year, we often pause to pay tribute to our colleagues who are departing the House. It is always difficult to see good people leave public service, but that is doubly the case with our friend and colleague, Dawson MATHIS.

Dawson's 10-year service in the House of Representatives for the State of Georgia will long be remembered, and I am sure the people of the Second District will miss his fair, hard-working representation of their interests.

Those of us whom Dawson leaves behind will also miss his sound counsel on matters affecting the future of our Nation. Dawson carved out a special role in the area of agriculture policy, and his quiet yet effective work in setting and shaping American farm policy has formed the bedrock upon which we will continue to build and improve.

It was my pleasure to work with Dawson on several issues, and I always found his support to be important and crucial in any debate. I am sure that we all wish him well in any new endeavor that he might enter. I hope that he knows the depth of friendship he has built up during his service in the House, and that a welcome mat will always be extended to him whenever he returns.●

● Mr. DAVIS of South Carolina. Mr. Speaker, I am proud to have this opportunity to pay tribute to the gentleman from Georgia (Mr. MATHIS) though I am saddened that this tribute is occasioned by his untimely retirement from this House. His departure is an immense loss to his constituents and to the Congress.

Our colleague, Jack Brinkley, in announcing this special order, said, "Dawson MATHIS is an uncommon man." Let me say, without hyperbole, that he is just plain the most uncommon man I have ever met, bar none. Though he has spent

10 years in Washington, he remains rooted—some might say embedded—in Georgia clay. Though he himself is uncommon, he has retained an affinity for the common man unmatched in this day and age. This man, a paragon of Congressmen, will never be equalled or surpassed. It was Shakespeare who observed, "• • • What a piece of work is man! How noble in reason, how infinite in faculty, in form, in moving, how express and admirable • • •"

Those mighty words are incarnate in Dawson MATHIS. And he has devoted his abilities and his energies to the untiring service of his people and his country.

In the 10 years we have served together in this Congress, I am proud to say that Dawson has become to me one of the closest friends a man can have. He has been with me through every triumph, every joy, and every despair. I am grateful beyond words for this friendship.

For Dawson and his lovely wife Sharon, I offer every good wish for the future. And I know, with confidence, that their future will be a good one, for he is a man predestined for greatness if ever such a man existed.●

● Mr. JONES of North Carolina. Mr. Speaker, with the departure of Dawson MATHIS as a Member of the U.S. House of Representatives, I certainly feel a sense of loss. There are few, if any, Members to whom I feel any closer.

On two or three occasions as chairman of the House Subcommittee on Tobacco, I had the pleasure of taking the subcommittee into his district, and we always were received with graciousness and generosity, all of which was due to my friend, Dawson. I have even had the pleasure of spending evenings in his home as his guest.

In closing, let me reiterate that ours was not merely a political friendship, but most important to me, a strong personal friendship. I wish for him the best of everything in whatever pursuits he sees fit to follow. I personally will miss him.●

● Mr. ANDERSON of California. Mr. Speaker, I am proud to have this opportunity to join with my colleagues in honoring the Honorable Dawson MATHIS and expressing our admiration of him. After 10 years of distinguished service to Georgia's Second Congressional District and the Nation, Dawson decided not to seek reelection to this body. His energy and effervescence on the House floor will be missed by all of us who had the pleasure serving with him.

His expertise on legislation and his many contributions to the Nation, not only through his hard work on both the Agriculture and Interior Committees but also in many other areas, will be missed by those on both sides of the aisle. And I know I speak for most of my colleagues when I say that the people in Georgia's Second District could not have a finer individual as their representative in Congress.

My wife Lee joins me in congratulating Dawson on 10 years of outstanding public service in the House, and wish he and his wife, Sharon, and their four

children, Anthony, Craig, Jason, and Russell well in all their future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I appreciate the Members of the Georgia delegation making this time available in order that we might pay special tribute to our colleague Dawson MATHIS.

This is a particularly sad moment for me because not only will the Congress be losing a very valued Member, but I personally will be losing the day-to-day contact with a very close and warm friend.

For 10 years, Dawson MATHIS has served in this body and during each of those 10 years he has always worked with diligence to serve the people of Georgia's Second Congressional District. And I do not think he has failed in his sincere effort to provide the best service possible.

Mr. Speaker, I am especially appreciative of Dawson's contributions on the House Agriculture Committee. Representing a district that is basically rural, I always knew that Dawson would have a sympathetic ear for the needs of my own constituents. During his service in the House he very much became an expert on agricultural matters and I think the farmers and ranchers of America have benefited from his service.

I know that my fellow Mississippians join me in expressing special thanks to Dawson for his untiring efforts to combat the imported fire ant in our part of the country. He was continually seeking to find a pesticide to control this ant and the harmful effects it had on human life and livestock.

Mr. Speaker, I am sure all my colleagues will join me in wishing the very best to Dawson and his lovely wife, Sharon. We will miss them.●

● Mr. NICHOLS. Mr. Speaker, my fellow colleagues. For 10 years our friend and devoted colleague, Hon. Dawson MATHIS, has served his country, his district, and the American people with untiring devotion and effort. We regret that he elected to leave the House of Representatives, and we believe that he could have been reelected for many years by his constituents which he served so well. We have lost a strong voice for agriculture; he spoke for the farmers of Georgia, and for the farmers of all America. He will certainly be missed by our Congress, and especially by this Member from across the Chattahoochee River. I want to wish for him the best to come in the years ahead.●

● Mr. DRINAN. Mr. Speaker, I am personally sorry to see Dawson MATHIS leave the House. He and I came to his body together in January, 1971. I have watched with admiration all of the things that he has done for his constituents and for our country.

Dawson MATHIS served with distinction and dedication on the Agriculture Committee where he ranked fifth in seniority. He also served on the Interior and Insular Affairs Committee where he devoted his energies to all of those things that matter to his own constituents, to the people of Georgia, and to the citizens of America.

Dawson MATHIS leaves this House with esteem, admiration and affection of everyone who has known him. There are

worlds ahead for him to conquer and I know that he will go from victory to victory.●

● Mr. COUGHLIN. Mr. Speaker, I am honored today to join my colleagues in paying tribute to an outstanding Member of the Georgia delegation, Dawson MATHIS.

In the 10 years that I have been privileged to serve with Dawson, he has consistently proven himself to be a truly dedicated representative of the people. A record of his achievements on the Agriculture and Interior and Insular Affairs Committee points clearly to his long-standing interest in the welfare of the farmers of our Nation as well as that of all Americans.

Dawson devoted great time and effort to the interests of American consumers through his position on these committees. His understanding and dedication to serving the needs of his constituents will continue to provide a shining example to those who follow.

I join my colleagues in wishing Dawson great success in whatever endeavor he turns his talents and energies to after leaving the House.●

● Mr. ROBINSON. Mr. Speaker, I rise to join in saluting our colleague from Georgia, Dawson MATHIS, with the acute realization of the passage of time which comes to us in this body when we note the impending retirement of long-time friends, particularly "classmates". The gentleman from Georgia and I began our service together as Members of the 92d Congress. He made the decision earlier this year, not to stand for reelection, and, although our places have been on opposite sides of the aisle, I will miss him, when, God willing, I take the oath in this Chamber at the convening of the 97th Congress. We may have arrived at different conclusions on legislative matters from time to time, but we shared a commitment to a healthy agricultural economy as an essential of overall economic health in this country.

Our colleague has worked hard, and thought hard in the interest of his constituency, but he has manifested, as well, a dedication to the advancement of the overall national interest as he saw it. He has been forceful and forthright in the statement of his positions. His political courage has been manifest in many situations.

Over the decade of his service here, Dawson MATHIS has won many friends, and he has been a genuine friend to many. At this time of recognition, I venture to offer a personal recollection. In the fall of 1974—campaign time—the Governor of Georgia, later to become President of the United States, came into my congressional district to speak in support of my opponent, as he had every right to do. I did think he was unduly harsh and unfair in his public devaluation of my service in the House, but I had been through several campaigns by then and had learned that one had to roll with the punches.

The remarks of his Governor in regard to me came to the notice of my distinguished colleague from Georgia. Out of his inapt sense of fairness and his unaffected friendship, he took occasion to

write to me a letter most complimentary of my efforts over the 4 years during which we had served together in the House. I was touched deeply by this voluntary gesture at the time, and I will remember it always as something typical of Dawson MATHIS.

I wish for him good health in the years ahead, and satisfaction in whatever he undertakes.●

● Mr. HALL of Texas. Mr. Speaker, Dawson MATHIS has achieved an excellent legislative record here in the House and I join his colleagues and friends in expressing sadness that he will not be a Member of the 97th Congress next January.

Many productive segments of the American economy have benefited from the hard work and strong interest displayed by Dawson MATHIS in behalf of the free enterprise system as a Member of the House for the past 10 years, but his most valuable contribution has been to agriculture and the American farmer and rancher.

Too often there is a tendency to forget about the role of agriculture in the economic development and well-being of this Nation. Dawson MATHIS has constantly reminded us that America is only so strong as our ability to produce food and fiber. He has been in the forefront of the struggle to achieve recognition for American farmers as much as any person who ever served in this body.

The State of Georgia has given this Nation many distinguished sons and daughters. Georgia takes great pride in the high caliber of men that it has sent to Congress. One of the greatest men who ever served in Congress was the late Senator Richard Russell of Georgia.

Like Senator Russell, our colleague Dawson MATHIS is a true patriot who believes and fights for a strong national defense second to none. He defends the free marketplace and has been a staunch foe of unnecessary Federal spending.

There is no question that his constituency in the Second Congressional District supports these efforts, because Dawson MATHIS has been reelected overwhelmingly to the House in every election since he took the oath of office. As we all know, Dawson wanted to serve his native State in the Senate but was not successful. However, had he decided to remain in the House, I know that his vote this time would have been overwhelmingly affirmative.

I will miss Dawson MATHIS, but I know that the future will continue to find him leading the charge for the high principles that this Nation was founded upon.●

● Mr. McDONALD. Mr. Speaker, when this Congress adjourns sine die this year, the Honorable Dawson MATHIS of Albany, Ga., will be leaving us. In him we have all had a friend who represented his constituents and Georgia's interests well on the House Agriculture Committee and the Committee on Interior and Insular Affairs. Dawson's rugged good looks always added a certain flair, somehow, to every gathering of the Georgia delegation, and we will be hard pressed to replace him in that regard. And from my point of view, his voting record was conservative and in the best traditions

and interests of the State of Georgia. Dawson tried for the U.S. Senate, fought a good fight in the primary, and lost. We all wish him well and with his good looks, steadfastness of purpose and great ability, we are sure he will do well in whatever he turns his hand to now and wish him Godspeed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Dawson MATHIS, who is retiring at the close of the 96th Congress.

Dawson MATHIS has given 10 years of dedicated and devoted service to his constituents in Georgia, and has compiled a splendid record of excellence and ability. His diligent efforts as chairman of the subcommittee on Oilseeds and Rice of the House Agriculture Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good Government, or have a more compassionate understanding of human problems than has Dawson MATHIS. As a member of the House Committee on Interior and Insular Affairs, he was in the forefront of efforts to implement meaningful solutions and effective action on behalf of the individual citizen.

Dawson is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to Dawson MATHIS my best wishes for continued success in devotion to the highest principles.●

● Mr. CORRADA. Mr. Speaker, I am pleased to join all our colleagues in paying tribute to our friend Dawson MATHIS who is completing 10 years of service to our country by being the Representative from the Second Congressional District of Georgia to the House of Representatives.

Dawson is a true native son of Georgia since he was born and grew up in the district which he so faithfully has represented during his five terms in the Congress. I have had the pleasure of serving with him in the Interior and Insular Affairs Committee throughout my 4 years in Congress and will miss his presence in that committee.

The 97th Congress will be very different from the current one and while I am sure we all look forward to the incoming Members who will spend the next 2 years with us, we will miss the companionship and good work of our colleagues that will no longer be with us. I share with you the sadness that we all feel in paying this well-deserved tribute to Dawson; we would rather that he were coming back with us for the 97th Congress.

I want to extend to Dawson, his wife Sharon, and the rest of his family my warmest wishes for good luck and the best of good health in the future.●

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

CONGRESSWOMAN GLADYS SPELLMAN

(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, I want to

take this occasion to express my deep concern for our esteemed colleague, Congresswoman GLADYS SPELLMAN. Earlier this month the voters of Maryland's Fifth District overwhelmingly showed their support for Congresswoman SPELLMAN's bid to return to this body. Let me first say that I am confident my colleagues on both sides of the aisle join me in commending the wisdom of the voters of the Fifth District.

We are, of course, distressed that Mrs. SPELLMAN cannot be with us today and will not be with us for the remainder of the 96th Congress. Her spirit and leadership consistently have called forth the highest praise and respect of all who know of her work. Among her strongest qualities is persistence in battle, and I am confident that she brings this quality with all of her strength to the difficult battle she now confronts. I know that my colleagues join me in hoping that the illness which keeps her away now will not prevent her from fulfilling her responsibilities in the 97th Congress to the people she represents.

Congresswoman SPELLMAN is a leader in the ongoing fight for women's rights and she has worked with determination to improve Government employee benefits. She consistently provided leadership on the floor of this House, and faithfully contributes to debate on matters which concern not only her constituents but the general welfare of the Nation as well.

I pray for Mrs. SPELLMAN's rapid recovery. I look forward to working with her in the next Congress. I greatly admire the skills and concern she brings to this body. More important, I am certain that the citizens of her district, supporters and opponents alike, look forward to her return with pride and admiration for the manner in which she represents them before the Nation.

Mr. GILMAN. Would the gentleman yield?

Mr. WEISS. I would be pleased to yield.
Mr. GILMAN. I want to thank the gentleman for bringing this matter before the House of Representatives. I think that all of our colleagues join with the gentleman in wishing our good colleague Godspeed and good health and an early return to this House. I have had the privilege of working with the gentleman from Maryland (Mrs. SPELLMAN) on the House Committee on Post Office and Civil Service and have always respected her diligence and devotion to her tasks. We certainly hope that she will soon be able to return to fulfill those responsibilities.

I thank the gentleman for yielding.
Mr. WEISS. I thank the gentleman for his comments.

□ 1220

DAINGEROUS INVESTIGATIVE PROCEDURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday and 3 days ago, I addressed the House with respect to the activities of not only the House but, specifically, the committee known as the Committee on Standards of Official Conduct.

In the first special order on this matter 3 days ago, I addressed myself almost exclusively to the disturbing actions of the House itself with respect to the matter of Michael J. Myers on October 2, at which time the Representative from the First Pennsylvania District was expelled.

Therefore, at this time we have better than half a million Americans who are shorn of a voice or a vote in the Congress of the United States, in the House, to be specific, because of that action of the House.

We have had an intervening election at which time Michael J. Myers was defeated in his bid for reelection. At the time of the consideration of the matter of Michael J. Myers, on both the first motion to postpone consideration until the House reconvened on November 12, which was defeated, and on the second motion, which was against the proposition of expulsion, but which proposition succeeded, I addressed the House in a very limited fashion, and as I am doing now, in a previously unprepared manner of speaking extemporaneously, and as I have 3 days ago, and then again yesterday, because I might say, by way of explanation, that I do not have the staff resources to divert to this particular matter which is of such personal importance to me, and concern.

It has been the obsessive concern since October 2, even during the midst of a very intense campaign back home. So what I say has been continued in an interrupted fashion because in the first special order 3 days ago I yielded to two Members because I believe that any interest evinced by any colleague is to be appreciated in the most critical issue that I can see, in my opinion, has confronted this deliberative body since its inception in 1789.

As I see it, and as I said this morning—and this is the reason I am speaking today—in my appearance before the Committee on Standards of Official Conduct at about 10:30 this morning, on receipt of the letter from the chairman the day before yesterday, in which he was replying to my letter, which I inserted into the Record 3 days ago, in which I requested that I be given the chance to address that committee, because I have always felt that if we are interested enough to inject ourselves into the matters and the processes of a committee I do not belong to and I address the House, that at least I should, as far as is humanly possible, have a chance to address forthrightly and face to face the Members directly involved. And I had that opportunity this morning.

In accordance with my request, I include as part of my order, the transcript of my remarks to the committee this morning:

STATEMENT BY HON. HENRY B. GONZALEZ, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, NOVEMBER 20, 1980

The committee met, pursuant to notice, at 10:30 a.m. in Room 2237 Rayburn House Office Building, Hon. Charles E. Bennett (chairman of the committee) presiding.

Present: Representatives Bennett, Hamilton, Freyer, Rahall, Spence, Hollenbeck, Livingston, Thomas, Sensenbrenner, and Cheney.

Also present: E. Barrett Prettyman, Jr., Allen Snyder, special counsel; John M. Swanner, staff director; Rep. John W. Jenrette, Jr.; Kenneth Robinson, counsel; Dennis Hart, cocounsel; and Rep. Henry B. Gonzalez.

The CHAIRMAN. The meeting will come to order.

Our colleague Mr. Gonzalez has asked if he might be given an opportunity to address the committee. Of course, we are glad to accommodate him. He is not a witness in the case which will come up later today, but he has asked for permission to talk about procedures and matters of that type.

Mr. Gonzalez, if possible, I would like to have you complete your statement in ten minutes, if you could.

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GONZALEZ. I am pretty sure it can be done except, Mr. Chairman, I first wanted to thank you and the committee for this courtesy. As you know, it was in obedience to the letter I had written to you three days ago, and after which I had a special order on the House floor, but as in the case of the special orders, one of which, again, I had yesterday in the afternoon, I do not have staff available to me that I can divert for whatever energy I spend on this matter, which is of considerable concern to me and has been for some time, so that I am going to ask at the outset permission, if it is your wish and the committee's wish, that I be allowed to bring my staff, Mrs. Inman, to transcribe what I say here, because I have not had a chance to dictate or prepare, so if I could, because I will not have available to me what I am saying as soon as I will when she transcribes it.

This is Mrs. Laurene Inman.

As I said, I thank the chairman for this courtesy. I also would like to ask unanimous consent, if I may, at this point offer the special orders of three days ago, and yesterday, for the record of this proceeding.

The CHAIRMAN. There isn't any proceeding. You are just being heard, but we will be glad to have that in the record that we will keep of this meeting of the committee, which is not a proceeding involving any particular testimony.

Mr. GONZALEZ. If it is inconsistent with the purposes of this meeting, of course I wouldn't make that request. Since it is on the record anyway, in the Congressional Record, I just thought that—

The CHAIRMAN. Well, it will be a part of the meeting of this committee this morning, but will not be a part of any other matter that may come up today.

Mr. GONZALEZ. The only reason I was making that request was because at best, even though it was extemporaneous, it at best exemplifies the points that I may or may not have a chance to make in this short—

The CHAIRMAN. It is so ordered.

Mr. GONZALEZ. Mr. Chairman and fellow members, it is a matter of great concern to me to see what has happened, particularly the actions of the Special Counsel, Mr. E. Barrett Prettyman. In your letter to me, which I received I believe it was the day before yesterday, you stated that I was under a misapprehension, because of the

erroneous reporting, particularly by the New York Times. However, in checking the actual happenings, I find that the New York Times was correct. Your Special Counsel did intervene during the judicial proceeding.

The CHAIRMAN. He didn't intervene in those, but at the time when it was chronologically taking place. There is a difference. There was no intervention in the proceedings, as I understand it, in the sense that those proceedings had any content with regard to what the notice that Mr. Prettyman was giving Mr. Jenrette.

Mr. GONZALEZ. Well, the proceedings were in court and the counsel sent the note to the judge who then suspended upon returning to the bench to allow time to relay the message that Mr. Prettyman was going to relate to Mr. Jenrette. Nevertheless, the impact of that, as was brought out I think very eloquently in the recent opinion of the Circuit Court in the case of Congressman Helstoski, which I think has a direct bearing on the proceedings, and should have some impact on the consideration of the pending cases that this committee has now, and probably will, because we must remember that even now under way in trial are other cases involving the same transaction known as the Abscam scandal.

The CHAIRMAN. Mr. Gonzalez, apparently you are addressing material relative to a case that may or may not come up later today. I would, since you are not called as a witness by either the committee or Mr. Jenrette, I think that we should ask those people whether they have any objection to your talking about a case which is going to come up. Have you any objection?

Mr. ROBINSON. I am Ken Robinson, on behalf of Mr. Jenrette. We very much welcome any comments Mr. Gonzalez has to offer, and would ask that he be given as much time as he feels is necessary to let this committee hear exactly what the facts are and what the position is that Mr. Gonzalez is taking. I think what he has to say is probably more pertinent than anything I have read or heard in any of the proceedings thus far. We welcome his statements going into the record and him being given as much time as the committee feels appropriate.

We hope you deem it appropriate to take a lot of time.

The CHAIRMAN. I deem it appropriate in view of what you have said to allow him to address matters relative to your client.

Mr. ROBINSON. Yes.

The CHAIRMAN. I don't deem it appropriate at this point that this be made a matter of record in the matter which may or may not come up later today, which has not yet been convened. So with that distinction, go ahead.

Mr. GONZALEZ. Mr. Chairman, I should point out also that I was not advised that the committee was contemplating hearing from Mr. Jenrette this morning. At the time I accepted the invitation, I had no knowledge, and I didn't until this morning, so therefore I should not be considered as appearing here as a witness, and certainly in no specific case other than that I am compelled to come before the committee, because both the action on October the second and expulsion of Michael O. Myers, and the course of events pursuant to the committee rules led to that, and the circumstances and the language in the opinion of the Helstoski case, which brings that out, and which the potential for grave mischief, because even though it is alleged that there is no interaction between the judicial proceedings involving the criminal culpability or not of the defendants, and the actions of the Committee on Official Standards of Conduct, I believe that a miscarriage of justice is happening, when under the guise of that inter-

pretation we deceive ourselves into thinking there isn't when as a matter of fact there is.

The actions, whether sanctioned by the committee or not, of the Special Counsel in intervening during the proceedings, in this case the Jenrette case, even though his actions in uttering positions that only the committee or members of the House should take were circulated and publicized before even the verdict of the committee or the contemplated action by the House I think are inconsistent with justice, because even though this may not be considered a judicial proceeding, there is no question that it is a quasijudicial proceeding, that it does redress itself into an adversary position, and where for instance in this case the committee has armed itself, and in an adversary—I don't think we can deny that it is an adversary—proceeding, we have a Special Counsel highly priced.

I was surprised when the clerk figure showed yesterday that he has been paid \$250,000-plus. Now, how can any member of the Congress appearing before here, entrapped in all of the rules and rule changes that the committee itself has made, without the opportunity to have equal legal talent, be said to have had justice? And this is what I am speaking of. I am urging the committee to redress that imbalance.

Secondly, obviously at the time the resolution was considered wetting up this committee, I spoke out then, so I am being consistent. I am not appearing here as a spoiler or as necessarily one attempting to obstruct, because I am the first to recognize the tremendous responsibility in an uncharted area of legislative action, at this point or juncture in the historical development of the House of Representatives, and therefore I would be myself unjust to in any way attempt to obstruct. But I am concerned that the very destruction of this House is here and it is in your hands, because as in the case of Michael Myers, if a deliberative body—and I am not speaking now of the committee because I am speaking of the House action—erects a rule only to abandon it, we then have no deliberative body following a course of systematic ruling, but we have really a lawless group, a mob, if you please, and this is what bothers me. I felt that in view of the history and all and what I said at the beginning, that this committee actually under these circumstances, and where you have the fine points of rulings of a highly priced attorney, that at least it ought to work in jolinder with the Committee on the Judiciary.

I believe at this point that I want to go on record as strongly urging that this committee work in conjunction with the Committee on the Judiciary, because of the adoption of the resolution, the so-called Abscam resolution, in which two unprecedented clauses were adopted, and I refer to these in my special orders and I referred to them during the debate on the matter of Michael Myers, and that has to do with the stripping naked for the first time in our history, or for that matter in the history of Anglo-American parliamentary record, the members of this House—the only privileged class in the Constitution are members of the Congress, so they can be independent and free, and this committee may wittingly or unwittingly be placing us in jeopardy with either the Executive Branch of the government or the Judiciary itself as the Helstoski opinion points out dramatically, and this is the only reason that I urge that, and I think that in the case of that rule or that clause, where the Justice Department in effect is saying, "We will turn over evidence you want for your purposes" in the case of ethics, "provided we tell you who we want to get that information."

Now, we don't know, because it isn't clear, and it hasn't been stated by this committee what its procedures will be.

Suppose that happens. Suppose it has already happened. Suppose the Justice Department says, "Well, it's Chairman Bennett we don't want to have this information." How will you know? You won't. But suppose they say, "Well, we don't want Mr. Hamilton to get it. We will turn it over to you but provided Mr. Hamilton doesn't get it." Who makes that decision? Do you, the chairman, or does a meeting of the committee except Mr. Hamilton? We don't know.

These, I think, are new ventures into untrodden parliamentary fields, and this is my concern in all seriousness and sincerity, and that is what I wanted to say.

The CHAIRMAN. We appreciate it very much. Would counsel like to address?

Mr. PRETTYMAN. Mr. Chairman, as a matter of personal privilege I would like about three minutes. The reason is that last night on the floor, Congressman Gonzalez charged me with highly improper and unethical conduct.

Mr. GONZALEZ. I asked a question. It was a rhetorical question. I said, "What about the ethics in this?"

Mr. PRETTYMAN. I am sorry, sir, but I have your statement here, "And it seems to me that it is highly improper and even from an ethical standpoint highly questionable because this judge is now pondering", et cetera.

Mr. GONZALEZ. That is right.

The CHAIRMAN. You are not involved in this matter.

Mr. ROBINSON. I want to make a statement for the record.

I object to—

The CHAIRMAN. You haven't a right to make a statement at all. You are just sitting here.

Mr. ROBINSON. I object to having to sit here without a voice when my client is the one who will be jeopardized. I think that is what is wrong with the procedure, so I object. I am not able to comment.

The CHAIRMAN. This procedure does not involve Mr. Jenrette.

Mr. ROBINSON. It will. What has been said here will have a devastating effect.

The CHAIRMAN. What do you want to say?

Mr. ROBINSON. I want to make a statement. Any time Mr. Prettyman speaks hereafter, I have a right to reply, that he is never given the opportunity without us having to speak. We have to stop his ex parte participation in these hearings. If he speaks, I will want to speak on it.

The CHAIRMAN. I will recall on it at the time.

Mr. PRETTYMAN. Mr. Gonzalez said several times that I called Mr. Myers a liar to the press and that I said to the press he should be expelled. As the committee is well aware, I never made any such statement to the press. I made that statement to this committee in an open, sanctioned hearing. I did not demand action on the part of this committee through the press. I have never done that. I have never intimidated the sitting members of this committee. I could not do so even if I were so inclined.

My appearance in court was not improper or unethical, quite to the contrary. It was done at the direction of this committee in order to give Mr. Jenrette the earliest possible notice of the action which the committee had just taken.

My note to the judge did not go to any merit. It simply said that the committee had taken action which required me to speak with Mr. Jenrette, and the judge immediately granted my request and I spoke privately and personally with Mr. Jenrette and his attorney, Mr. Robinson.

In the articles attached by Mr. Gonzalez to

his statement last night, two of them do not even refer to me. The matters attributed to me in the other articles are accurate, and I see nothing improper in them. And as a matter of fact, I think I have exercised the greatest restraint in dealing with the press. There has been no leak out of my office or out of this committee that I am aware of in connection with anything that we have had to do with.

As for my fees, I was not aware of what they totaled, but I do know that I lose \$85 an hour for every hour I spend on behalf of this committee and that every bill that we have sent to this committee has been far less than we, our firm, would charge our normal clients as our normal hourly rates.

The CHAIRMAN. Without objection, the attorney for Mr. Jenrette can address what he wishes to the committee, with the understanding, of course, that this is not in the matter of Mr. Jenrette which has not yet been called before the committee.

Mr. ROBINSON. Thank you, sir. I appreciate the opportunity to speak.

I would like to state that I agree with what Mr. Gonzalez just said with all due deference to what Mr. Prettyman just said about the matter of what occurred before Judge Penn just last week. I happen to have had the floor questioning FBI Agent John Good at the time that a note came from Mr. Prettyman in the presence of the media, many of whom are here today who could testify if necessary to show what his style of intervention was.

A note went to Judge Penn who said, "Excuse me a minute, Mr. Robinson," or something to that effect. He doesn't speak as colloquially as I do, and he read a note and said that, "The court will leave the bench for a moment so you can confer with Mr. Prettyman, Mr. Robinson."

I was in the middle of an important question with Mr. John Good in which we felt we were getting into perjury that had occurred in the trial. We were in the middle of hearings. Now, it was about 5 after 12. We were going to recess at 1:00.

The point is that it was a dramatic play in front of the press in our opinion, that obviously the committee had voted to do something up here, and then Mr. Prettyman came over and said we should meet in a quiet spot because we don't want to leak anything to the press.

Well, he didn't have to leak anything to the press when you interrupt Federal proceedings before the judge so that he leaves the bench in the middle of my sentence or my question, and the press is all clamoring at this point wanting to know what is happening.

We retired to the terrible jury room where they voted in this case and spoke, and it was at that time suggested that if Mr. Jenrette wanted to have the hearings, we would be here this Thursday. There would be no postponement, and that he could avoid all this by simply resigning.

I know Mr. Gonzalez was concerned about that, when he has given statements before.

Now Mr. Prettyman may very well have been trying to be of assistance to us, but we feel that is inappropriate to have the option to resign or else go to Judgment Day next Thursday.

We have got motions before this committee which I don't want to get into right now, but I think there is a hasty train moving in the direction that we object to right now, and Mr. Prettyman should not have come in that courtroom. He could have waited. He could have sent the note to me. He could have sent the note to me and I might have said, Your Honor, might we have a recess, but I think it was an improper way to do things.

And I agree with Mr. Gonzalez' interpretation, and I am biased, obviously. Mr. Pretty-

man is biased and obviously unbiased members of the press are here that I think you could call—I don't think you want to do that—would support my biased interpretation.

The CHAIRMAN. With regard to Mr. Gonzalez and his appearance here today, we are glad to cooperate with you and let you make your statement. The committee has followed the rules and the statutes and the procedures, and has operated under the constitutional requirements entirely with this matter.

As a matter of fact, you know, the matter still could be brought directly to the floor without ever going through this committee while we are going on, and the feeling that he has about procedures could be addressed by legislation that he could introduce to change the procedures. We don't ourselves have jurisdiction to change procedures that way in the matter of all the things you have addressed.

I think that we have addressed enough time to this matter at this point, unless there is something that you must say.

Mr. GONZALEZ. Just briefly, that after hearing the attorneys testimony, which I was not aware of in detail, that I now want to clarify whatever doubt I might have had on what I said yesterday, and that I do want to go on record as seriously questioning the ethics of the special counsel and the procedures sanctioned by this committee in this specific case, and in the other matters.

The CHAIRMAN. What are the procedures sanctioned by the committee that you object to?

Mr. GONZALEZ. You just said that Mr. Prettyman had acted—

The CHAIRMAN. I didn't say anything—

Mr. GONZALEZ. You did.

The CHAIRMAN. I didn't mention his name at all, the record will show. I said the procedures followed by this committee.

Mr. GONZALEZ. Well, that he had carried out the wishes of this committee.

The CHAIRMAN. I didn't say that. I did not say that.

Mr. GONZALEZ. I am sorry. I misinterpreted. I want to go on record as saying that I now really do seriously question the propriety of that.

The CHAIRMAN. We are glad to have had you. We are now adjourned for two minutes. (Whereupon, at 10:50 a.m. the committee proceeded to other business.)

But at the time I spoke yesterday and at the time I accepted to go before this committee this morning, I was not aware of the fact that the committee had intended to have present Mr. JENRETTE, Congressman JOHN W. JENRETTE, and his legal counsel. And, therefore, when I appeared before the committee this morning I had to go into the explanation to say that my appearance was independent but that it did impinge on what I consider to be a fateful deliberation of that committee, and it has to do with the actual permanence and the durability of this institution we know as the House of Representatives.

For, as I said before, the germ seed for the destruction of this institution is not now just a seed lying fallow; it is now beginning to germinate. And at some unforeseen date, under some yet unforeseen circumstances of passion and hatred and division, I can see where these precedents now being forged by both the Committee on Standards of Official Conduct and the House itself will lead to what we take for granted and have, since our forbears in England, the privileges and immunities protecting the independence

of the membership of this body. And I want to go into that aspect of it.

With the development of the so-called Abscam scandals and investigations by the Justice Department—but not necessarily limited to them—going back into the 1964 period, when we had the then majority leader take the well of the House, and, to an almost full membership, announce that he knew and, as a matter of fact, could show that the Justice Department through the FBI was bugging every single office of the Members of the House of Representatives, and that they had dossiers on every Member of the House of Representatives, ever since that day we should have been alerted to the danger of the unprecedented incursion on the part of the executive branch into the independence, separateness, and coequality or coequality of the House of Representatives or the legislative branch, the first branch of the Government.

The privileges in the Constitution are really limited—only one, in reality. That one privilege provided for in the basic law is that which affects the Members of the Congress, and of course it goes back to the English parliamentary days when kings and courts, incidentally, were invading the independence of the Members of Parliament, the House of Commons. And therefore in article I we are given that immunity from arrest under certain conditions if we are traveling to or from sessions of the Congress or to be held free for whatever we have said—of course, with certain limitations—while in debate, obviously to protect the independence of the Members.

But now we have Abscam. Before this, we have the report which should have been disturbing to us then, and I feel and felt then that the House had the responsibility to have pursued that matter brought by the then majority leader. It should never have been allowed to have died on the vine, so to speak. But now we have this development.

But in the intervening time we have had other cases. For example, in the matter of EDWARD ROYBAL, the Congressman from California, in which the House vetoed the recommendation of the very Committee on Standards of Official Conduct. And during the course of debate Mr. ROYBAL brought out the invasion of his office through burglary and search, and where he pointed the finger at both what he felt were committee investigators as well as Justice Department offenders. And that was allowed to have been lost in the course of debate. But nevertheless we have that.

We have the case in the matter of our colleague who is retiring this Congress, ED PATTEN of New Jersey, in which the Justice Department almost singlemindedly was going after Ed PATTEN. Now, there is nobody here who has worked with Ed PATTEN who dares even to insinuate that he is other than the most honorable man and of integrity whole.

□ 1230

And yet, I think every Member here should be cognizant of what happened in that case, and should be interested enough to direct the Committee on Offi-

cial Standards of Conduct to investigate that questionable ethical practice. But, now we have, as I this morning reaffirmed what I said yesterday about the questionable behavior of the committee's Special Counsel, who meanwhile has amassed over \$250,000 in payment as fees as Special Counsel for this committee, and yet it is an adversary proceeding and nowhere does this House provide that access to legal defense for the defendant who, my dear colleagues, could very well but for the grace of God be you or me.

Now, with this new departure not only in a juridical sense of Anglo-American corpus, of jurisprudence, but in the quasi-judicial deliberations of the deliberative body known as the Congress, or the legislative branch, if we have no law, how can we, the lawmakers, then say that we are a deliberative body? If, as the House did in the case of Michael J. Myers, abandoned the very rule of procedure that it set up in the prior case of Representative Diggs, how can we be assured that even the committee's proceeding under a systematic course of precedent and rules established and fixed, and the House thereby not being boxed in as it was in the case of the matter of Michael J. Myers?

I ask this question because, if a deliberative body does not proceed according to rule or law, then it ceases by definition to be a deliberative body and it becomes a disorganized gang or mob. Gentlemen, that is a fateful thing to have happen or to even say is happening to such a great body, the greatest on the face of the Earth, as is this representative body known as the U.S. House of Representatives.

Now this morning, to my disappointment, the charge I made yesterday that the behavior of the Special Counsel who, as I say, has not amassed over \$250,000 in fees as Special Counsel, intervening in the judicial proceeding just last Friday on the pending case of Representative JENRETTE, this is the same man who before the House acted and before the committee itself had acted was telling the press and circulated by the press that Michael J. Myers was a liar, and that the House should not suffer his presence as a Member 1 hour longer than absolutely necessary.

Now, I think that is very questionable, but intervening as he did the other day, and by the admission of the testimony given in my presence this morning before the committee reaffirming that this same high-priced Special Counsel sent a note to the judge during the proceedings, while a most important motion and interview, or cross-examination, was underway, asking the judge to suspend so that he, a bearer of a message from the Committee on Official Standards of Conduct, could present that message to Mr. JENRETTE, it had only one intended purpose, and if not intended, certainly obviously going to result in the intimidation of both the defendant, Mr. JENRETTE, his counsel, and the judge who is now with a 6-foot high set of 26 volumes of evidence that he is intending to go

through before rendering a judgment in the matter of JOHN J. JENRETTE.

And yet, I heard the chairman of the committee say that they were pursuing the rules and the tradition, such as it is—short-lived one, I am sure—and yet I ask every Member of this House, from the Speaker on down, if this is proper, if this is tolerable, if it should be more than my voice being lifted in question, because I repeat: The continued stability—nay, the very existence of the integrity of this House is imperiled.

I hope that I shall never see fulfillment of this prophecy or prediction or charge as I am making it. Yet, my experience leads me to be pessimistic, and when I look around and I see how we have been stripped naked, both through committee action as well as House action, in our defense of the protection we have for real independence, as brought out just a few days ago by the opinion, incidentally, in the manner of Henry Helstoski, where the circuit court after years and after half a dozen grand jury improper behavior practices in the matter of Helstoski recommended that Mr. Helstoski and his indictment and all were improper, illegal, and therefore absolved Mr. Helstoski.

In its eloquent language, the judge went out of his way to say that it is clear that even the threat of an indictment is enough to intimidate most hardy and independent Members of the House or the Congress—just the mere threat of the indictment, much less an indictment itself. And, that the intention of that immunity was not only to protect the independence and the liberty of the individual Member from the executive branch, but from the courts themselves, which even as matters are proceeding in related cases under the so-called Abscam scandal are pending and in process now.

Now I, say that I never dreamed in my lifetime that I would see this on any level. I have had the privilege of serving on the local legislative level of the city council of the city of San Antonio, and then I had the high privilege of serving on the State senate of the State legislature of the State of Texas, and for 19 years the people of the 20th Congressional District of Texas have exalted me and privileged me and given me the honor of representing that district here. Never in the experiences that I have had in the other bodies, where the difference is obvious, where the perfection I saw of service on this level was so distinct and so obvious and so clearcut as that which I had had on the local, municipal, and State level, that I always in my prayers thank God for this system, and have always prayed for its preservation and resolved firmly that any action of mine would forever be in behalf of the preservation and transmittal to those who would follow us, just as I have been fortunate to have those old stock Americans preceding me be in a position to have transmitted that opportunity to the likes of myself.

With that same resolve, and impelled only by it, I am speaking and addressing and taking the time of this House for this purpose. But, it is distressing to see,

as I do in the prior cases, where alone and unaided I raised my voice.

I was one of the few that again and again, and in effect voted against the establishment of such a committee, and to this day I feel that the best thing the House could do would be to place the functions of this committee where they ought to be, and that is as part of the duties of the Committee on the Judiciary.

□ 1240

This is the reason I went head on and face to face and told the members of this Committee on Standards of Official Conduct that that is one thing I am advocating and will continue to advocate. I said that I am asking them, that even now, before going further into this bramble patch of jolinder and mixture of the legislature with the judicial, they at least have joint sessions with the Committee on the Judiciary. I insist on this, and I hope and pray that such will be the case from here on out, and that eventually the House will do this, because, as I have said before, since 1780 no prior House of Representatives had seen fit to go this way.

I said this when this resolution creating it was coming up. Is it because all of the collective Members before were less virtuous or less righteous? I do not think so, I think it was because they were far more conscious of what was involved in a thoroughly yet to be explored field of excursion in the legislative process where they are going to the heart of the matter of representation.

If this House, as it did on October 2, just as it did under the circumstances when it acted on October 2, decided that one of us shall be expelled, who is to predict now in time of stress what we can foresee now in time of turmoil? Just as in the case of the first instance, the beginning of the Civil War, who can say that any one of us, duly and properly and innocently elected by a legally constituted citizenry shall not have that privilege and that right?

This is what is involved, and this is why I am concerned when I see the actions of the Justice Department. Why here day before yesterday, in the proceeding of JOHN MURPHY in New York, what was the startling news that came out? Oh, it said that the name of Senator BRADLEY had improperly injected, and they wanted to clear his name. That came out on page 13 of the paper, but before the election and in headlines Senator BRADLEY's name was involved, only now to have the prosecutors of the Justice Department of New York say, "Oh, no, his name just happened to be mentioned by one of our hired hands."

Here is the Justice Department saying that it has millions of dollars to divert from its resources for such things as Abscam infractions, but it cannot resolve the murder—the most heinous murder in the history of the judiciary—in San Antonio of Federal District Judge John W. Wood, a case where they have not even got a lead yet today. It will be 2 years since that murder took place. And there is not a lead either in the case

of the attempted murder of Assistant Federal District Attorney James W. Kerr.

Now, where is the propriety? What is the propriety? Why should the practices reflected in Abscam by the Justice Department and the executive department go unchallenged and unquestioned by the legislative branch, which is now stripped naked before it?

What does the prosecutor say in the Bradley case? He says, "Oh, we are now willing, if Senator BRADLEY wants it, to give him a written statement saying that he is not involved."

Well, that is like saying, "We will give him a written statement to the effect that Senator BRADLEY, as we had thought before, was not involved on January 12, 1978, but maybe he was in April." That is the kind of thing that we are now supposed to plead for from vindictive and vicious prosecutors in the Justice Department? Are we now going to say that we shall be at the mercy of some directive yet to be established?

The Justice Department itself, though the actions of the Attorney General himself, admitted that there was impropriety in the actions of the FBI by leaks and the manner of the leaks, and, therefore, we had the involvement of innocent persons in and out of the Congress. And we have yet to hear the results of the investigation mandated by the Attorney General as to who in the Justice Department did it and for what premeditated reason and for what reason, on the basis and pattern in which they acted, they did it. With all these millions of dollars of resources that we in the Congress are so concerned about in matters of economy, they act with no accountability other than with the calculated intent to get at some preselected Members of the Congress.

Now, the question of guilt—bribery or not—sees us, then, to be the main issue, because that can be dealt with separately in the proceedings in the Committee on Standards of Official Conduct. But the history of those proceedings, by the admission of the chairman and the members and the apologists for the committee, the defenders of the committee, is that they say on the one hand that they have nothing to do with the judicial proceedings, but on the other hand they say, "Yes, we do because we are going to demand a judgment."

But what kind of judgment? According to their own rule 14, it is contradictory to the corpus of procedure in the Federal Jurisprudence that decides and defines final judgment. Neither in the case of Michael J. Myers nor in the new pending case of Representative JENNETTE has this by definition been the case.

So then we are at their whim, and as the Court properly states in the Helstoski decision, we are now vulnerable, naked to intimidation, and as the judge said, an unscrupulous executive branch can intimidate and cause the sufferance of the loss of independence of an individual Member who may be troublesome to that administration.

That is obvious to everybody, and especially it should be to my colleagues.

All of us are politicians who can talk from experience, and we know from experience what it means to face just the threat of an indictment or a rumor which may turn out to be baseless later. It is one that may come in the course of a heated campaign, and then we find out who can survive that intimidation.

I believe that the least we in the House should do is to consider seriously revising our rules in accordance and in consistency with what we charged in the resolution creating the committee, particularly the two most heinous resolutions, in my opinion—although I must admit that I was the only one voting no—in which we have for the first time delegated such wholesale authority to this committee that we provide, for example, that in exchange for that committee's receiving any documentation or evidentiary matter from the Justice Department, the FBI, the CIA, whatever it is, or their hirelings, they may do certain things. And these hirelings are criminals themselves, incidentally. They are criminals themselves.

We have been reduced in great America to our law enforcement agencies on the national level saying that they cannot solve crime unless they are cheek by jowl with the criminals, the most accomplished and professional criminals of all. I think that is a sorry past in our history.

But the least we can do is show some concern and ask ourselves, "What have we wrought?" We passed this resolution saying that in exchange for any information requested by the committee, the Justice Department shall say, "Oh, wait a while. We will give you this information, but only on condition you don't show it to X, Y, or Z Member." So the resolution reads—and you gentlemen voted for it—that that information shall be denied any members of the committee or the House.

Now, who is going to make that determination? I asked the chairman that question this morning. There was no answer. I said, "If the FBI has given you information and says, 'but we don't want X member of this committee to have it,' what do you do? Do you call a meeting of the committee short of that member, or do you make that decision?"

Or suppose the FBI says, "Oh, you know what? We don't want the chairman of the committee to have it." Then what happens? Is the committee going to be made aware of it? Is there going to be a refusal?

We do not know, and neither does the committee. I have no answer, and I did not get even an attempted answer when I raised those questions.

So, Mr. Speaker, even in the matters that the committee has gone into now, we have been denied due process.

□ 1250

TRIBUTE TO RETIRING MEMBERS OF THE NEW YORK STATE CONGRESSIONAL DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. STRATTON) is recognized for 60 minutes.

Mr. STRATTON. Mr. Speaker, as the chairman of the New York State congressional delegation, I have the somewhat bittersweet task today of noting the fact that some seven Members of the 39-Member bipartisan delegation from New York State are not going to be in the 97th Congress. This is a fairly substantial percentage of our delegation, roughly 22 percent, and including the chairman of two standing committees of the House and representing, incidentally, a total of 98 years of service in this body.

This is a heavy blow to come to the New York delegation, but it is at least a pleasure to have the opportunity to take this time this afternoon to pay tribute to all this service, and also to honor these seven Members personally upon their retirement from the Congress.

Because there are a number of Members in the Chamber today who wish to pay tribute to one or another of these seven members from New York, I will make only brief remarks about each. In keeping with the precedents the House will refer to them in the order of seniority.

Congressman JOHN MURPHY, chairman of the House Committee on Merchant Marine and Fisheries, has served for 18 years. He came to Congress as a legendary graduate of West Point with a most distinguished military career in the Korean war, where he won the Distinguished Service Cross for valor. As a Member of the House and as a chairman, JACK MURPHY has been a tireless worker and a forthright and courageous legislator. For years he has spoken out against the threat of communism in the Caribbean, a situation that is finally beginning to receive the serious attention it deserves. Representing the interests of the great Port of New York, Mr. MURPHY fought tirelessly to alert Congress and the American people to the need for a strong and effective American merchant marine. He well knows that naval power cannot be achieved without the existence of a strong merchant marine. In his voting record, JACK MURPHY has been steadfastly supportive of a strong defense, and has consistently supported the maintenance of strong relations with Korea. His independent approach will indeed be missed here in Congress.

Congressman JOHN WYDLER, dean of the New York Republican delegation and the vice chairman of the bipartisan delegation, decided to retire after having served here likewise for 18 years. As chairman of the bipartisan delegation I have been particularly pleased to work closely with Jack over the past 2 years in seeking to unify our large delegation and make it more effective in support of projects of interest and value to New York generally. JACK WYDLER has worked hard to set party considerations aside and has done much to bring about a degree of unity in the New York delegation that had previously been lacking. Legis-

lately, Congressman WYDLER as the ranking minority member of the House Committee on Science and Technology was a strong and outspoken supporter of nuclear power. He demonstrated his remarkable effectiveness as a legislator just a few days ago when almost single-handedly he steered through the House a renewal of the revenue-sharing program, including revenue sharing for the States. We will miss Jack's able leadership here.

Congressman JAMES HANLEY, the second New York chairman of a standing House committee who will not be back next year, also decided to call it quits here after 16 years of distinguished service. JIM is chairman of the Committee on Post Office and Civil Service. In that role he has been regarded by his colleagues as "Mr. Postal Service." It was JIM who prevented what could have been even more precipitate increases in postal rates by gaining congressional funding of the Post Office's public service functions. JIM was largely responsible for preventing the elimination of Saturday mail deliveries, too. And he took a leading role in developing and perfecting the civil service reform legislation, which represents another of his major achievements. And while this may not have come to the attention of the Nation as a whole, JIM HANLEY will also be remembered here in the House as the Member who was responsible for creating the "district work period" which has enabled us to schedule with greater precision our appearances back in our districts, without conflicting with legislation being considered on the floor of the House. I have a special affection for JIM HANLEY because much of the upstate area of central New York which I had the pleasure of representing for some 8 years in the so-called submarine district, is now included in his district. I know the very high regard which my former constituents have for JIM HANLEY as their present Congressman.

Congressman ROBERT McEWEN, who represents the geographically largest district in New York State and the one which adjoins the Canadian border, is retiring also after 16 years of distinguished service. BOB McEWEN has been a neighbor of mine in the Rayburn Building. He has been a tireless fighter for the interests of New York's north country and was largely responsible for involving the Federal Government actively in support for the 1980 winter Olympics in Lake Placid.

BOB McEWEN foresaw the need for this support many years before and laid the legislative framework for what proved to be a very successful undertaking. As a senior member of the Military Construction Appropriations Subcommittee, BOB McEWEN also played an active part in bringing about the expansion of Fort Drum, both as an Army Reserve and National Guard training facility, and as one that now serves as home base to several units of the U.S. Regular Army. Congressman McEWEN has consistently pointed out, as others of us have also

tried to do, the remarkable asset which Fort Drum represents in providing American Army forces with an opportunity to train under real winter conditions.

Congressman LESTER WOLFF, also completing 16 years as a Member of the House, is a senior member of the Foreign Affairs Committee and chairman of its Subcommittee on Asian and Pacific Affairs. In that role he has played a crucial part in promoting an effective American foreign policy in that often misunderstood and neglected area of the world.

Congressman WOLFF was one of the first to visit mainland China, and he, like Congressman MURPHY, has been a consistent friend and supporter of the Republic of Korea, especially during some of the more difficult periods of recent years. Mr. WOLFF's grasp of foreign policy issues is something that cannot be easily replaced, and he will be sorely missed.

LESTER was also responsible for creating the House Committee on Narcotics and has served with distinction as chairman. In this capacity it was his responsibility to travel to those areas of the world, primarily in the Near East and the Far East, where the narcotic traffic was most virulent. His committee's activities have alerted the country to the scope of this danger and have put us already on the road toward remedial action.

ELIZABETH HOLTZMAN has served in the House for only 8 years, but over this remarkably short period of time she has compiled a remarkable record. Her tough questioning of witnesses during the Watergate hearings will be remembered by all who watched television. She has served with distinction as chairman of the House Judiciary Subcommittee on Immigration. She fought hard and effectively to track down and bring to trial Nazi war criminals living in this country. She was the first to lead a women's delegation to Cambodia to report on the size of the tragedies going on in the unhappy country.

LIZ HOLTZMAN was also primarily responsible for the legislation extending the ratification period for the equal rights amendment. Although Congresswoman HOLTZMAN suffered a narrow defeat in her race for the U.S. Senate this fall, we feel certain her political career has been sidetracked only momentarily, and that her dedication, drive, and intelligence will continue to play an active role in our State at whatever level she may select.

Congressman JEROME AMBRO, who represents a district on Long Island and has served in the House for 6 years, is the junior member of our retiring group. JERRY AMBRO came to Washington as a member of that remarkable class of 1974, and in the spirit of that group has always been a fighter for what he believed was right. Mr. AMBRO came to Congress from an executive position as supervisor of Huntington Township, a community that included more residents than most congressional districts. As such, JERRY AMBRO had a political and elective background which went well beyond that of

most of his colleagues elected in 1974. As a result his "class" elected him as their chairman in 1976.

Coming from Long Island JERRY was especially interested in the health of New York State's important military aviation industry. He has fought hard in his 6 years to insure that America's military aircraft industry here not be limited exclusively to States in the Sun Belt. During JERRY's three terms in the House he has watched with justifiable pride as this industry has grown in prominence and effectiveness.

Mr. Speaker, let me just close by expressing my thanks to all seven of our distinguished colleagues for the multitude of services they have rendered to our State and to our Nation. New York will miss their representation and I believe our country will miss them too. For they have demonstrated, as this brief summary will demonstrate, the highest qualities of political leadership.

Let me also mention, Mr. Speaker, that one other able and experienced legislator from New York State is also retiring at the end of this 96th Congress, and he has the longest record of service of any of us. I refer, of course, to Senator JACOB JAVITS. Senator JAVITS served for 8 years in this House before going to the Senate where he served for another 24 years. Thus the 32 years of Senator JAVITS' congressional service, added to the 98 years of service of those seven Members retiring from the House, represents a total of 130 years of experienced service for New York State.

Undoubtedly the other body will at the appropriate time pay tribute to Senator JAVITS in their own way, but I do believe that we would not be amiss in recognizing his long service to the country, his leadership in our foreign policy matters, his effectiveness in looking out for the interests of New York City, as well as those of the rest of the State; and for his humane sponsorship of those pieces of legislation which have enabled cities from all over our land to survive and provide a better quality of life for all their citizens. Senator JAVITS' record is one which will be hard for any Member of the Senate to match in years to come.

Mr. WYDLER, Mr. Speaker, will the gentleman yield to me?

Mr. STRATTON, Mr. Speaker, I yield to the distinguished gentleman from New York (Mr. WYDLER), one of the seven, incidentally, being honored on this occasion.

Mr. WYDLER, Mr. Speaker, I rise on behalf of the other six Members. I do wish to express some general views about the fact that six very distinguished and very important Members of the House who happen to be Members from the State of New York are leaving, and the fact that they are leaving is going to be a great loss to the House of Representatives and, of course, to the Congress and our country.

Mr. Speaker, I think the New York delegation, under the leadership of the gentleman in the well, has really come a

long way in the last few years in pulling itself together on behalf of the State of New York, and I think we have shown a remarkable degree of cooperativeness. We have taken Members whose political philosophy is very divergent, people who represent probably the most metropolitan area in the world, New York City, and made them get along with and work with Members from the farm country up-State, and do it in a way that has been a benefit to all of the people of our State, and I think it is a tribute to the gentleman. I mention it here because it is also a tribute to the individuals to whom we are paying homage here today in this special order.

I would mention the people individually.

ELIZABETH HOLTZMAN, of course, ran for Senator from the State and will no longer be a Member of this body. She served here with distinction. She was a person who, when she rose to speak, got the attention of the Members. They knew at all times she had done her homework and knew the background of the matters in which she was involved. Of course, she will be missed.

Congressman MURPHY was an important Member of this House who served here for many years with great distinction as a legislator and the work he has done is, of course, enshrined in the legislative history of this House and speaks for itself in regard to the accomplishments he has put forth for our country.

Similarly, Congressman HANLEY was a committee chairman and he, too, has had a very distinguished career in this House.

I, Mr. Speaker, want to mention particularly two gentlemen from Long Island, the part of New York State from which I come and that is Congressman WOLFF and Congressman AMBRO from Long Island, who also will not be returning in the new Congress.

Congressman WOLFF was a Member of this House for 16 years, has risen to very important positions on the Foreign Affairs Committee and served with the other gentleman from New York (Mr. GILMAN) on the Drug Abuse Select Committee. In all of these cases he distinguished himself by his knowledge, hard work and ability to convey to the Members of the House the importance of the issue that he was addressing at all times. I know I will miss him, I know we will all miss him and I am sorry to see him go. I think the House has lost a very distinguished Member.

Congressman AMBRO was a less senior Member, but a very important Member from Long Island and his great quality as a Member of the House was the fact that he had come from local government and had served as a local official and brought to the House the knowledge of the needs of local government which was very important to us here. Again, as I say, we will miss JERRY AMBRO in the years ahead.

Finally, Mr. Speaker, I want to speak about the gentleman who is my closest friend—I consider all these people my friends, but my closest friend and associate during the years I have served is

Congressman ROBERT McEWEN of that rural area I spoke of before. I think Congressman McEWEN's district is probably the largest in New York State. I know he used to tell me to drive from one meeting to another sometimes he had to drive 200 miles to get from one meeting to another.

In my district I think the longest trip I can take is about 10 miles before I get outside my district so it is really a remarkable achievement to represent a district like that. Yet I know he was liked from one end of his district to another in all parts and was known in all parts of his district. He was the kind of Congressman I like to think about as the type we need the most here in the House. He was not a flamboyant Congressman, he was a quiet worker but a very effective worker and I think the gentleman in the well would agree with me he was most effective in trying to get for New York State some recognition from the military establishment to fulfill the needs of our country and to see that the State of New York played in them.

Of course, I am talking most particularly about his efforts to see that Fort Drum was recognized as an important training center for our country and to protect the interests not only of the people of the State of New York but the people of our country in that and, of course, we all know the tremendous work he did for our State and our country and the world in bringing to Lake Placid, N.Y., and helping with the many problems that arose in connection with it, the winter Olympics.

Again, ROBERT McEWEN has left his mark on this House. He has been an important Member and, I know, a friend to all of those who knew him and that probably includes every Member of this House and not only the Members of this House in the body itself but the country will miss his services in the years ahead.

I thank the gentleman for yielding. Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York for his remarks. He has certainly made a very valuable contribution, himself.

Since my friend, the gentleman from Kentucky (Mr. HUBBARD) has an important engagement, let me yield to the gentleman from Kentucky at this time.

Mr. HUBBARD. Mr. Speaker, I join with my colleagues today to honor my good friend and talented colleague, JEROME "JERRY" AMBRO of New York.

It was my privilege to serve as chairman of the 94th class in 1975. In 1976, JERRY AMBRO served as the third chairman of our class. I remember in 1975 when we were freshmen, new to the Congress, and needed to help each other. The Congressman from the Third District of New York, JERRY AMBRO, was always willing to be helpful to his colleagues.

JERRY, a thoughtful, effective political moderate, will be missed by his colleagues who have known him to give valuable input in the Committees on Science and Technology and Public Works and Transportation. JERRY is dedicated to these committees, knowing they are the committees which often address legisla-

tion beneficial to his country and more specifically to his district.

My outstanding colleague is also co-chairman of the Ad Hoc Task Force on Industrial Innovation. It is my understanding that this ad hoc task force has worked for the past 18 months to develop a policy to boost the sagging American productivity rate. Considering the state of our economy, I know we are in need of people in the Congress such as JERRY AMBRO who are attuned to the importance of industrial development.

We certainly regret losing one of the most talented, hard-working Members of Congress. JERRY AMBRO will be missed by all of us who had the privilege to know and work with him in the Congress.

In 1977 I visited JERRY AMBRO's district on Long Island and became aware of his constituents' confidence in and fond regards for JERRY AMBRO.

Additionally, I want to take this opportunity to express my appreciation and admiration not only for JERRY AMBRO but also other members of the New York delegation who will not be returning to the 97th Congress.

Yes, congratulations and best wishes to JOHN MURPHY, JOHN WYDLER, JAMES HANLEY, ROBERT McEWEN, LESTER WOLFF, and ELIZABETH HOLTZMAN. Your dedication and service will be missed greatly by your colleagues.

□ 1300

● Mr. BLANCHARD. Mr. Speaker, during his first term as a member of the Science and Technology Committee, Congressman AMBRO offered a successful amendment to include money in the U.S. budget for the first time specifically for construction of a national Solar Energy Research Institute which is now located in Colorado.

In 1977, from his position as a member of one of the energy research subcommittees, Congressman AMBRO won congressional approval for \$280 million to construct on Long Island, at the Brookhaven National Laboratory, the world's largest and most powerful particle accelerator, the Isabelle project, which will restore U.S. primacy in the world of pure science and make Long Island the focus of worldwide attention as this pioneering high energy physics research explores the basic structure of matter and unlocks the innermost secrets of energy. Testimony from the Nation's most important physicists, during committee consideration of this project, projected the awarding of several Nobel Prizes as a result of the research that Isabelle will make possible.

His service on the Environment and Natural Resources Subcommittee during his second term gave Congressman AMBRO the opportunity to provide valuable assistance to the city of Glen Cove, Long Island, which had lost half of its drinking water due to contamination of wells from toxic organics probably dumped more than a decade ago. He brought the subcommittee up to the problem site for field hearings and then authored an amendment which provided the city with a \$300,000 Federal grant to identify methods of cleaning up the contaminated municipal wells. The demon-

stration grant was so successful, that this past year, it was extended for an additional 9 months beyond the 18-month original project period.

His experience on the Natural Resources and Environment Subcommittee also convinced Congressman AMBRO that Long Island's precious and fragile groundwater supply had to be permanently protected and led to his successful quest to have the U.S. Environmental Protection Agency designate Nassau and Suffolk Counties as a "sole source aquifer" region.

In his third term, Congressman AMBRO became the chairman of the Subcommittee on Natural Resources and the Environment, elected unanimously by his peers on the full committee. From that position he accomplished the following:

First. Brought the environmentally threatened Long Island Sound under the protective provisions of the Ocean Dumping Act, preserving that valuable feature of Long Island living for the present and future generations. The Ocean Dumping Act, with the Ambro Long Island Sound protection amendment passed the House on May 13 by a vote of 372 to 24 under suspension of the rules.

Second. Held the first hearings on the administration's plan to order public utilities to convert from oil to coal specifically centering on such a prohibition order promulgated to the Long Island Lighting Co's Northport generating plant, the largest oil-burning facility in the Nation. As a result of those hearings, the Department of Energy decided to review its coal conversion order to LILCO and to consider the use of an alternate technology, for example coal-oil mix (COM), instead. Subsequently, working in cooperation with New York Senator DANIEL PATRICK MOYNIHAN, he had the LILCO Northport powerplant removed from the list of plants to be ordered to convert to coal in the oil back-out bill. Such a conversion for LILCO would have cost ratepayers more than \$2.6 billion, to say nothing of the horrendous disruptions that it would have caused in the communities surrounding the 1,553 megawatt powerplant on Long Island's north shore.

Third. Chaired year-long hearings resulting in drafting of the Nation's first vitally needed comprehensive materials and mineral policy legislation—passed by both House and Senate and signed into law by the President—which will provide the framework for the first time for a long-term strategy for managing critical materials for strategic national security and manufacturing needs. It provides a national policy for materials research and development to strengthen the Federal and private programs of materials management.●

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

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

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. STRATTON) for arranging this time today so that we are able to pay our respects to the seven Members of our

New York delegation who will be leaving us at the end of the 98th Congress.

Mr. Speaker, it is with regret that I rise to note the impending departure of seven Members from our New York congressional delegation: Mr. WYDLER, Mr. HANLEY, Mr. MURPHY, Mr. McEWEN, Mr. WOLFF, Ms. HOLTZMAN, and Mr. AMBRO, who have done so much for their districts, the State of New York, the House of Representatives, and the Nation during their service in this body.

It has been both a privilege and a pleasure to have worked closely with the gentleman from New York, JOHN WYDLER, on a number of critical issues, including the reauthorization of the revenue-sharing program, in which he played a vital role. We all recognize the value of his contributions to many of our energy programs, and to the oversight functions of the Committee on Government Operations. JACK WYDLER's leadership position in the New York delegation has benefited not only our entire delegation from the State of New York but our entire Nation.

As a member of the Committee on Post Office and Civil Service, I am in a position to attest to the sense of responsibility and commitment which JIM HANLEY has brought to his chairmanship of that committee, expressed energetically in moving the business of the committee. He has expeditiously and in a Solomon-like manner balanced the interests of the public, the mail users, and our Federal employees. We will feel his absence not only at delegation meetings but also in our work on the committee.

BOB McEWEN has been sent to Washington in every congressional election since 1964. His term of service on the Appropriations Committee has certainly justified his constituents' respect and admiration. His work on the Subcommittee on Military Construction has enhanced our national defense and has helped to keep military bases open in various locales in the northeast. I have known of BOB McEWEN's outstanding public service, not only during his service in the Congress, but during his prior service in the New York State Legislature.

I am especially sad to note the departure of my colleague and close personal friend, LESTER WOLFF. I have had the pleasure of serving on the Foreign Affairs Committee with LESTER, and of working closely with him in his capacity as chairman of the Select Committee on Narcotics Abuse and Control, of which I am a member. LESTER WOLFF has also labored long and hard with us in seeking to obtain a full accounting for the missing in action in Vietnam and we say to you, LESTER, that your devoted work will be carried on.

Representative JOHN MURPHY, who has served in this House for 18 years, has performed admirably on the Commerce Committee and has demonstrated his leadership ability and devotion to his responsibilities during his tenure as chairman of the Committee on Merchant Marine and Fisheries and as chairman of the Select Committee on

the Outer Continental Shelf. I have also had the opportunity to come to know and respect his dedication to our Nation's security in our roles as members of the board of visitors of the U.S. Military Academy at West Point.

Although Congresswoman LIZ HOLTZMAN has served in the House only since 1972, she has been an extremely effective and highly respected legislator. Her reputation as a crusader is well deserved. Her constituents, and the House of Representatives, have been fortunate to have benefited from her service during the past 8 years, as have the Committees on the Judiciary and the Budget on which she has so ably served.

JERRY AMBRO's 6 years as a Member of the House have been marked by his responsible and able leadership as chairman of the Subcommittee on Natural Resources and the Environment of the Committee on Science and Technology. JERRY and I have worked together closely during the 98th Congress on issues related to energy and gasoline rationing; on that matter, he took a courageous stand against the position taken by leadership of his party. He has also played an important role in the work of the Committee on Public Works and Transportation which greatly benefited the State of New York.

Mr. Speaker, the House of Representatives, the people of the State of New York and especially those of us who serve on the New York congressional delegation, will miss these Members who have contributed so much of themselves and so many of their talents and who have been vital to our remarkable and highly effective delegation. I join my colleagues in extending to each of our friends and colleagues our sincere best wishes for good health, happiness, and success in whatever new endeavors they may undertake.

Mr. STRATTON. Mr. Speaker, I thank the gentleman from New York for his remarks, and I might comment further. I said earlier that the seven Members from the House whom we are paying tribute to, specifically today, represent a total of 98 years of service in the Congress. As a matter of fact, we have one other Member of the New York delegation who also will not be back in the 97th Congress, and that, of course, is our distinguished senior Senator from New York, JACOB JAVITS. He has represented, both in the House and the other body, some 32 years of service, so we really have eight Members here representing an incredible total of 130 years of service in this body. This may be something of a precedent, I believe, in the U.S. Congress.

□ 1310

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

Mr. STRATTON. Yes.

Mr. GILMAN. I thank the gentleman for adding and noting that Senator JAVITS should be included as part of our tribute to our New York Members, because he has served very effectively as part of our New York congressional delegation and has rarely missed an oppor-

tunity to participate in the work of our New York congressional delegation and has been very helpful in the other body as we attempted to bring forth matters benefiting the State of New York. I had come to know Senator JAVITS initially in my work as assistant attorney general in the State of New York when he served as attorney general and those years, too, must be added to our tribute for his public service. We will sorely miss the good Senator in the new session.

Mr. STRATTON. I thank the gentleman. I yield to my friend, the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAILEY. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I can add very little to what has already been said about the departure of a group of very fine and capable people.

I would, however, just like to make one very brief exceptional remark about the gentleman from New York, Mr. JERRY AMBRO, who I think to me, as a new Member of Congress, has meant such a great, great deal, with his expertise, his capability, fairness, and I think a very innate capacity that came to him very easily to be objective in his views on legislation, no matter what his views were, proved to be an invaluable tool to me.

I shall miss him very much and he will be a great loss to this body.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I yield to the ranking Member in seniority of our delegation, the distinguished gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Speaker, I thank our dean for yielding and taking this time to bring to our attention the great works of the Members of our delegation and pointing out almost the 100 years of service and knowledge that will be lost.

I recall, along with the gentleman in the well, that for many years the New York delegation always hit and ran, would be here one or two terms and go back to their respective cities and States and run for Governor or what have you, and only over the last several years the Members have realized the importance of this great body and have remained. We lose that expertise when we lose men like BOB McEWEN, LESTER WOLFF, JERRY AMBRO, JACK MURPHY, LIZ HOLTZMAN, JACK WYDLER, and JIMMY HANLEY, and losing our great senior Senator, JAKE JAVITS, who also served so ably in this House; so they will all be missed. Their expertise will be missed.

We sincerely hope they will continue their public service by continuing to work with the delegation, not only here in Washington, but back home in our cities and States where they are needed and their expertise is needed.

So I wish each and every one of them well, good health, and may we see them often.

Mr. Speaker, I rise to join with my colleagues in expressing my deep regret that our colleague, the Honorable JEROME AMBRO of New York will be retiring from the Congress at the end of the year.

JERRY was one of the most active of the activist class of 1974, and in fact, served as President of that class during the initial 2 years of service here in the House. He has been instrumental during his work on the Public Works and Transportation Committee and on the Science and Technology Committee for progressive legislation, which has benefited all sections of this country. In our native New York for instance, the Long Island Railroad is a far better commuter operation today than it was in 1974, primarily due to the unceasing efforts of JERRY, on behalf of mass transit funding.

In 6 short years, JERRY has made an impact on this House and on its Members, which will last long beyond his time of service here. But more importantly, he has proved himself to be a man of strong principle, who will fight until the end for those values he believes in. He has proved himself to also be a good friend whose help is ready when it is needed.

But be that as it may, JERRY AMBRO has performed diligent and faithful service to this country, while he has served here. I have no doubt that in whatever endeavors he takes on in the months and years to come, he will perform them as successfully. I will deeply miss his companionship and his good counsel in the new year. I can only wish him the best of luck, good health, and good fortune in the years ahead.

Mr. Speaker, it is with real sadness that we note the retirement of my colleague from New York, the Honorable ROBERT McEWEN, who has served so long and with so much distinction with me on the House Appropriations Committee.

Bob came to Congress in 1965 as an exception to the Johnson landslide of 1964 and he has proved himself through the years to be a person worth making an exception for.

Bob and I have served together on the Treasury and Post Office Subcommittee, and the Military Construction Subcommittee in recent years, where I have learned that he was a driving force for the improvement of military facilities throughout the Nation. He was not so bad for New York projects either.

Bob has come to us from the north country of New York State where it is almost easier to campaign by motorboat than it is to campaign by automobile. He is the only Member of Congress that I know who desperately awaited new political campaigns because it allowed him to take his fishing rod with him as he toured his district. It is perhaps his interest in the district and its people and its many simple pleasures that kept him immune from political challenge throughout the years.

But Bob's interests were not only with his beloved north country. He was a strong and supportive advocate of help to New York City when we were in such dire need of help some 5 years ago. He has been a strong force for national security and rational international policies. Bob has had the ability to look an

issue straight in the face and to be able to do the sensible thing.

But more than that, BOB McEWEN has always been a good person to be with. He is excellent company, a stalwart friend, and is always the person to offer a helping hand, whether it be the shrewd political thing to do or not. It is perhaps this last attribute that has always made BOB special; he has cared about people and very little about politics.

Mr. Speaker, I join with my colleagues to express my sorrow at the retirement of the Honorable ELIZABETH HOLTZMAN of New York and to express my hope that she will continue to lend her considerable talents to public service.

As everyone knows, LIZ was narrowly defeated in a race for the Senate and under more normal circumstances we would have been able to call upon her in the other body over the next 6 years.

Any of us who have served with LIZ recognized her considerable skills and legal expertise which made her such a valuable member of the House Judiciary Committee. She performed with honor and distinction during the Watergate impeachment hearings and she led the fight to root out and prosecute former Nazis now living in our country. She has been a strong and unwavering supporter of human rights and social issues throughout her service in this body. The Nation will be deprived of a strong advocate on behalf of the people with her retirement at the end of this session.

But those of us in the New York delegation who have served for so many years with LIZ know her to be a kind and gentle young woman, who always stood ready to be helpful to a friend if needed. Through the 8 years I have known her, I have learned to appreciate just how nice a person she is and I have been constantly amazed at the range and scope of her intellect.

There is no doubt in my mind that the leaving of Congress will in any way inhibit the activity of this young woman and I am certain that there is a rewarding future ahead of her no matter which way the future takes her.

Mr. Speaker, it is with regret that I join my colleagues in noting that my colleague JACK MURPHY of the New York congressional delegation will be leaving Congress at the end of this session.

JACK has been a driving force within the delegation during the 16 years he has served in this body and his performance as chairman of the Merchant Marine Committee has resulted in a greater national awareness of our need to stimulate our domestic merchant marine industry. JACK has been a forceful advocate of a strong national defense and he played a key role in securing Federal assistance for aid to New York City at a time when the city faced virtual bankruptcy.

But issues alone are not the measure of a man and JACK MURPHY has proved time and time again through the years that he has a sincere concern for the people he has represented on Staten Island and in parts of Manhattan, that he is a good friend to have when you need a friend. Additionally, JACK is one of the best liked

Members in this body as well as one of the most articulate people ever to serve in this body.

So it is with sadness that we note JACK's retirement from this body. The people of his district, the people of this Nation and all of us who have been lucky enough to serve with him will sorely miss him in the coming year. Nevertheless, I expect that JACK's return to private life will not end his involvement in public issues for through the years he has always been an activist on behalf of the people of New York City. I wish him and his beautiful wife Kathy, good health and good fortune in the years ahead.

Mr. Speaker, I join my colleagues in expressing my distinct sorrow that Congressman LESTER WOLFF, of New York, will retire from the House of Representatives at the end of this year.

LESTER has been a good and valued friend for more years than I like to remember and I shall miss him greatly when he is no longer with us in the new Congress.

My colleague has had a distinguished career in this body and it is to a large degree the measure of his personal popularity that he has remained in Congress as long as he has. LESTER challenged a distinguished and insulated Republican Congressman in 1964 and managed to win in that heavily Republican district. In 1966 a rematch of the same two people resulted in one of the classic political campaigns of our time. Since that time, LESTER WOLFF has withstood every challenge in that strong Republican area and it took in this year's election all the combined skills of the Republican Party to upset him.

Like the warrior he has always been, LESTER distinguished himself as much in losing as he did in the many years of victory and I, for one, salute him for it.

His career in this House demonstrated rapid rise right from the beginning. He rose to be a senior and respected member of the House Foreign Affairs Committee and headed the Subcommittee on Asian matters with distinction. A workaholic of the best kind, LESTER also organized and was chairman of the Select Committee on International Narcotics Trafficking. In this later assignment he not only performed with diligence, but there were at least a number of times when his physical safety was endangered. To his everlasting credit, not once did he ever let these threats interfere with his duty.

LESTER's interests have always ranged far beyond the scope expected of a single Member and he has been, year after year, one of the most innovative and original thinkers in our midst. The country will miss his talents and his contributions which have been so many and so great. I will miss his company and his friendship and his delightful sense of humor. I wish he and his wife, Blanche, all the best in the years to come. And I warn the private sector of this Nation that the Congress is sending back to it a whirlwind of activity and ideas that will keep it bustling in the months to come.

Mr. Speaker, we had a number of outstanding Congressmen from New York State, but none have surpassed the career of my good friend, the Honorable JAMES M. HANLEY, of Syracuse, who has performed so well through his many years of service in this body.

JIM has decided to retire at the end of this session and the Nation will be losing an outstanding public servant as well as an innovative and bold chairman of the House Post Office and Civil Service Committee.

JIM came to Congress as part of the Johnson landslide in the election of 1964 and brought a fresh breath of Irish wit with him. Many would say he is the best export that Syracuse has ever made. But now that he has decided to return back to his beloved city, we can only wish him our best in the years to come and hope that he will continue to give us his good counsel as often as he can.

It did not take JIM long to become a Washington institution. Part of that was because of his hard work and dedication to the job, but another part of it was due particularly to his unfailing courtesy, good manners, and a joyful outlook on the world at large. I feel fortunate to have been able to serve with JIM through these last 16 years where so many momentous issues came before this body. I think it is safe to say that no matter how difficult the challenge before us or how complicated the issue, JIM was always one of the first to see through all the rhetoric and to get down to the basic issues. His concerns were for people and for workers and he never once deserted his principles in the many years of service here. I regret deeply that JIM decided to leave the Congress but I can only wish him good health and best regards for the years ahead. I am sure that whatever he decides to do in the years to come, he will be as successful in those endeavors as he has been in the past.

Mr. STRATTON. I thank the gentleman.

Mr. Speaker, I yield now to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me take this opportunity to express my appreciation to our good friend from the great State of New York—the Honorable SAM STRATTON—for taking this time today to pay tribute to the seven members of the New York delegation who will not be here next January. It gives us the opportunity to express our feeling of loss that they are not going to be with us. We shall miss them all.

I would personally like to state my admiration to the entire New York delegation for their continued hard work and the many contributions they have made in the development of the legislation generated by this House. And, these Members who will not return were a good and strong part of that delegation and can take pride in a job well done.

I would like to pay a special tribute to a man I became well acquainted with and who I greatly admire because of his hard work on the Aviation Subcommittee of the House which I chair. I am referring to JERRY AMBRO of Long Island, and even though his years on the subcommittee were not many, he proved himself to be a most valuable asset. His ability to get to the point of an issue and his willingness to enunciate clearly his specific point of view were early established.

I would also feel remiss if I did not mention his contributions as a member of the full Public Works and Transportation Committee upon which we both served.

I commend him also for the fine district service he has given New York's Third Congressional District, as well as all others who have been affected by the work he has done while serving in this House.

My wife, Lee, joins me in saying a sad farewell to JEROME AMBRO, and we wish him, and his children, Cathleen, David, and Richard well in all their future endeavors.

I thank the gentleman for yielding this time.

Mr. STRATTON. I thank the gentleman for his very fine words.

Mr. Speaker, I yield to the gentleman from New York (Mr. McHUGH).

Mr. McHUGH. I thank the gentleman for yielding.

Mr. Speaker, I first want to commend the gentleman from New York (Mr. STRATTON) for giving us the opportunity to express our respect and affection for those of our colleagues who are leaving the Congress this year.

I certainly join in those warm expressions which have already been made about each of our New York colleagues. I have had the privilege of serving in Congress now for 6 years. One of my greatest satisfactions during that time has been the opportunity to work with my colleagues in the New York State delegation. Many years ago, before I was active in politics, I remember reading stories about how disunited the New York delegation was. I can only say that since I have been here, we have had a marvelous and constructive relationship. It is due in part, of course, to the leadership of people like the gentleman from New York (Mr. STRATTON), who currently serves as chairman of our delegation; but that constructive relationship is also due to the commitment and willingness on the part of Republicans and Democrats alike to work together on common problems and concerns. I believe we have been very successful at that and the seven Members whom we are honoring today have contributed substantially to that success.

In his and her own way, each of our colleagues has made a special mark while serving here. Each will be remembered, fondly and with admiration, for their outstanding personal qualities and for their distinguished service to their districts, State and Nation.

I would like to make special mention of three of my colleagues in particular;

first of all, JIM HANLEY. Since 1965, JIM has represented a congressional district which is adjacent to mine in upstate New York. I recall, while serving as district attorney in my home county, attending a meeting in JIM's congressional district. I believe it was in 1970. On that occasion I had the opportunity for the first time to hear JIM speak about Congress and some of his concerns regarding our Nation's interests. JIM impressed me at that time and, upon my election to Congress, I looked forward to serving with him. It has been a privilege to do so.

JIM has a distinguished career in Congress. He has served as chairman of one of the most important committees in the House. He is a gentleman who has done himself and this institution great honor.

I would also like to make special mention of Congressman AMBRO. Like JERRY, I was first elected to Congress in 1974, and, therefore, I have known him well from our earliest days here. In these 6 years I have learned a great deal from him. He has brought to his duties in this institution, whether in committee, our State delegation or on the House floor, a combination of talent, energy, and humor which is unusual for this body or for any other organization.

Finally, I also want to say a word about Congresswoman ELIZABETH HOLTZMAN. Undoubtedly, Liz is one of the brightest persons ever to serve in the House of Representatives. Her commitment to human rights, whether in this country or abroad, has been a beacon light for all of us. Her fine example, as a public servant and a politician, will have an impact here and in New York far beyond her years of service. She would have been a fine U.S. Senator, and given her youth, energy, and talents, she may yet be.

In saying farewell to all seven of our colleagues, we do so with a sense of sadness, but also with the confidence that whatever they may now choose to do, they will do it well. We wish them good luck and Godspeed.

Mr. STRATTON. I thank the gentleman for his very generous remarks.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I thank the gentleman from New York.

On the occasion of the death of Grace Kelly's father and the reading of the will, Mr. Kelly made the remark in the will that, "Thoroughbreds never cry in public."

Somehow JERRY AMBRO comes to mind when I think of those words. This is sometimes detailed and arduous work that we have before us, particularly in the committees and sometimes in the Committee of the Whole House. Sometimes emotions run high. Sometimes honest differences of opinion produce hasty words that are not meant, and all the rest; so it is particularly important, it seems to me, that Members like JERRY AMBRO come to the Congress with a twinkle in their eyes and with a kind word for everybody, always seeing the humorous side of things.

I believe it was Steinbeck who wrote that in the circus the clown's humor makes our own selfish tragedy seem funny.

□ 1320

JERRY AMBRO is no clown. He is a very serious human being whose contributions to this Nation, to his family and to his fellow humans all over the globe are immense. But with that comes the quality that Congressman McHUGH mentioned a moment ago, the light touch. He has given us much. Steinbeck also wrote in terms of humor that can be provided in terms of stress and times of anxiety and times of despair that those who can do that, who can smile, and with a smile we turned our tears to laughter, as the song goes, and Steinbeck wrote "What doctor could do as much?"

Such conduct refreshes us, renews us, and makes us ready to survive, in the words of Steinbeck.

I join with my colleagues, too, in knowing that we will miss ELIZABETH HOLTZMAN. The word "wholesome" comes to mind when we think of our colleague. She is hard working, bright as a shiny silver dollar. I personally am sorry that she will not be serving in the U.S. House or in the other body. After all, they say that a woman's place is in the House, and they add in the Senate as well. So I lament that.

JACK WYDLER has been our good friend. I do not think Mr. WYDLER has had feelings from anybody who has ever served in the House of Representatives. He has been eloquent. He has stated his cases well.

BOB McEWEN is another pleasant Member, hard-working member of the New York delegation.

When I come to LESTER WOLFF and JIM HANLEY, my classmates in the class of the 89th Congress, in both cases I see the very image of everything as a Hoosier schoolboy I had ever seen in the movies that was supposed to be the quintessential New Yorker. The word "dapper" comes to mind in both cases, always impeccably dressed, always polite, gentlemen to a fault, always hard working. They will always be missed here.

I thank the gentleman for yielding.

Mr. STRATTON. I thank the gentleman from Indiana for his remarks.

At this time I yield to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I thank my colleague, the dean of the New York delegation Mr. STRATTON, for yielding to me. I would like to compliment my colleague for calling for this special order.

Indeed, New York State is losing seven Members of the House of Representatives, and our senior Senator, Mr. JAVITS. I am sure that loss will be sorely felt by everyone in New York.

I believe it is fitting to compliment the dean of the delegation today for the way he has conducted the bipartisan group of New York Representatives for the past 2 years. That brings to mind something that is dear to me. When you analyze the amount of people that New York State will lose from the 96th Congress you will note that three came from the Long Island region. One-half of the Long Island delegation will be new next year.

Just as the gentleman brought a bipartisan approach to New York problems, we had that same spirit of cooperation on Long Island. I would hope in

saying farewell to the three Long Islanders and the seven in total from New York that those who will take their place will have the same spirit of cooperation with their fellow colleagues no matter what political persuasion they come from.

I would like to pay tribute specifically to the Long Island Members we are losing. JACK WYDLER, who is the Republican dean of the New York delegation, the dean of the Long Island caucus, certainly will be sorely missed.

We have LESTER WOLFF, you could go on and on speaking about the accomplishments of Mr. WOLFF, particularly in foreign affairs.

But I would like specifically to talk about Mr. AMBRO. Mr. AMBRO's district abuts mine on Long Island. We make up the eastern part of Long Island and perhaps we have some problems there that are somewhat different than the rest of the region of New York State. I can simply say, in the 2-year period of time, working with JERRY has been a very pleasurable experience. I can think back to some of the things he has accomplished this Congress.

I would hope that those things would not be forgotten soon by all of the people who reside on Long Island and all of the people who reside in our great State and, indeed, the people of our Nation and those of the world. Specifically I can think about each and every time one would go and pay his LILCO bill in the next few years and will not have the realization of paying for \$2.3 billion in a conversion program at the Northport facility. That will be of great relief to all of the citizens in that service area. It is something Mr. AMBRO, our colleague, worked very, very hard for and was successful at accomplishing.

I think that this is the type of thing Mr. AMBRO, Mr. WYDLER, Mr. WOLFF, the chairman of the committee I serve on, Merchant Marine and Fisheries, Mr. MURPHY, have done for the past several years collectively. Considering the total tenure of the seven House Members, as well as that of our colleague in the other body, Mr. JAVITS, we will lose well over 130 years of experience, I would hope that experience is something that we can draw from, and is something that those who are taking their places will look back on and study, to bring that type of attitude to the 97th Congress.

I can say from a personal standpoint it has been a privilege to serve with the seven Members of the House of Representatives. It has been more than a delight to work in a cooperative fashion with Senator JAVITS, and I hope for New York, for Long Island, and for our Nation we will have that same type of relationship when the new Members come.

I will tip my hat once again to the gentleman from New York (Mr. STRATTON) dean of the delegation, for doing a fine job in the 96th Congress holding us together as a team, who was concerned and still will be concerned with the problems facing New York.

Mr. STRATTON. I thank the gentleman for his generous remarks.

I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distin-

gushed chairman from New York both for allowing me to speak and for arranging for this special order and then advising us through letter that we would have such a special order.

Of course, we know that the State of New York from the inception of our Nation as a nation has played a formidable role in its representation in the lawmaking body of this country. In this case it is sad personally to see this many leaving service after such a tremendous level of performance that each Member of the seven that we are memorializing today have achieved.

I will begin with the newest Member in my experience, Mr. JEROME AMBRO, because to me it is so noticeable the achievements in the brief span of his service here and his record. On a personal note, though I did not serve on any committee with him, I got to know him nevertheless very well and discovered all of the characteristics that have been here stated as being his as being true. Also I had a personal chance to discuss with him, maybe because of the common Latin background, some things that are always of interest and are historical and cultural and found his deep knowledge of cultural matters.

It is hard to believe he served just scarcely in that brief span of time that he did, he is of such a maturity and accomplished so much in such a short period that it is very hard to conceive of him being a relatively new Member of the House. I deplore the fact that we will not continue to benefit nationally from his services.

The second that we honor is the man that I best got to know because we serve on the same committee, the Committee on Banking, Finance and Urban Affairs. As I understand, he is from upstate New York. I speak of JIM HANLEY. What a tremendous guy. His retirement, of course, is self-directed, self-imposed.

At the time he announced it I expressed to him personally my sadness at hearing that and the sense of loss nationally again, but not only to New York, but the Nation, and those of us in Texas would be losing the tremendous service of an individual Member of the House, a judicious Member, a hard-working Member, knowledgeable Member, and a man of integrity.

□ 1330

Then the other that I have gotten to know because of our finding ourselves as we do in his hurly-burly of legislative activity and voting on issues that we cannot foresee even at the time we answer a rollcall is that distinguished gentlewoman from New York, Ms. ELIZABETH HOLTZMAN. I found myself, for example, just a couple of years ago with her being the only two voting "no" on a resolution overwhelmingly approved by the House having to do with the service of a subpoena on one of the witnesses of the so-called Korea scandal case. We felt that the House was acting improperly, but we were the only two who voted "no." We were overjoyed when, in a matter of a couple of weeks later, the courts held that we were right and that the overwhelming preponderant majority of

the House had been wrong; but this is the kind of expertise that Ms. HOLTZMAN brought to the House with the tremendous legal background, her role on the Committee on the Judiciary, and the other assignments that have just been tremendous.

I regret sorely that she did not accomplish her purpose in seeking the Senatorship of New York.

Then the others, even though the gentleman from New York, (Mr. JOHN MURPHY), did not serve on a committee with me, I got to know him equally well because he and I were office neighbors for several years. What an outstanding gentleman, an outstanding graduate of West Point, a tremendous force in his committee assignment, a wonderful friend, a man of integrity and a great deal of sense of purpose. I certainly wish him Godspeed in his future endeavors.

As the gentleman from New York, (Mr. WYDLER) what else can I say other than what has already been said except to say this: He was my leader on those matters having to do with this question of nuclear energy; and, though in the last year or so we had some differences on one aspect of activity, in the overall picture I consider him the leading expert in this matter and recognized that expertise, respected it, and followed his leadership. I regret to see him announcing his retirement.

With respect to the gentleman from New York, (Mr. MCEWEN) again what can I say of such a distinguished, noble, friendly, and amicable gentleman? His record speaks. We do not belong to the same party, but his record shows that he had tremendous accomplishments. I know it is a loss to New York, and again I repeat to the Nation.

In the case of the gentleman from New York, Mr. LESFER WOLFF, I think he became a national figure, transcending the purely local aspect of service. As a friend, of course, one could count on no more noble an individual than Mr. WOLFF. Again, here his expertise and tremendous amassing of his experience is going to be sorely missed by the House and the Nation.

With respect to Senator JAVITS, I might add, that though I do not really know him too well personally, we have sat on a couple of conferences together. He was an idol even before I was coming to the Congress and all through the Congress. What a leader nationally. What an inspiration to those of us outside of New York in the Deep South.

So I thank the gentleman, the distinguished dean of the New York delegation, Mr. STRATTON, for this opportunity.

Mr. STRATTON. I thank the gentleman for his very fine remarks.

I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I want to express my own personal gratitude to the gentleman from New York (Mr. STRATTON) for arranging for this opportunity for some of us to indicate the great contribution made by those Members who will not be with us next year from that great State. I could speak at considerable length, although not with

the eloquence of the gentleman from Texas (Mr. GONZALEZ) with regard to the contribution of these distinguished Members; but I would like to say just a word about one of the Members with whom I have worked most closely. That is the distinguished gentleman from Long Island, Mr. AMBRO, with whom I have had the pleasure of serving on the Committee on Science and Technology for the entire period of his service here. In fact, we have worked with great cooperation and very closely because we have many common areas of concern dealing with the impact of chemicals on the environment, the problems of water pollution which—oddly enough—affect Long Island and his own community. We have actually jointly participated in hearings on subjects of this sort, and because I have shared his interest and come to respect his expertise in this area, I am going to miss the contribution that he has been making and which I had hoped he would continue to make on the Committee on Science and Technology. I have known JERRY since his election in 1974. His decision to pick the Science and Technology Committee as an arena to specialize in resulted in extensive cooperation and collaboration over the past 6 years. From general concerns about the effectiveness of Government-sponsored research and development, to specific concerns of groundwater pollution or high energy physics work at Brookhaven National Laboratory, I found JERRY to be both knowledgeable and interested in what constructive role the Congress could play.

For 4 years, I chaired the newly created Subcommittee on Environment and the Atmosphere of the Committee on Science and Technology. During those 4 years, JERRY was one of the most active subcommittee members, playing an important role in our efforts to improve environmental and atmospheric research and development. Two years ago, I moved to another subcommittee, feeling secure in the knowledge that JERRY AMBRO would take over the important work of this renamed Subcommittee on Natural Resources and the Environment. JERRY has made his mark on this subcommittee, and helped it move into new areas, such as the recently enacted materials policy legislation.

Mr. Speaker, this House will miss JERRY AMBRO.

Mr. STRATTON. I thank the gentleman for his very fine contribution.

Mr. Speaker, I now yield to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Thank you very much, my colleague from New York, Mr. STRATTON.

I thank the gentleman very much for this opportunity to share in paying tribute to those from New York who have served well in this body and now will be looking to serve in other ways in New York. I want to express my best wishes to all of them and to thank them for their service in this body. I particularly, however, want to mention some of the Members with whom I have worked closely. One of them is the gentleman from New York, Mr. JIM HANLEY, a per-

sonal friend, who has been a good adviser to me, one who has served this body well over the years; and I continue to look to the future to extended friendships with him.

I also want to mention another good friend from New York, the chairman of the Committee on Merchant Marine and Fisheries, one who has given me good counsel and has helped me in serving my constituency in the committee and has given me opportunities that have helped me in my service here. I wish the gentleman from New York, Mr. JACK MURPHY, well in his future and look forward to continuing our good relationship.

I also want to pay tribute to the gentleman from New York, Mr. LESTER WOLFF. As chairman of the Select Committee on Narcotics and Drug Abuse and chairman of the Subcommittee on Asian and Pacific Affairs, he has been one of the leaders of a fascinating new movement, the growing national and international problem of drug abuse and addiction and the growing awareness of the role of the Pacific Rim in commerce and world affairs.

I also want to say a word for the many friends that I know we share who are heads of state, national leaders, and prominent men of business and education from Asia and the Pacific. I know of the respect that these people hold for you because of your careful attention to the difficult problems of this struggling region. I hope you will continue to call on these leaders, just as I hope you will continue to call on me whenever your travels bring you to Hawaii. My door will always be open.

I extend the fondest wishes to you, LESTER, your wife Blanche, and your children.

Mr. STRATTON. I thank the gentleman and yield to the gentleman from Tennessee.

Mr. FORD of Tennessee. Mr. Speaker, thank you for allowing me this time to express my sincere best wishes to my friend and colleague JEROME AMBRO. JERRY and I came to the Congress as part of that large class of 1974. I can think of no other Member of that class that is as articulate, as caring and as hardworking as JERRY AMBRO. In addition to his obvious abilities as a legislator, JERRY possesses a fine wit. One that has kept those of us who know him from becoming so serious that we fail to recognize the humor in life.

JERRY was chairman of our freshmen caucus and in that capacity helped guide us through one of the most exciting periods in this body's history. The changes that took place in that first year will have lasting effects on this body. Political writers analyzing the sweeping reforms in 1974 seem to be divided over those reforms they consider good, and those they think have made the House too unwieldy. Whatever the outcome of their analysis, one thing is clear, that JERRY AMBRO, through his caring and his work represents all that was good.

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And I have to close by saying I guess the history of man has produced only a handful of those silver-tongued giants

of oratory, and if there is one great American that I would like to classify in that distinct group, it would have to be my good friend and your good friend and our good friend here in the Congress, JEROME AMBRO, who will be leaving at the end of this Congress. The only thing I can say is that I wish him and the other Members of the New York delegation well in the future.

I thank the gentleman.

Mr. WHITTEN. Mr. Speaker, our friend and colleague JEROME AMBRO is not only a good man, but a fine Congressman. He leaves a record of real accomplishment. His interest and record on protecting and developing our Nation is outstanding. His service to the people of his district is unsurpassed.

Mr. Speaker, we all know the vagaries of politics, however I am sure that the people of JEROME's district will miss his service as we all shall.

We truly wish for JEROME, our friend and colleague, and his family all of the best in the years ahead.

Mr. STRATTON. I thank the gentleman very much for his splendid remarks.

Mr. Speaker, the gentleman from Arkansas (Mr. ALEXANDER) was here earlier in the Chamber and had hoped to participate personally in this special order. But if he is not able to do so, I am sure he will want to include his remarks in the Record. It is my understanding that all Members have received permission to have 5 legislative days to extend their remarks on the subject of this special order.

I also would like to express my appreciation to the gentleman from New York (Mr. HORTON), who now becomes the dean of the Republican New York delegation, for his cooperation in making this special order possible. And once again I want to express my sincere appreciation to all of the Members of the House who have participated in this special order and who have said so many well deserved and splendid things about the seven Members of the House and the one senior Member of the Senate, Senator JAVITS, who are retiring at the end of the 96th Congress and who will represent a loss, as I have already pointed out, of a total of 130 years of service in the Congress of the United States. That is a measure of seniority that New York State certainly is sorry to lose, but we are happy for the contributions that they have all made to this body and to the Nation.

● Mr. GREEN. Mr. Speaker, after 16 years of distinguished service in the U.S. House of Representatives, Congressman BOB McEWEN of my State of New York will retire with the close of the 96th Congress. BOB first entered the House on January 3, 1965, and has represented the 13th Congressional District from the 89th through the 96th Congresses.

During that time my good friend has risen to a position of substantial influence and respect in the House. He currently sits on the prestigious Appropriations Committee. He is also on its Subcommittees on Military Construction, where he is the ranking minority member, and on Treasury, Postal Service, and General Government.

BOB brought an outstanding educational background with him to this body. He attended the University of Vermont, the Wharton School of Finance and Commerce of the University of Pennsylvania, and was graduated from St. Lawrence University's Albany School of Law. He served over 3 years in the Army Air Force during World War II and later 10 years in the New York State Senate prior to his election to the Congress.

It has been my privilege to know BOB personally and well for some time, and I am pleased to take this opportunity to describe BOB as one of the most decent and able Members of the House. We will all miss his services and I will feel a personal loss. I join with my colleagues in expressing gratitude to BOB for his services and wishing him all the best for the future.●

● Mr. JOHNSON of California. Mr. Speaker, with the close of this 96th Congress, many of our most distinguished friends and colleagues will close their congressional careers. None will be missed more sincerely than my old friend and colleague, the Honorable JAMES MICHAEL HANLEY, with whom I have served for the past 16 years.

JIM HANLEY is retiring voluntarily to return to his hometown of Syracuse, N.Y., with his wife of 30 years—the lovely and gracious Rita Ann. He has earned his rest, but he will be sorely missed in Washington.

Congress HANLEY has achieved an enviable reputation for integrity and fairness in his final position as chairman of the Committee on Post Office and Civil Service and as chairman of that body's Subcommittee on Investigations, but he is well and widely known, too, for his service on the Banking Committee's task force studying the effects of economic recession on the automobile industry and his role in the 1976 ad hoc committee that studied the fiscal crisis of New York City.

Just 2 years ago, he represented the Congress on a fact-finding mission to Europe, and last year he represented this body on an official visit to the People's Republic of China. And, during this and the two previous Congresses, he has served with distinction on the United States/Canada Inter-Parliamentary Group.

During his years in Congress, JIM HANLEY has been honored on many occasions for his service on behalf of small business, for his legislative efforts to assist the veterans of our country's wars—he is a veteran of World War II, himself—and this year he became the first central New Yorker ever to receive the Salvation Army's "humanitarian award" for service to others.

I ask the Members of this body to join me in saying a heartfelt "thank you and goodbye" to a great friend and loyal colleague.

Mr. Speaker, all of us in this body who have worked with Congresswoman ELIZABETH HOLTZMAN and have witnessed at firsthand her superb legislative skills, regret that her decision to run for the Senate of the United States prevents her from serving in the House during the 97th Congress.

When Ms. HOLTZMAN entered the Congress in January 1973, to represent New York's 16th District, she was the youngest woman ever to serve in the House of Representatives. She has amply justified the confidence voted her by her constituents in Brooklyn, who reelected her to three succeeding terms by overwhelming majorities.

A magna cum laude graduate of Radcliffe College with a degree from Harvard Law School, Congresswoman HOLTZMAN is a member of the Judiciary Committee, and chairs that committee's Subcommittee on Immigration, Refugees, and International Law. She participated in the committee's deliberations on the impeachment of former President Nixon; she helped found the first Congresswomen's Caucus in the history of the Congress and is now chair of that caucus.

At the beginning of this 96th Congress, in January 1979, Representative HOLTZMAN received the single honor of being elected by her colleagues to a third term on the House Budget Committee, which sets congressional priorities, as well as Federal spending limits.

Representative HOLTZMAN is a fighter for New York, for women's rights, for human rights. And in saying goodbye for a time, we, her colleagues, are confident that this fighter for good causes will make an even greater mark in the years ahead in public service to our country.

Mr. Speaker, it is a privilege for me to join with my colleagues in saying a few words in tribute to Congressman JEROME AMBRO who, since 1974, has ably represented the Third Congressional District of New York.

Throughout his service in the Congress, JERRY AMBRO has been a member of the committee which I chair, the Committee on Public Works and Transportation. He has provided significant contributions in all areas of our committee's jurisdiction. His able advocacy, quick wit, and precise tongue stand out in my memory of his 6 years' service on our committee. JERRY AMBRO's presence was always felt at any hearing or markup session.

I know my colleagues are aware of Congressman AMBRO's distinguished service on the Committee on Science and Technology, where he chaired the subcommittee on Investigations and Oversight. He provided distinguished service as chairman of the 94th Congress Freshman Caucus. He has served as cochairman on the House Task Force on Industrial Innovation and as vice chairman of the House Environment Study Conference.

During JERRY AMBRO's service in the House, and particularly during his service on the Committee on Public Works and Transportation, his invaluable experience at the local level provided the Nation with an excellent perspective. Before coming to Congress, he had served as chief executive, chief fiscal and chief administrative officer of a municipality with a population of around 215,000. He had also held other local and State positions which gave him a sometimes unique

understanding of problems which came before the committee.

JERRY AMBRO is still a young man, and I hope and trust that he will put his outstanding abilities to good use in the years ahead. I certainly wish him well with all future endeavors.

Mr. Speaker, the good people of New York's Fifth Congressional District and all of us who have served in this body are losing a valued friend and a great lawmaker with the departure of Congressman JOHN W. (JACK) WYDLER from the House of Representatives.

JACK WYDLER is going home to Garden City, Long Island, after 18 years of congressional service. He is only 55 years old, but, as said in announcing his decision not to seek reelection, he has served under five Presidents, is the dean of the New York State Republican delegation, and he feels it is the "now or never" time of life to launch a new career. We cannot deny him that, however much his presence will be missed in the Congress.

Over the years, I have marked with growing respect and admiration the dedication and legislative skill demonstrated repeatedly by Congressman WYDLER, whether in the field of transportation, or energy, or his special area of expertise, the Nation's space program.

JACK WYDLER is ranking minority member of the Science and Technology Committee and, as such, has played a leading part in the development of America's space program, in fostering increased aviation safety, in the fight for aircraft noise abatement, weather research, and the improvement of all forms of transportation technology.

It is typical of this fine man that, in announcing his decision to retire to private life, he couched it in terms of service to the citizens he has represented so well for so many years.

He said:

Finally, as for my constituents, it is time for them to elect a new face and enjoy a new personality. My seniority is both a blessing and a curse for them. It gives me influence, but takes from me time for work in the district. It is simply time to move on and give someone else a chance.

Mr. Speaker, we must abide by Congressman WYDLER's decision, but the record must show that he will be greatly missed.

Mr. Speaker, when the voters of New York's Sixth Congressional District failed to return the Honorable LESZER WOLFF to a ninth term in the U.S. House of Representatives on November 4, the Congress and the Nation lost a great and valued public servant.

Congressman WOLFF, now winding up his 16th year in this body, has been one of the most energetic and effective Members I have encountered in my long service in the House.

A businessman and marketing executive before he came to Washington in 1964, Representative WOLFF long ago established a record of tireless diligence in the work of the Congress and as an outspoken defender of human rights and civil liberties at home and abroad.

His interests as a legislator range over a wide area: In this, his 16th year in the

House; he is a ranking member of the Committee on Foreign Affairs; chairman of its Subcommittee on Asian and Pacific Affairs, the congressional arm responsible for oversight of U.S. foreign policy in those regions; and an active member of the Subcommittee on International Security and Scientific Affairs, involving security assistance programs, arms control, and State and Defense Department activities.

For most Members, that would be a pretty full schedule. But Congressman WOLFF is also chairman of the fact-finding Select Committee on Narcotics Abuse and Control, the ranking New York Member of the Committee on Veterans' Affairs, and an ardent, round-the-clock worker for the easing of global tensions wherever strife threatens, whether in the Middle East, Northern Ireland, Asia, or the Soviet Union. In 1977, he served as U.S. representative at the United Nations General Assembly.

Mr. Speaker, I rise in tribute to a distinguished Member of the House of Representatives who has decided, after 16 years of outstanding public service, to retire to private life.

I am certain, Mr. Speaker, that all of his colleagues shared the sense of loss that I felt last April when Congressman ROBERT C. McEWEN announced that he would not seek reelection.

Although BOB McEWEN sits on the opposite side of the aisle from me and we have often been on opposite sides of legislative issues during our shared years in this body, he has never been less than totally loyal to his principles, to his constituency, and to his country.

Our colleague and his wife, Pat, are returning to their family home on the St. Lawrence River, near Ogdensburg, N.Y. where the McEwen clan has been established since colonial times. I am proud and pleased to inform this body that my own Committee on Public Works and Transportation has voted to name the Federal building in his hometown "the Robert C. McEwen Building" as a permanent memorial to his congressional service.

Congressman McEWEN served in the New York State Senate for 11 years, until his election to the 89th U.S. Congress in 1964. In the House of Representatives, he served with me for a time on the Public Works Committee. He is now a senior member of the Committee on Appropriations and is ranking Republican member of its Military Construction Subcommittee.

As my good friend said himself in announcing his retirement, his legislative service and the war years in the U.S. Army, add up to more than three-fourths of his adult life, and it is time now to devote himself more fully to his family. We wish him Godspeed.●

● Mr. BOLAND, Mr. Speaker, I appreciate the opportunity provided by Congressman STRATTON to pay tribute to the seven members of the New York delegation who will be leaving the House when the 93th Congress adjourns.

The New York delegation has a history for providing the House with Members whose interests and views touch both ends of the political spectrum and all points in the middle. It is a delegation which has a tradition of distinguished service to the House, to the State, and to the Nation. The seven individuals we honor today have played important roles in preserving and promoting that tradition. Although their terms of service vary, JIM HANLEY, JOHN MURPHY, JOHN WYDLER, BOB McEWEN, JERRY AMBRO, LESTER WOLFF, and ELIZABETH HOLTZMAN have each made an impact on the work of the House.

They serve on some of the most important and influential committees of the Congress and each has made important contributions to the product of those committees. A list of their individual achievements would fill many pages in the CONGRESSIONAL RECORD, but I wanted to especially note the efforts of JIM HANLEY on the Post Office and Civil Service Committee, BOB McEWEN on the Appropriations Committee, and JERRY AMBRO on the Science and Technology Committee.

JERRY's service on that committee, and his service as vice chairman on the Environmental Study Conference, have given him the opportunity to become familiar with many of the threats to our environment with which we must deal in the coming years. He has been a forceful and effective spokesman on the dangers associated with acid rain and he has done a great deal to educate the House on the dangers posed by that phenomenon.

Mr. Speaker, each of the retiring members of the New York delegation brought special qualities to their work in the House. We will miss those qualities in the days ahead just as we will miss their advice and counsel. They have served their State and their country well, and I know I join with my colleagues in wishing them all the best in the years to come.

● Mr. RHODES. Mr. Speaker, I rise to join my colleagues in saying farewell to my good friend from Syracuse, N.Y., Congressman JIM HANLEY, on the occasion of his retirement from this body, and to pay tribute to the exceptional record of public service that he has compiled.

JIM HANLEY was first elected to the House in 1964. Since then he has risen to the chairmanship of the Committee on Post Office and Civil Service. He also is a member of the Committee on Banking, Finance and Urban Affairs, and the Committee on Small Business.

During his 16 years in Congress, JIM HANLEY demonstrated a concern for the issues and for the people of his district that transcended party lines. His election to eight terms, as a Democrat, in a district where the voter registration is more than 2 to 1 Republican, is ample evidence of the very high regard in which his constituents held him. It is a regard that was earned through the kind of quiet, steady service and thoughtful representation that has become his hallmark.

I know that my colleagues on both sides of the aisle join me in wishing JIM the best in whatever he decides to do in the future.

Mr. Speaker, I rise to join my colleagues in saying a fond farewell to my good friend from the colder region of New York, Congressman BOB McEWEN, who is retiring after eight terms in this body.

I came to know BOB well when he joined the Appropriations Committee in 1970, and to appreciate him as a legislator who combined uncommon good sense with a very keen regard for the impact of public spending on the taxpayer's pocketbook.

As a member of the Military Construction Appropriations Subcommittee, BOB strove to insure that our defense facilities were soundly planned and prudently built.

But, no recollection of BOB's service to the people of New York and this Nation is complete without mentioning his staunch support for bringing the 1980 winter Olympics here. It was he who launched the effort which snowballed into one of the truly magnificent sports spectacles of our time.

As early as 1974, BOB began laying the groundwork for the return of the Olympics to Lake Placid when he introduced the first piece of legislation in that area—a sense of the Congress that the 1980 Olympics would be welcomed here.

Since then, he worked hard and continuously to transform that concept into reality for the people of his district. BOB McEWEN can truly be looked upon as the "father" of the 1980 winter Olympics.

Therefore, it really should come as no big surprise that he has decided to retire now. It is hard to top something like a world Olympics event. Even so, I shall miss him for the good friend and fellow legislator that he has been, and I join my colleagues in wishing him the best in his future endeavors.

● Mrs. HECKLER. Mr. Speaker, it has been said that men and women that become famous were those who did the jobs they have in hand, with everything they had of energy and enthusiasm and hard work. Many of our colleagues leaving the House this year can be counted among those whose careers in Congress are truly described by these words.

JOHN WYDLER was elected to Congress in 1962 and has served with distinction as the ranking Republican member of the Science and Technology Committee. He is, as well, considered by many to be one of the most knowledgeable persons in the field of nuclear power. He has assiduously tackled the most difficult of energy issues. And as a corridor neighbor, I enjoyed his pleasant and charming personality.

LESTER WOLFF's expertise in the field of foreign policy—particularly his fine grasp of Asian and Pacific affairs—will be sorely missed in the House, as will his thoughtful and kind disposition. Whatever his responsibility, he made sure he always delivered the very best. He is extremely knowledgeable on trade legislation, and as chairman of the Select Committee on Narcotics and Drug Abuse, his outstanding work at the hearings garnered the attention of the Nation.

The caliber of his work as a special representative to the United Nations is well known—as is his compassion for the

Vietnam veteran and his strong support on their behalf.

LESTER's commitment to Israel has earned him the respect and admiration of those of us in the House and the Nation who advocate total support for our ally and long term peace based on defensible Israeli borders.

ELIZABETH HOLTZMAN is known as having one of the keenest legal minds in Congress and is absolutely indefatigable in her commitment to social concerns.

LIZ and I founded the Congresswomen's Caucus and worked ceaselessly for the extension of the ratification of the equal rights amendment as well as for a host of issues important to women and vital to all Americans.

I was made even more aware of her commitment to others when we traveled together to Cambodia to study firsthand the plight of the Cambodian refugees. I feel fortunate to have had the opportunity to work closely with one of the most able colleagues I know and one of the most caring persons I have ever known. Her goals and aims are an inspiration to all of us.

JEROME AMBRO is a special friend of mine. JERRY is well known for his expertise in the field of energy, water policy, and environmental concerns, but I believe he has not received the recognition he deserves for his strong consumer advocacy role in Congress. I saw him in action on behalf of consumers when we worked together as part of a bipartisan coalition urging passage of legislation to make the peanut price support program one that is more responsible and less costly to the consumer and taxpayer. The vote on the amendment was razor close—losing by only two—and I always felt it was JERRY's effective floor work among the Members that helped to make that vote so close.

These members of the New York delegation have made lasting contributions that enriched the lives of their colleagues and improved the lives of all Americans. We who served with them will miss their important contributions and personal presence in the House of Representatives very much. I wish them well in whatever future endeavors they assume.

● Mr. FARY. Mr. Speaker, I rise today to say a few words on behalf of my good friend and colleague from New York, JERRY AMBRO. We have worked together on the Public Works and Transportation Committee since I came to Congress in 1975 and I will be sorry when we start up a new Congress in January without him.

In the years I have served with Mr. AMBRO, I have found him to possess many qualities which have made him a valuable ally. He is a team player and a good Democrat. During even the longest and most confusing of markups, he proved himself to have more stamina than anyone I have met in either of the legislatures in which I have served. At the end of the longest of hearings he was still alert, attentive and quick on his feet. His sense of humor and sense of perspective never failed him.

Never did he turn his attention from the best interests of his congressional

district and his constituents. I do not think that there were many bills which passed the committee since I have been here which did not have at least one AMBRO amendment designed to remedy some ill in the Third Congressional District. I greatly admire Mr. AMBRO for this ability and cannot help but think that the voters of New York's Third District have made a serious error.

Legislators like JERRY AMBRO are few and far between. I will greatly miss him in the committee and in the Congress. I wish him the best of luck in his future endeavors.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. JAMES M. HANLEY, who is retiring at the end of the 96th Congress after 16 years of service in the House of Representatives.

Elected to the 89th Congress in 1964, JIM HANLEY has given dedicated and devoted service to his constituents of the 32d District of New York, and has compiled an outstanding record during his distinguished career. His diligent efforts as the chairman of the House Post Office and Civil Service Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a more prosperous and productive country.

During the 16 years that I have served in the Congress, I have had the opportunity to get to know JIM well as a fellow member of the House Committee on Banking, Finance and Urban Affairs. He is a dedicated and devoted American, and a Congressman of outstanding ability and courage.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has JIM HANLEY. As a member of the House Committee on Small Business, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's small businessmen caught in the bewildering maze of outrageous Federal bureaucracy.

JIM is a fine legislator and distinguished leader, and he will be missed here in the House of Representatives.

I extend to JAMES M. HANLEY my best wishes for continued success in devotion to the highest principles.●

● Mr. CLEVELAND. Mr. Speaker, it is a special pleasure to join this tribute to Bob McEWEN. Bob has been a friend and colleague for most of my service in Congress.

First and foremost, Bob is a good personal friend of mine. He has visited New Hampshire as a child, and has returned in recent years as well. His wife Pat and his daughters Nancy and Mary can be proud of Bob McEWEN's integrity, accomplishments, and humanity.

One area in which we share a common interest is the field of national defense, where Bob is a stalwart spokesman for the strong defense this country needs. He was a true friend of our defense effort during times when that was popular, but more importantly during times when that was not so popular. His position was based on conviction, and not on the shifting mood of our country.

One manifestation of this was his interest in the U.S. Army's Cold Regions

Research and Engineering Laboratory in Hanover, N.H., which happens to be in my district. He visited the Cold Regions Laboratory, and became an eloquent spokesman for a unique and badly needed frost effects research facility. This will allow pioneering research in the ways to build, maintain, and repair buildings, roads, airways, and other public facilities in cold regions more efficiently and more durably.

In his own district in northern New York, which shares New Hampshire's rugged climate, Bob McEWEN led the effort to strengthen and fully utilize Fort Drum. Though military generals prefer more balmy climates of the southern part of the United States, Bob was right on point in arguing that wars are not always fought in pleasant, sunny climates, and that the military was deluding itself not to use and train in facilities like Fort Drum.

Bob has a long list of accomplishments during his career in Congress, a recent one being his efforts to get and successfully stage the winter Olympics at Lake Placid. That it was the great success it was is due in large part to Bob McEWEN's determination and assistance.

I will not be redundant in going on to list his many other accomplishments, as others have covered them very well. However, I certainly do want to note that the list is long, and particularly significant.

Bob McEWEN, like me, served in the State Senate before coming to Congress. His service in Albany was excellent background for Congress, and enabled him to fully appreciate the impact on his home State of what we are doing here in Washington.

Bob McEWEN won reelection with increasing majorities, which certainly attests to his excellent representation to his district. Bob had established a fine staff, which enabled him to serve the needs and problems of his constituents well.

Lastly, on a personal note I want to point out that like me Bob remained a commuter to Washington. He kept his home in his district, and commuted weekly. Because he was willing to do that, he never lost touch with his district and he never lost the common touch. One can only hope that more people will emulate his fine example, and with equally fine results.●

● Mr. PEPPER. Mr. Speaker, the New York delegation in the 97th Congress will begin the session with seven strikes against them—with each strike represented by the loss of a very valuable Member of Congress. As chairman of the Select Committee on Aging, I can accurately state that the loss of these fine Representatives from New York will be felt by all older Americans.

No one in this Chamber could do otherwise than to experience the dedication, creativity, and drive of our distinguished colleague from Brooklyn, ELIZABETH HOLTZMAN. When virtually everyone had written the equal rights amendment off as a lost cause, ELIZABETH HOLTZMAN declared that she would extend the ratification deadline. Only a few months later, her legislation was enacted, giving the

ERA a new lease on life. Congresswoman HOLTZMAN carried her abiding concern for women with her to the Select Committee on Aging, where I had the privilege of working closely with her. Serving on the Task Force on Social Security and Women, Congresswoman HOLTZMAN was one of the people most instrumental in bringing the concerns of older women to the fore. Working with Representative GERALDINE FERRARO, a fellow New Yorker, and Representative MARY ROSE OAKAR, who chaired the task force, ELIZABETH HOLTZMAN developed proposals to protect the most vulnerable members of society—divorced women, single elderly women, and widows—under social security.

Representative HOLTZMAN helped to guide through a supplemental appropriations bill which guaranteed that Older Americans Act programs be adequately funded. Her creativity complimented her compassion for the elderly, which was evident in her proposals to liberalize the supplemental security income program and to protect widows who are cut off from survivor private pension benefits.

I know that I speak for all of my colleagues when I say that this body will be a lesser place without the presence of ELIZABETH HOLTZMAN.

Mr. Speaker, for the last 16 years the people of the Fifth Congressional District have been fortunate to have been served by a man whose energy is exceeded only by his compassion. Of course I am referring to Representative LESTER WOLFF, who so ably chaired the Select Committee on Narcotics Abuse and Control and served with distinction on the Foreign Affairs Committee during a time of unprecedented international crisis.

As chairman of the Select Committee on Aging, I know how crucial the efforts of Representative WOLFF during each of his eight terms in Congress were to the interests of older Americans. LESTER WOLFF was uncompromising in his opposition to the proposal to tax social security benefits, and he cosponsored the resolution which passed the House, expressing the intent of Congress that social security benefits not be taxed. With unrestrained vigor, Representative WOLFF fought the law which offset unemployment benefits for pensioners and social security benefits, and fought even harder in support of the recently passed law to liberalize that offset.

During the 96th Congress, LESTER WOLFF introduced legislation to encourage contributions to private pension plans by exempting all employee contributions from taxation. In recognition of the need for tax relief among the aged population, Representative WOLFF proposed to exempt from taxation the first \$5,000 of income from public pensions. LESTER WOLFF was a staunch advocate of home health alternatives to institutionalization under medicare, and his efforts may yet bear fruit.

Finally, Mr. Speaker, the character of Congressman WOLFF shone brightest whenever the tough political choices had to be made. With the social security system facing fiscal instability in the middle of the 1970's, LESTER WOLFF voted for the financing amendments of 1977, which kept the system solvent. The decision to raise taxes was not a popular

one, but it was the right one. Americans around the country as well as in the State of New York will sorely miss the compassion and courage of LESTER LIONEL WOLFF.

Mr. Speaker, the New York delegation to the 97th Congress will begin the session with the loss of seven of its most distinguished Members. One of those Members, Representative JEROME AMBRO of Long Island, distinguished himself as a true friend of the elderly. All of my colleagues here today know of his tireless efforts as chairman of the National Resources and Environment Subcommittee of the Science and Technology Committee to steer the delicate balance of developmental and environmental concerns to achieve progress and a better quality of life. In addition, Congressman AMBRO's leadership became apparent during his term as chairman of the incoming Member's caucus during the 94th Congress. However, not many people may be aware of JERRY AMBRO's dedication to the health and well being of this Nation's older population.

As a leader in the fight to prohibit a means test under social security, JERRY AMBRO helped to insure that the benefits which over 100 million workers had paid for would be there upon retirement. Representative AMBRO opposed the taxation of social security benefits, in recognition of the crushing economic squeeze most older Americans live under. At a time when voting to increase taxes amounted to political suicide, JERRY AMBRO cast his vote for the 1977 social security financing amendments, which insured the uninterrupted flow of promised benefits.

None of us need be surprised by Representative AMBRO's concern for the elderly, which was in ample evidence well before his service in Congress. As Supervisor of the town of Huntington, JERRY AMBRO initiated senior citizen housing to allow the aged population to remain in the community. In addition, he initiated the Huntington senior citizen hot meals program which addresses the nutritional needs of hundreds of elderly residents.

JEROME A. AMBRO's compassion and perseverance served him well through his tenure in Congress, as well as the constituents of New York's Third Congressional District. We will sorely miss him.

Mr. Speaker, the Republicans made some very well-publicized gains in the recent elections, but they will experience a very underpublicized loss when the 97th Congress convenes. Republican JOHN WYDLER of Nassau County, Long Island has been a hardworking, dedicated Member of Congress and the New York delegation for 18 years. As dean of the New York Republican delegation and vice-chairman of the New York bipartisan delegation, JOHN WYDLER has repeatedly demonstrated his ability to work with Members of either party in order to get things done.

As chairman of the Select Committee on Aging, I have taken the floor today to document what the loss of the seven members of the New York delegation will mean to the elderly people of America.

Republican WYDLER has been a long-

time supporter of the removal of the retirement test from social security.

He has also been a strong advocate for the elderly and has worked closely with the Nassau County Department of Senior Citizens Affairs on such issues as disability benefits and the removal of income limitations from title XX social service programs.

Most importantly, he supported the 1978 amendments to the ADEA and endorses the removal of all age-based mandatory retirement.

As we move into the decade of the eighties, the removal of all barriers to employment for older Americans will become an increasingly important issue. All of my colleagues who are battling to remove these barriers will be losing an important ally in JOHN WYDLER.

Mr. Speaker, as chairman of the Select Committee on Aging, I have taken the floor today to pay tribute to the service of seven distinguished Members of the New York delegation who will not be with us when the 97th Congress convenes. For 16 years, one of those Congressmen, ROBERT CAMERON McEWEN, served his constituents admirably and fought equally hard for the rights of elderly people all across the Nation.

As a member of the Appropriations Committee, Representative McEWEN worked to insure that the important Older Americans Act programs such as the hot meal program and the meals-on-wheels program did not go unfunded.

Bob McEWEN has always been concerned about improving the living conditions for our Nation's elderly, and is acutely aware of the tremendous housing problem facing senior citizens. As a result, he worked to increase the availability of low-cost housing for the elderly.

A short time ago, he dedicated a senior citizen housing project that was so desperately needed in the small town of Bloomingdale, N.Y. He has also helped acquire several HUD section 202 senior citizen housing projects throughout his district.

Along with his sincere concern for the housing needs of the elderly, Bob also supports the rights of older people to continue working without the threat of age discrimination. He supported the 1978 amendments to the Age Discrimination in Employment Act and would have supported legislation to eliminate all age discrimination in employment. With ROBERT McEWEN's retirement, the Republican Party as well as the entire Chamber will experience the loss of a very able and dedicated colleague.

Mr. Speaker, for the first time since November 4, 1964, the voters of Syracuse, N.Y., were confronted with a ballot that was lacking the name of JAMES MICHAEL HANLEY. On that day, the voters of Syracuse experienced a loss that we in Congress will not really feel until the beginning of the 97th Congress. Senior citizens across the Nation will feel the loss as well, because Representative HANLEY was one of their staunchest friends in Congress.

One of the fiercest budget battles waged in the 96th Congress concerned the fight to keep semiannual cost-of-liv-

ing adjustments for Federal retirees. As chairman of the Post Office and Civil Service Committee, Representative HANLEY was one of the key figures who campaigned to put the proposal to cut COLA on ice.

JIM HANLEY was an important member of the Housing and Community Development Subcommittee of Banking, Finance and Urban Affairs. Working closely with Chairman ASHLEY, Representative HANLEY devoted his efforts on the subcommittee toward addressing the woeful lack of adequate housing for the Nation's elderly and poverty-stricken residents. During his service, the section 202 program for the elderly and handicapped was responsible for the startup of over 150,000 housing units.

As the chairman of the Committee on Aging, I recall a time when there was no focal point in the House of Representatives for the problems of over 21 million aged Americans. Only 6 years ago, JIM HANLEY was one of the staunchest advocates for a permanent Select Committee on Aging. Today there are almost 25 million older Americans who benefit from such programs as social security, the Older Americans Act, the section 8 housing program, and the supplemental security income program.

Every older American should know that it was Congressmen like JAMES HANLEY, working tirelessly to initiate, refine and improve these programs, who are responsible for the improvements in the quality of life for the elderly. The 97th Congress will be a body diminished in stature without JAMES HANLEY's presence.

Mr. Speaker, seven members of the New York congressional delegation will no longer be with us as we convene the 97th Congress in January. With the loss of these seven comes the loss of one of the most venerable members of the delegation, Congressman JOHN M. MURPHY of Staten Island, who began defending his country long before his service in Congress.

JOHN MURPHY was only a teenager when he enlisted in the U.S. Army to serve in World War II—in fact, he signed up on the day of his 18th birthday. Over a duration of less than 7 months, by the end of the war, Private MURPHY became Second Lieutenant MURPHY. Four years later he graduated from West Point and immediately flew out to Korea to serve in the 9th Infantry Regiment. The list of awards and honors earned in less than 2 years is virtually endless: the Purple Heart, the Distinguished Service Cross, the Bronze Star with V and oak leaf cluster, the Commendation Ribbon with oak leaf cluster, the Combat Infantry Badge, the Parachute Badge, the Korean Service Medal with six battle stars, and the Chungmu Distinguished Service Medal.

Discharged as a captain in 1956, JOHN MURPHY ran for and won a seat in the U.S. Congress only 6 years later. Representative MURPHY served the residents of the 17th District with dogged determination as he chaired the Ad Hoc Select Committee on the Outer Continental Shelf and the Committee on Merchant Marine and Fisheries. As

chairman of the Committee on Aging, I know how dedicated Representative MURPHY was to the cause of a better quality of life for older Americans. When the 97th Congress convenes, members from delegations across the country, as well as his own from New York, will feel the loss of JOHN MURPHY.●

● Mr. BOWEN. Mr. Speaker, I deeply regret that Congressman JEROME AMBRO is leaving the Congress, because he is the kind of levelheaded, practical, reasonable Member who makes such an important contribution to this body.

Although he served here only two terms, his impact was far greater than his 4 years of service might indicate. He brought with him an understanding of local government matters and made vital contributions to the Science and Technology Committee, where he served as chairman of its Subcommittee on the Environment, and to the Public Works and Transportation Committee.

Even though he is from a different region of the country than I, those of us who are from the South and other areas far removed from Long Island, N.Y., appreciate the personal friendship of JERRY AMBRO, which enabled him to work in cooperation with Members of the House of all political persuasions in order to serve the people of his district effectively, as he certainly did.

We will all miss JERRY AMBRO, and we hope he will find an opportunity for continued public service. The people of his congressional district, his State, and the Nation have indeed lost a champion.●

● Mr. FOWLER. Mr. Speaker, as my good friend JEROME AMBRO completes his service here in Congress, we and the Nation owe JERRY a great debt of gratitude.

In the 6 years JERRY has served the Third Congressional District of New York, he has set a standard of dedicated public service and unusual accomplishment.

As chairman of the Subcommittee on Natural Resources and the Environment, he has helped develop the Nation's first comprehensive materials and minerals policy legislation which will provide a framework for developing a strategy for managing materials critical to our national security. This legislation will mitigate the negative effects caused by our extreme dependence on other nations for materials and minerals crucial to our economy and national defense.

This kind of measure is slightly difficult to explain, it rarely makes the front pages, and it is directly related to our future security as a nation rather than to a specific congressional district interest. It is the kind of legislation which, if it works, will not receive widespread attention, but without which, our Nation could be catapulted into a major national crisis.

If we had had the kind of anticipatory thinking of JEROME AMBRO in the sixties and fifties, it is unlikely that we would now be held hostage over our excessive dependence on foreign oil.

Also, JERRY understands that our environment must be preserved for future generations, and he has translated that understanding into the concrete

achievement of bringing the environmentally threatened Long Island Sound under the Ocean Dumping Act.

JERRY has served his district, his Nation, and future generations with ability, intelligence, wit, and dedication. As we begin the 97th Congress, we will have JERRY's example to help us look beyond the immediate present and to discharge our public duty with honor.●

● Mr. LEATH of Texas. Mr. Speaker, one of the advantages of serving in the U.S. House of Representatives is that it affords you the opportunity to meet outstanding individuals from all sections of this great Nation. To cite just one instance, it permitted me, a former businessman from a small town in central Texas, to get to know, work with, and appreciate our colleague from New York, JERRY AMBRO.

As we both serve on the Public Works and Transportation Committee, I have had a chance to get well acquainted with his abilities. During our work on the Water Resources Subcommittee of that committee, I have been privileged to work with him on so many vital projects.

JERRY AMBRO has served his district, his State and the Nation with distinction. He has brought honor to this body and has been a credit to the Congress. We will miss his wise counsel in the next Congress.●

● Mr. BIAGGI. Mr. Speaker, I join today with my distinguished colleagues to pay tribute to a fellow New Yorker who will be leaving us at the end of this Congress, LIZ HOLTZMAN.

Since she was elected to this body on November 7, 1972, she has been an able and dedicated Member who has served the interests of her constituents with zeal. Liz graduated from Radcliffe College with honors in 1962 and capped her educational career by graduating from Harvard Law School in 1965. This background provided her with an important base which allowed her to serve as a member of our House Judiciary Committee. Her contributions to this committee have been many and varied, including her chairing of its Subcommittee on Immigration, Refugees and International Law.

As chairman of this subcommittee, she made important contributions to the policies which govern the inflow of immigrants to this Nation, including a major revision of these codes in the Refugee Act of 1980. This act revised the numbers of refugees which could enter this Nation as well as enhanced the powers of the legislative branch in deciding future policy in this area.

As a member of the House Budget Committee, LIZ worked with her colleagues to eliminate waste in Government programs which resulted in a dramatic reduction in the Federal deficit from \$66 billion in the beginning of the 96th Congress to \$29 billion in 1980. The Budget Committee of this Congress has been instrumental in helping us eliminate excessive Federal expenditures and her contributions to our efforts will be sorely missed.

As New York's senior member of the House Education and Labor Committee

which oversees our child nutrition programs, I would also like to pay tribute to her work in helping to eliminate the fraud and abuse which once characterized these programs in New York. Today, our school feeding programs are national models for efficiency and innovation and this is in part, due to LIZ HOLTZMAN's work to make them work as they should—serving our schoolchildren.

The 16th Congressional District of New York will be losing a vital advocate for their interests in Washington when LIZ retires at the end of this 96th Congress. As a member of the New York delegation, I know that her valued contributions to our joint efforts on behalf of our great city and State will be missed. We wish her well in any and every future endeavor. We are confident that she will bring the same dedication and high standards she exhibited in this body to her next career and wish her all the best.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable JEROME A. AMBRO, who is retiring from a distinguished period of service at the close of the 96th Congress. It has been a rewarding personal experience for me to have known him as a colleague and I am honored to have served with him in the House of Representatives.

Elected to the 94th Congress in 1974, JEROME AMBRO has given dedicated and devoted service to his constituents of Third District of New York. Admiration for his leadership is not confined to the citizens of New York, for he is respected by every Member of Congress. His diligent efforts as a member of the House Public Works and Transportation Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has JEROME AMBRO. As chairman of the Subcommittee on Natural Resources and Environment of the House Committee on Science and Technology and chairman of the House Environmental Study Conference, he has been in the forefront of efforts to enhance America's precious resources and natural wealth for present and future generations, and indeed, these successful efforts have made our land a stronger and better country.

JEROME has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage in total dedication to high standards.

Seldom does one find a man of JEROME AMBRO's stature, and he can leave the House with the assurance that through his efforts mankind has benefited. I extend to JEROME A. AMBRO my warmest best wishes for continued success in devotion to the highest principles.

● Mr. DRINAN. Mr. Speaker, Congresswoman HOLTZMAN leaves the House with the admiration of everyone for her skills, her steadfastness and her commitments. I have served for many years on the

House Judiciary Committee with LIZ HOLTZMAN. She has distinguished herself there by initiating and processing legislation on a wide variety of topics. She almost singlehandedly brought about the extension for 30 months of the period during which the ERA can be ratified. This was an accomplishment that required great courage and enormous diligence.

Congresswoman HOLTZMAN has also processed through the Congress very important developments in the law of immigration and refugees. The Nation and indeed the world will be grateful for years and years to come for her leadership in this area.

Congresswoman HOLTZMAN came to the House after a brilliant career at Radcliffe College and Harvard Law School. I feel confident that she will continue to bring about great advancements in the administration of justice. I salute her for her achievements during her fruitful years in the House and look forward with keen anticipation to further wonderful victories to come.

For 16 years, JIM HANLEY has served his constituents, the Congress and the country. He has done all of this with distinction and devotion.

JIM HANLEY came to the Congress in the Democratic sweep of 1964. His devotion to his constituents and his legislative skills have enabled him to retain his seat in a district whose voters have observed in him the steadfastness with which he carries out his desire to serve the people of greater Syracuse and the citizens of America.

JIM HANLEY will be missed in the Congress. He has contributed in very significant ways. The Congress and the Nation are grateful.

LESTER WOLFF had a distinguished career before he was elected to the Congress on November 3, 1964. He had served as a lecturer at New York University, an industrialist, a television moderator and producer of "Between the Lines" and an advocate of the consumer.

In his years in the Congress, LESTER WOLFF has done extraordinarily fine work as the chairman of the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs. He has contributed in very substantial ways to the development of the foreign policy of the United States.

LESTER WOLFF has also been extraordinarily valuable as the chairman of the Select Committee on Narcotics Abuse and Control. In that capacity, he made many significant contributions to the development of law and policy by which the United States seeks to control the importation of dangerous narcotics.

As Congressman WOLFF begins his third distinguished career, we wish him well. He will leave the Congress with the gratitude and admiration of his colleagues and his country.●

● Mr. LENT. Mr. Speaker, it is indeed a privilege to join with so many of my colleagues today in this well-deserved tribute to the seven members of our New York congressional delegation who are completing their service in the House of Representatives at the close of this 96th Congress.

The State of New York is losing nearly one-fifth of its congressional representation in one session. And this loss is being felt even more severely because our departing colleagues have established an impressive record of major committee responsibilities; positions of considerable import not only for the State of New York, but for our Nation as well.

These committee responsibilities have included no less than three full committee chairmanships and a number of subcommittee chairmanships for the majority members, as well as ranking positions on committees and subcommittees for the minority members.

Relinquishing committee chairmanships are JIM HANLEY of the Post Office and Civil Service Committee, JOHN MURPHY of the Merchant Marine and Fisheries Committee, and LESTER WOLFF of the Select Committee on Narcotics Abuse and Control.

Relinquishing subcommittee chairmanships are JERRY AMBRO, chairman of the Subcommittee on Natural Resources and Environment of the Committee on Science and Technology; ELIZABETH HOLTZMAN, chairwoman of the Subcommittee on Immigration, Refugees and International Law of the Judiciary Committee; and LESTER WOLFF, chairman of the Subcommittee on Asian and Pacific Affairs.

Although in the minority, both JACK WYDLER and BOB McEWEN enjoyed positions of importance on their committees. Jack as ranking member of the Committee on Science and Technology, and third-ranking on Government Operations Committee. BOB as ranking member of the Subcommittee on Military Construction of the House Appropriations Committee.

Mr. Speaker, it is impossible in the time constraints of this special order to single out the many individual accomplishments of our seven departing colleagues. But just this partial accounting of their committee responsibilities gives some idea of the truly significant role they have played in the legislative work of this body.

As a member of the New York delegation it has been particularly enjoyable to work with this fine group of legislators on New York problems and programs. Their cooperative efforts have shown their dedicated devotion to the needs of their constituents. They have served those constituents and our Nation well.

Mr. Speaker, the State of New York and our Nation will miss the experience, knowledge, and legislative abilities of our seven colleagues, as will their constituents, and their colleagues here in the House. But I know that I speak for each one of us here when I say that we will miss even more their friendship. Whatever differences on issues might have developed from time to time, we always have resolved those differences in the spirit of true friendship.

And it is in that spirit of friendship that I wish our departing colleagues the best of everything in our future endeavors. I trust they will not forget their friends in this Chamber and that we will meet often in the future.●

● Mr. BARNES. Mr. Speaker, during my first 2 years in Congress I have had the privilege of serving as a member of the Subcommittee on Immigration, Refugees and International Law of the Judiciary Committee. As our colleagues know, that subcommittee has been chaired by the distinguished Representative from New York, ELIZABETH HOLTZMAN. Under her leadership our subcommittee has served as a forum for the concerns of all Americans regarding international refugees.

Congresswoman HOLTZMAN, through her dedication and example of devotion to the spirit of public service, has become a truly internationally respected figure in the field of human rights. Without her continued emphasis upon the essential role of the United States in international refugee rescue efforts, literally thousands of human beings would have lost their lives. Whether from the Soviet Union, Indochina, or the Middle East, homeless and desperate persons have come to know that the United States would not forget them because of the leadership of ELIZABETH HOLTZMAN.

It has been an honor for me personally, to work with our distinguished colleague and to come to know her as a friend. One of my greatest regrets among many in the election of 1980 is that ELIZABETH HOLTZMAN will not be serving in the U.S. Senate which convenes in January.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. LESTER L. WOLFF, who is retiring at the close of the 96th Congress.

LESTER WOLFF has given 16 years of dedicated and devoted service to his constituents of the Sixth District of New York, and has compiled an outstanding record during his distinguished career. His diligent efforts as chairman of the House Select Committee on Narcotics Abuse and Control and as chairman of the Subcommittee on Asian and Pacific Affairs of the House Foreign Affairs Committee have been both fruitful and beneficial to the citizens of this Nation, and indeed, these successful efforts have made America a stronger and better country.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has LESTER WOLFF. As a member of the House Committee on Veterans' Affairs, he has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of our Nation's veterans caught in the bewildering maze of outrageous Federal bureaucracy.

LESTER is a fine legislator and a distinguished leader, and he will be missed here in the House of Representatives.

I extend to LESTER L. WOLFF my best wishes for continued success in devotion to the highest principles.●

● Mr. SCHULZE. Mr. Speaker, I am pleased to join the New York delegation and the rest of my colleagues in appreciation for the contributions of the Honorable JEROME AMBRO.

JERRY's active participation in various levels of government bespeaks a lifelong commitment to his ideals, and to the democratic process. In the House of

Representatives, he played a leading role in the formation and development of the Task Force on Industrial Innovation, a bipartisan effort to address the declining productivity of the United States. His conscientious service on the Public Works and Transportation and Science and Technology Committees will not soon be forgotten.

JERRY, your distinguished record has brought honor not only to yourself, but also to the Third District and the State of New York as a whole. I am happy for this opportunity to extend to you my best wishes for the future. Godspeed.●

● Mr. MINISH, Mr. Speaker, I am delighted to testify to my admiration for the Honorable JEROME A. AMBRO of the Third District of New York. Since coming to Congress in 1975, JERRY has distinguished himself in a way which it would take others many years to achieve. His promise was recognized early when, having had a chance to see the kind of work he does, his peers elected JERRY chairman of the 82-member Freshman Caucus early in 1976.

Those of us who had been around a little longer also recognized an outstanding legislator, and JERRY's performance has certainly lived up to that promise. His practical working experience with the problems of local government helped supplement his natural abilities to make him a most valuable and effective workhorse on the Public Works Committee. His contributions on the Science and Technology Committee and as vice chairman of the House Environmental Study Conference will benefit our country for years to come. In just a few short years, JEROME AMBRO has compiled a record of service to his State and Nation of which any Member of this House would be proud.

JERRY's legislative work is now a matter of public record. I certainly hope that he will continue to work for the public good, perhaps soon again as a Member of this House. I would like to add to JERRY's well-known public record that he is a fine man, a gentleman, and a good friend whom I will miss greatly. I am certain that all of us in the House of Representatives join in wishing JERRY the best of luck and continued achievements in the years to come.●

● Mr. YOUNG of Missouri, Mr. Speaker, I have the deepest respect for JERRY AMBRO, both on a personal level and as a colleague on two committees—Public Works and Transportation, and Science and Technology.

During the 4 years that we have served together, I have found him a pragmatic legislator who has had the rare knack of combining frankness with a courteous manner. The esteem he has won among his colleagues is pointed up by the fact that he was elected chairman of the New Members Caucus during the 94th Congress.

Nationally, the field of transportation will lose one of its foremost experts on research and development. During the 95th Congress, JERRY AMBRO was the driving force behind a major project to establish the Nation's most sophisticated

traffic management system on Long Island.

As a member of the Science and Technology Committee, he has had an abiding interest in the development of solar energy. He played a key role in winning funding for construction of the national solar energy research institute which is now being built in Colorado.

On both committees, JERRY established a long list of accomplishments that he was able to engineer for the people he represented. We will miss him.●

● Mr. ALBOSTA, Mr. Speaker, it has been a true honor to serve with, and get to know the Honorable JAMES HANLEY. While his leadership in Congress transcends committee jurisdiction, I have worked very closely with Jim in his capacity as chairman of the House Post Office and Civil Service Committee, and as chairman of that committee's Investigations Subcommittee. I can certainly attest first hand that he will be sorely missed in both of those positions in the 97th Congress. During his tenure as chairman, the House passed numerous pieces of postal legislation that would bring accountability back into the operation of the U.S. Postal Service, create safe working conditions for postal employees, and allow supervisors to collectively bargain their wage levels.

Jim's commitment to preserve the service element of the USPS was never greater, and I shall never forget, when the postal Board of Governors testified before the full committee about the prospects of the elimination of 6-day mail delivery. JIM HANLEY, in his efforts to get a commitment from the Board of Governors that cutting out 1 day of delivery would have long-term detrimental effects to the USPS, elicited comments from that Board suggesting both a lack of knowledge and a lack of concern over the future of the Postal Service.

It is these comments, skillfully and forcefully elicited by our Chairman JIM HANLEY, that will remain in the minds of members of that committee in future Congresses. It is that vision that will help insure the future of the strongest possible Postal Service, if Congress has any say in the matter. For that, the Nation owes JIM HANLEY a great deal of thanks.

Besides working closely with JIM in Washington, I was truly honored to have Chairman HANLEY visit my congressional district to hold hearings of the Investigations Subcommittee on the burden of Federal paperwork on the American public. During our travels through my district, a quality in JIM HANLEY came out that I feel is important to mention in this tribute to this fine Congressman. Wherever we went, JIM compared things to his own district in New York. Whether it was the people, the forest land, or the farms, JIM would always compare it with his own district. Even when JIM was in rural north-central Michigan, he stalwartly represented his district. This quality was also prevalent back in Washington, where JIM continually brought up his home and his people in New York's 32d District, whom he served for 16 years.

I am proud to have worked with JIM HANLEY. I wish him the very best luck in all of his future endeavors.

I rise today to pay tribute to a distinguished colleague, JEROME AMBRO, who will be leaving the Congress at the end of the current session. JEROME and I come from different parts of the country but we have come to know each other as members of the Public Works and Transportation Committee. He has served with distinction on this committee. Over the past 2 years I have seen JEROME question witnesses insightfully and raise important issues as the committee reviewed legislation ranging from economic development assistance to pollution control programs.

JERRY AMBRO is the kind of person who carefully reviews bills and issues and then speaks effectively about them. His expertise and ability will definitely be missed in the next Congress. His thoughtfulness towards others and his concern for people will also be missed.

As a new Member of the 96th Congress, I appreciated the opportunity to serve with and learn from a more senior Member like JEROME AMBRO. I hope that he will return to public service in some capacity in the future. In the meantime, I wish him well in whatever endeavor he chooses to pursue and reluctantly bid farewell to a fine Member of Congress and particularly the Public Works and Transportation Committee.●

● Mr. HORTON, Mr. Speaker, although I certainly respect BOB McEWEN's decision to retire from service in the House of Representatives, I nevertheless regret it. BOB McEWEN has been one of the most able and respected Members of the House and the New York delegation. His 16 years of dedication and hard work on behalf of the residents of New York's 30th Congressional District merits the respect and admiration of all his colleagues.

As a member of the House Committee on Appropriations since his first election to the House of Representatives in 1964, BOB has played a key role in the development of legislation funding the winter Olympics in Lake Placid this year, our Nation's defense particularly with regard to military construction and a variety of other appropriations measures.

BOB is also to be commended for his contributions to the work of the North-east-Midwest Congressional Coalition which I am privileged to serve as co-chairman. Since the coalition's founding approximately 4 years ago, we have attempted to alter Federal defense policies which have unjustly favored the South and the Southwest in the realignment of military bases. As ranking minority member of the Subcommittee on Military Construction, BOB has actively sought to influence the outcome of military construction bills considered by the subcommittee. I am hopeful that BOB will, as a former Member of Congress, continue to share his expertise on this and other matters with those of us who remain in Congress.

I join my colleagues in the New York delegation in wishing BOB well as he leaves the Congress.

Mr. Speaker, the cause of human rights was given greater voice and received higher international recognition due in large part to the work of Congressman LESTER WOLFF. His forceful advocacy on behalf of persecuted Soviet dissidents is well-known and respected. On many occasions, I have been privileged to join LESTER in seeking the release of an individual illegally held by the Soviet authorities.

Congressman WOLFF has also been highly effective in the on-going struggle to reduce the flow of illegal drugs and narcotics to the United States. Since 1976, LESTER has been an outstanding chairman of the Select Committee on Narcotics Abuse and Control. The extent of narcotics abuse and the epidemic proportions it has taken on have been the subject of the committee's careful review and consideration. Highly regarded reports and hearings have served both this House and the Nation well and for this Congressman WOLFF is to be commended.

New York's Sixth Congressional District and this House have been effectively and ably served for 16 years by LESTER WOLFF. I wish him well.

Mr. Speaker, since coming to the Congress in 1963, I have witnessed and participated in the process that has registered success and effectiveness for the New York delegation. Our success as a delegation on legislation vital to the economy and well-being of New York State has been possible only through the spirit of cooperation and bipartisanship. The New York State delegation has also been distinguished by the responsible and forceful leadership of several of its members as chairmen of House committees. Certainly, Congressman JOHN MURPHY fits this description as former chairman of the House Merchant Marine and Fisheries Committee.

Although JOHN will best be remembered for his direction of the Merchant Marine Committee, many of our colleagues will recall his able service on the House Interstate and Foreign Commerce Committee and the Ad Hoc Select Committee on the Outer Continental Shelf. His many contributions on these committees will remain as important legacies to the House of Representatives and the Nation.

I join my colleagues in wishing JOHN and his family well.

Mr. Speaker, I am pleased to join my colleagues in the New York delegation in paying tribute to those in our delegation who will be leaving the House at the end of the 96th Congress. Each has demonstrated an unmatched devotion and dedication to public service and to the House of Representatives. Their absence from the House and from our delegation will be missed.

Although I did not have the privilege of serving with him on his committees, JIM HANLEY's legislative accomplishments are well-known in our delegation and indeed throughout the Congress. Certainly the Civil Service reform measure stands as one of his greatest achievements as chairman of the House Post Office and Civil Service Committee. JIM also demonstrated his capable leadership

as a membership of the House Banking, Finance, and Urban Affairs when the New York City financing bill was debated by the full House.

JIM HANLEY has gained the respect and admiration of his constituents and his colleagues. I am confident JIM will bring the same dedication and hard work to whatever endeavor he next tackles.

One of New York State's most able Representatives and one of the most highly regarded members of the New York congressional delegation will be leaving the House of Representatives at the end of the 96th Congress—Congresswoman ELIZABETH HOLTZMAN. For 8 years, she has served her constituents, the Committees on the Budget, Judiciary and the Select Committee on Aging, and the House of Representatives with honor and distinction.

LIZ brought to her work in the House a sharp and disciplined mind that quickly established her as an expert on a range of issues, particularly immigration matters. As chairman of the Immigration, Refugees and International Law Subcommittee (Committee on Judiciary), LIZ HOLTZMAN developed and guided important changes in immigration laws during turbulent days when the United States was faced with an awesome influx of refugees. Although much work in this area remains to be done, credit is due LIZ for the significant contributions she made as subcommittee chairwoman.

As a legislator and friend, LIZ HOLTZMAN will be missed. I am confident she will continue in whatever way possible her career of public service.●

● Mr. FUQUA. Mr. Speaker, my friend and valued colleague, JEROME AMBRO, will be retiring from Congress at the close of this session and I wanted to share with you my reflections on his departure from our ranks.

In 6 years as a Member of this House, JERRY AMBRO has distinguished himself and brought great honor to the Third District of New York.

As chairman of the Committee on Science and Technology, I have had the pleasure and privilege of working closely with JERRY AMBRO both as a member of the committee and during the 96th Congress as one of its subcommittee chairmen.

JERRY AMBRO's longstanding interest in protecting the environment served him well as chairman of the Subcommittee on Natural Resources and the Environment and he, in turn, served this House well in performance of the sensitive duties relating to protecting our natural resources and environment.

JERRY AMBRO's natural leadership qualities were recognized by the freshmen elected with him in 1974 when the 86-member Freshmen Caucus selected JERRY to serve as their chairman during his first term.

JERRY's public service as an elected official began at the local level on Long Island where he was four times elected to serve as supervisor of the town of Huntington, N.Y. His administrative and fiscal duties in municipal government gave him special insights into the needs and problems of our urban areas.

His tireless devotion to duty and his easy wit will long be remembered and missed by the colleagues with whom he has served.●

● Mr. FUQUA. Mr. Speaker, we are losing several members of the New York delegation from the ranks of this House at the end of the 96th Congress, and their departure will leave a void of talent and friendship which will be difficult to fill.

These seven members combine a rare blend of individual talent and collective judgment which has been a valuable resource for this House.

Two of these members have served with me on the House Committee on Science and Technology where, through effective work, they have brought distinction to both themselves and the committee. I will particularly feel the loss of JACK WYDLER, ranking minority member of the committee, and JERRY AMBRO, chairman of the Subcommittee on Natural Resources and the Environment.

Each of the other retiring New York members, JOHN MURPHY, JAMES M. HANLEY, ROBERT C. McEWEN, LESTER WOLFF, and ELIZABETH HOLTZMAN have brought special insights and perspectives to the House of Representatives which have helped make this legislative body one of the most representative and responsive in the world.

Each has served with dignity, intelligence and dedication and has earned the friendship and respect of those who served with them.

I join my other colleagues today in wishing them well in their future endeavors and in hoping they will continue to share with us, even in an informal way, the same wisdom and insights we valued so highly during their years of service in this House.●

● Mr. RICHMOND. Mr. Speaker, seven members of the New York State congressional delegation will be leaving Congress when this session comes to a close. As secretary of the delegation, it gives me the greatest of pleasure to participate in honoring these colleagues and wishing them the very best of success in all their future activities.

Our delegation is a very large and diverse group, yet, with the help and cooperation of all 39 Representatives and two Senators, we have been remarkably harmonious and effective in our efforts on behalf of our State and our constituents. These seven Members that we honor today played key roles in assuring the success of many of our delegation's efforts.

In the interest of time, Mr. Speaker, I do not plan to pay tribute to all seven of my colleagues, but I do wish to take just a few more moments to express my deep affection and respect for LESTER WOLFF, who will not be returning to continue his excellent representation of the Sixth District of New York.

The absence of LESTER WOLFF is a tragic loss for the delegation and the Congress. He has been an outstandingly effective chairman, of both the Select Committee on Narcotics Abuse and Control and the Foreign Affairs Subcommittee on Asian and Pacific Affairs. LESTER is one of the most highly respected Mem-

bers of the House and is equally highly respected by the leaders and representatives of foreign nations who have witnessed his performance in international relations as well as matters of foreign policy, foreign trade and educational activities.

LESTER has been my great and good personal friend for many years, long before either of us came to Congress, and, while our friendship will of course continue, I will certainly miss him in this Chamber.●

● Mr. MICA. Mr. Speaker, I want to take this opportunity to speak in behalf of the excellent work of Congressman JEROME AMBRO of New York's Third Congressional District. JERRY AMBRO will not be with us in the 97th Congress, and his presence will be missed.

Any first-term Representative, as was my position in the 96th Congress, comes to the House of Representatives and looks for leadership and support from Members who have already distinguished themselves. Throughout the past 2 years, I have sought the advice and counsel of JERRY AMBRO, and he helped me learn the often arcane and mysterious ways of the House as a legislative institution.

I might also add that this 96th Congress has looked to men and women of integrity, and that JERRY AMBRO has been a beacon of light. He has certainly filled the qualities which any Representative seeks to emulate, and it is certainly with honor that I call to the attention of my colleagues JERRY AMBRO's distinguished service in the House of Representatives.

I particularly want to commend Congressman Ambro for his efforts in energy and transportation research and development. He was responsible for winning for Long Island \$30 million to construct the Nation's most advanced and sophisticated traffic management system to speed the flow of traffic on parkways, reduce pollution, and conserve gasoline. This project—the integrated motorist transportation system (IMIS)—was won for Long Island as the result of an Ambro amendment put forth in connection with his service on the Surface Transportation Subcommittee on the Committee on Public Works. Repeatedly he has used his position in Congress as the ranking New Yorker on the Public Works Committee and as a senior member of the Science and Technology Committee to implement accomplishments that directly benefited the area he represented.

He won approval, for example, of funding to build a long overdue and much needed extension of the Farmingdale, N.Y., village hall. He had the Federal Government grant Nassau and Suffolk Counties their own clearinghouse for Federal project approval. This designation will mean millions of dollars for Long Island towns, villages, counties, and businesses in the years to come. He preserved Long Island's status as an independent standard metropolitan statistical area (SMSA), something vitally important to Long Island's economic well-being.

As you can see from these activities, Congressman JERRY AMBRO has been one

of the most creative and hard-working Members of Congress during his tenure here, and I want to especially commend him for all of his excellent work.●

● Mr. MONTGOMERY. Mr. Speaker, I would like to join with my colleagues today in paying tribute to seven members of the New York congressional delegation who will not be returning to serve their Nation when the 97th Congress convenes next January.

JOHN MURPHY, JOHN WYDLER, JIM HANLEY, BOB McEWEN, LESTER WOLFF, LIZ HOLTZMAN, and JEROME AMBRO have amassed 98 years of combined service in this body. During that time they have each worked diligently and conscientiously on behalf of their constituents. In their own individual areas of special legislative interest these seven colleagues have contributed greatly in trying to provide a better way of life not only for the people of New York, but all Americans.

Their presence will be missed next January, but we can be thankful that we and the American people had the benefit of their public service and we all wish them the best in the years ahead in whatever endeavor they might choose to pursue.●

● Mr. HANLEY. Mr. Speaker, it is with mixed emotions that I rise to pay tribute to my six colleagues from the great Empire State, who will join me in leaving the House at the end of this Congress.

JACK MURPHY, JACK WYDLER, BOB McEWEN, LESTER WOLFF, LIZ HOLTZMAN, and JERRY AMBRO have been more than just fellow Members. They have been friends, sources of counsel and teammates. The good of the people of New York State and of the Nation always has been their top priority, and always has been the prime motivator of their actions.

With regard to the New York delegation as a whole, I have often remarked that one of the choicest rewards of service in the Congress is the ability it provides to associate with, work with, and better yet, develop friendships with some of the finest people in the world. Certainly, into that category I place each member of this delegation. Although our association in this sense will soon terminate, our friendships will indeed endure forever.

Countless memories of our association flash through my mind as I look back over my 16 years in this body, and it would be impossible to verbalize all of the meaningful, rewarding, and enjoyable experiences we have shared.

I will not say goodbye for this is just the end of one chapter and the beginning of another. I will deeply miss service in the Congress, as I know my fellow retirees will. But I know we all look to the challenges ahead, to working together in new endeavors, and continuing in the spirit which has guided us in our daily quest to better the lives of our fellow citizens.●

● Mr. EDGAR. Mr. Speaker, working through the Water Resources Subcommittee, Congressman AMBRO was able to persuade the U.S. Army Corps of Engineers not to carry out its plan to dump toxic spill in Long Island Sound just off Eaton's Neck in the town of Huntington.

As a member of the Surface Transpor-

tation Subcommittee, Congressman AMBRO won for Long Island approval of \$30 million to build the Nation's most advanced and sophisticated traffic management and control system to speed the flow of vehicles on parkways, diminish pollution and conserve gasoline. This first in the Nation pilot project known as IMIS (Integrated motorist information system) will be done primarily by the Sperry Corp. on Long Island.

In 1979, as a member of the Aviation Subcommittee, Congressman AMBRO had \$800,000 in airport development trust fund (ADAP) moneys approved for construction of a new air traffic control tower at Republic Airport in Farmingdale, the busiest general aviation facility in the northeast, in order to improve safety.

From his position on the Water Resources Subcommittee, Congressman AMBRO changed legislation in such a way as to guarantee that Long Island's elected officials would have a voice in any planned construction of a third water tunnel for New York City, thereby protecting the Island's finite drinking water supply from encroachment by city officials. At the same time, he spearheaded the drive for legislative approval by the Subcommittee of Federal Funding for the construction of that much-needed third New York City water tunnel.

Because of his key position on the Surface Transportation Subcommittee at the time that New York State was looking to redesignate a portion of the Long Island Expressway from the Interstate Highway System and utilize the moneys involved for mass transit, Congressman AMBRO was able to negotiate a compromise with officials of the Metropolitan Transportation Authority (MTA) that resulted in additional desperately needed rush hour trains being added on the Long Island Railroad. The funds for the extra rail service would come out of the LIRR's share of the reassigned highway trust fund totals.

As a member of both the Aviation and Surface Transportation Subcommittees, Congressman AMBRO won approval for a regional \$30 million multi-modal transportation hub at Islip MacArthur airport on Long Island. Such a transportation center had been on the drawing boards of Long Island officials for almost two decades.

From his position as a member of the full Public Works Committee which has jurisdiction over the Economic Development Administration, Congressman AMBRO was able to accomplish the following:

First. Help several local municipalities, including the town of Huntington, the village of Farmingdale, and a number of school districts obtain grants under rounds I and II of the Local Public Works and Capital Development Act.

Second. Help secure for Nassau and Suffolk Counties the designation as an economic development district, the first such wholly suburban development district in the Nation.

Third. Assist the new Long Island

Area Development Agency (LIADA) to receive an initial \$60,000 planning grant soon after it received its official economic development district designation.●

● Mr. NOVAK. Mr. Speaker, I appreciate the opportunity to add my best wishes to our seven departing colleagues from the Empire State.

Cumulatively, JACK MURPHY, JACK WYDLER, JIM HANLEY, BOB MCEWEN, LESTER WOLFF, LIZ HOLTZMAN, and JERRY AMBRO represent nearly 100 years' service in the House.

I know, therefore, that I echo the sentiments of many others here who will miss their active participation and leadership in the proceedings of this body as we confront the challenges of the 97th Congress.

In my 6 years' service in the House, I have been regularly associated with each of them during the bipartisan meetings of our New York State delegation. I have found them to have been valuable contributors to the cooperative spirit that the delegation has developed and sustained in recent years in an effort to seek equitable solutions to the special economic and social needs of our region.

Certainly, their counsel and experience will be missed in that forum also.

Thus, it is with genuine mixed emotions that I join in this tribute to their service in the House, bid them farewell and best wishes in all their future endeavors.

Those emotions are particularly acute in the case of JERRY AMBRO, with whom I have been closely associated during the last half dozen years, initially as a classmate in the 94th Congress and throughout this period as a colleague on the House Committee on Public Works and Transportation.

It is often said that it is within the workings of the House committee structure that a majority of the key decisions are made and an individual Member can have the greatest impact. Having worked side by side with JERRY AMBRO for so many years, I can attest to his diligent and tireless efforts as the Public Works Committee addressed a variety of complex, often controversial, issues.

He has been a tireless worker for his district and for the State of New York and we will miss him.

To all our colleagues who are leaving this year, I repeat my regrets at their departure, knowing at the same time that each has the potential for continuing along whatever path they choose to remain productive and valuable citizens of New York State and our great Nation.●

● Mr. RANGEL. Mr. Speaker, I rise to join with my colleagues in bidding farewell to JACK MURPHY, my colleague and friend from New York.

Eighteen years is a long time in which to provide continuous service in this body. During these many years, JACK has risen to a position of power and has been able to establish personal relationships with his colleagues. Defeat is a very difficult concept to accept. However, I know that the one thing that is giving him comfort during this very difficult period is the fact that he has served in the U.S. House of Representatives where he has

met individuals dedicated to working toward creation of a better Nation. To join in that work, as JACK did is enough for anyone.

Mr. Speaker, it is with much sadness that I rise to bid farewell to a great friend and New Yorker, LESTER WOLFF, who unfortunately will not be with us in the 97th Congress. LESTER and I have served together on the Select Committee on Narcotics and Drug Abuse, and we have developed a very warm and productive relationship over the years. I have been impressed and grateful at the commitment and energy that LESTER has put into combating the problems of drug abuse in this country, and I believe that the House will sorely miss the leadership that he showed on the issue of drug abuse.

Mr. Speaker, the retirement of JACK WYDLER, longtime advocate for the State of New York in his position as ranking minority member of the Science and Technology Committee, will leave an unfortunate gap in the effectiveness of our delegation. JACK's presence on Science and Technology and Government Operations was a great boon to this State. Although we were on different sides of the aisle, I appreciated JACK's efforts and concerns, and I join with the rest of my colleagues in bidding him a warm farewell.

Mr. Speaker, I would like to add my voice to my colleagues who are reluctantly saying goodbye to the 8 years of effective, enlightened service that LIZ HOLTZMAN has given to her constituents, the citizens of the great State of New York, and to the country as a whole. Her hard work and devotion to a more just and equal society are going to be missed by this body and this country. I was looking forward to the exciting opportunity of working with her in the other body, but unfortunately, she will not be able to continue her enviable record of achievement there. The State and the Nation will certainly suffer because of the absence of this remarkable woman from Congress.

Mr. Speaker, I would like to join with my colleagues in paying tribute to our colleague, JERRY AMBRO. Since coming to Congress, JERRY has been a very dedicated Member of this body. As a member of the Public Works Committee, he has vigilantly attempted to devise mass transit legislation that reflected the needs of his constituents. The people of New York State has in JERRY one of their strongest advocates for increased funding for this very important function.

Before coming to the Congress, JERRY served the residents of Huntington, Long Island, as their town supervisor from 1968 until 1975. Prior to that he served in numerous other capacities, thereby demonstrating his commitment to helping to improve the lives of those around him.

Although those of us in public life have to accept the decision of the voters, it is a very bitter pill which we must swallow when someone like JERRY AMBRO is turned away. His presence in this body will most assuredly be missed. My hope is that he will continue to speak out on those issues that he so vigorously

defended while a Member of the U.S. House of Representatives. We have all lost a very dear friend.

Mr. Speaker, I rise to wish BOB MCEWEN, a friend and distinguished colleague, a fond farewell from the House. BOB's service to this country deserves recognition, for he has served his country well for many years. He served in the Army Air Force in the Second World War, and then served in the New York State Legislature before coming to Washington in 1964. His work on the Appropriations Committee has benefited his constituents and this State a great deal, and his retirement will stand as a great loss to those of us who knew and respected him in this House.

Mr. Speaker, I rise to bid a warm and friendly farewell to one of the most able Members of this body, JIM HANLEY from Syracuse, N.Y. I have worked well with JIM during my time in Congress, and I have always been impressed with his dedication to working for all of the people of this country. His too short tenure as chairman of the Post Office and Civil Service was highlighted by his efforts to insure that the 1980 Census was a success. I only wish that JIM would stay with us a little longer to continue his great work. I am one of the many Members of this body who are sorry to see JIM HANLEY depart.

● Mr. WYDLER. Mr. Speaker, I want to thank all of those who participated in this special order on my behalf. It is a good experience to be praised by your peers and I appreciate the kind words that have been spoken about me during this special order.●

● Mr. APPELLEGATE. Mr. Speaker, I would like to take a few moments to speak about a fellow colleague of ours as well as a friend—JERRY AMBRO.

We have served together on the Public Works Committee for the past 4 years and it has been an honor as well as a pleasure. JERRY is a bright, conscientious, hard worker who is well prepared for hearings, markups, and floor debates. He is an articulate, eloquent orator, an excellent debater with a keen wit.

He is a dedicated statesman who has served his district, his State, and his country well. He understands the meaning of responsibility to one's district, a sense of purpose for one's country, and commitment to high ideals. He takes his job very seriously.

JERRY is a fine Congressman who has the cooperation, respect, and friendship of Members on both sides of the aisle. He will be missed in the next Congress, but not forgotten. His heritage will continue and the opportunity of knowing a man of JERRY's stature will continue to shape our lives and our work.●

● Mr. MAZZOLI. Mr. Speaker, I would like to join my colleagues in the House of Representatives in honoring seven members of the New York State delegation who are leaving the House after the 96th Congress.

I commend JACK MURPHY, JACK WYDLER, JIM HANLEY, BOB MCEWEN, LESTER WOLFF, LIZ HOLTZMAN, and JERRY AMBRO for their years of service to the people of New York and the Nation.

Their expertise and dedication will be

sorely missed in the challenging years ahead.

I extend to them all my very best wishes for the future.●

● Mr. LONG of Maryland. Mr. Speaker, seven members of the 39-member New York delegation will not be returning to the 97th Congress in January. Their friendship and their legislative skills will be missed keenly in the upcoming Congress.

Two of the departing Members are my "classmates" from the 88th Congress—JOHN WYDLER, dean of the delegation, and JOHN MURPHY of Staten Island, who has headed the Merchant Marine and Fisheries Committee. It has truly been a pleasure to serve with these men.

LESTER WOLFF, JIM HANLEY, and BOB McEWEN, all elected in the 89th Congress, have earned high respect for their strong leadership.

LIZ HOLTZMAN's sharp intelligence, keen wit and hard work will not soon be replaced.

JEROME AMBRO's achievements in his 4-year tenure have added to the influence of the already powerful New York delegation. His enthusiasm and dedication leave a large gap to be filled.

I shall never forget the experience of serving with these outstanding Representatives. They and their families deserve health, success, and happiness in coming years.●

● Mr. OBERSTAR. Mr. Speaker, the returning New York delegation and the entire House are losing some very good friends and effective legislators at the end of the 96th Congress.

For some time, we have known of the decisions of JOHN WYDLER, JIM HANLEY, and BOB McEWEN to retire. Our colleagues came to this House at a time when Members relied more on their knowledge of the issues and the legislative process than on the use of advertising, consultants and polls. Their thoughtful, principled representation will be missed.

As chairman of the Conference of Great Lakes Congressmen, I had the pleasure to work closely with BOB McEWEN on our common interest—the future of the Great Lakes.

BOB McEWEN is a gentleman. He has never let partisanship interfere with the work of this House. He has been a most effective member of the Appropriations Committee because he speaks with great knowledge and precision. I shall miss his friendship, his counsel and his vigorous advocacy of measures benefiting the Great Lakes and the St. Lawrence Seaway.

We can all appreciate the decision of Congresswoman HOLTZMAN to leave this House. She would have been an excellent Senator for New York. The Senate certainly could use her leadership, integrity, dedication, and intelligence in the 97th Congress. I know that I speak for many of my colleagues when I say that I suspect that the Senate may one day benefit from her membership in that body.

I served with JOHN MURPHY on the Merchant Marine and Fisheries Committee. He was an effective and energetic chairman who revitalized that commit-

tee and made it a legislative force in this House. We have a stronger maritime industry because of JOHN MURPHY's commitment to America's tradition as a maritime power.

Following the election defeats of our colleagues, one often thinks how unfortunate that the voters cannot see our colleagues' accomplishments as we in the House do.

As the United States enters a critical period of changing relationships with Asia, the House will miss the leadership of Congressman WOLFF.

The New York Times once referred to "the eloquent Mr. AMBRO." It was an accurate description of a colleague, whom I deeply respect and whom I shall miss as a fellow legislator and as a friend.

JERRY AMBRO had a sense of vision, a commitment to the legislative process that transcended the day-to-day work of the House. JERRY AMBRO did not see his responsibilities as just getting from Congress to Congress, election to election. This House saw that visionary quality in JERRY's support for anticipatory research to develop solutions to environmental problems before they reached catastrophic levels.

JERRY was one of the very first Members of this House to appreciate the seriousness of acid rain pollution. In 1979, he offered an amendment to increase funding for acid rain research that unfortunately was defeated. JERRY AMBRO knew about acid rain and was doing something about it before it became a media event.

He can take great pride in knowing that his efforts prompted the administration to take decisive action to deal with the problem of acid rain pollution. We will miss him on Public Works. I know that JERRY AMBRO will bring his energy and creativity to a successful career in the private sector.●

● Mr. ERLENBORN. Mr. Speaker, whenever one of our colleagues departs from this body, we and the people he or she represents and, indeed, all the people, are affected. BOB McEWEN's retirement will have a special impact.

BOB has been not only an effective legislator. He has brought to this House a rare and good humor and congeniality personified.

BOB and I came to Congress at the same time, after the election of November 3, 1964. Our 89th club has dwindled in the intervening years and next year will just barely qualify as a club. With BOB's departure, the few remaining 89th club members will have to look elsewhere for the refreshing insight he brought to our Monday evening meetings, rap sessions in the Halls and Cloak Room, and the paddle ball court.

We who meet in the 97th Congress will do well if we meet with half as much success in achieving our goals as I expect this good and decent man from New York's 30th District to achieve in his new goals.●

● Mr. MITCHELL of New York. I would like to take this opportunity to pay tribute to those Members of the New York State delegation in the House of Representatives who will be leaving the House at the end of the 96th Congress. To each

of the seven individuals departing this Chamber, I wish to express my most sincere appreciation for their cooperation, assistance, and friendship.

To my neighbor from the north, the Honorable ROBERT C. McEWEN, I would like to express a special thanks for his guidance, support, and personal kindness. I will miss him as a good friend and as a highly competent colleague.

To the dean of the New York Republicans, the Honorable JOHN W. WYDLER, I would like to reiterate my recent praise of his distinguished career, capable leadership, and cherished friendship.

To my colleagues on the other side of the aisle: My good neighbor from the west, the Honorable JAMES M. HANLEY; the Honorable JOHN M. MURPHY; the Honorable LESTER L. WOLFF; the Honorable ELIZABETH HOLTZMAN; and the Honorable JEROME A. AMBRO, I wish to express my sincere thanks for their individual assistance and for their diligence in working to make the New York delegation a uniquely effective coalition.

Each of these fine individuals will be missed by their constituents, their colleagues from New York, and the entire membership of the House. They will be particularly missed by the citizens of New York who have benefited so greatly from their service in the U.S. Congress.●

● Mr. GREEN. Mr. Speaker, my State of New York has had the good fortune to be represented by an outstanding cross section of persons in the House of Representatives over the years. As we conclude the 96th Congress, we face the unusual circumstance of a relatively large number of New York Members retiring from this body. In alphabetical order they are JERRY AMBRO, JIM HANLEY, LIZ HOLTZMAN, BOB McEWEN, JACK MURPHY, LESTER WOLFF, and JACK WYDLER.

All New Yorkers are indebted to these people for the service they have given our State and it is fitting that we pay tribute to them today. Representatives MURPHY and WYDLER first entered the House on January 3, 1963 and have served with distinction since that time. Mr. MURPHY rose to the chairmanship of the Merchant Marine and Fisheries Committee and Mr. WYDLER is now the ranking minority member of the Committee on Science and Technology. Mr. HANLEY is retiring as chairman of the Post Office and Civil Service Committee, Mr. WOLFF as chairman of the Select Committee on Narcotics Abuse and Control, and Mr. McEWEN as an influential member of the Appropriations Committee.

These seven Members have given New York State and the Nation a combination of 96 years of service in the House. There is no question that we will miss their expertise and I join my colleagues today in wishing all seven the best for the future.●

● Mr. PICKLE. Mr. Speaker, JACK WYDLER and I are members of the 88th club, coming to the Congress as freshmen during the 88th session. Thus, we have been classmates for nearly 17-18 years. And as all Members know, classmates are the closest of friends, both personally and legislatively.

For 4 years, I served as a member of the Science and Technology Committee alongside JACK WYDLER. I found out early

that Jack did his homework. He attended sessions regularly, but more than that, he was interested and aggressive. To the very end of this session, Jack has been one of the most aggressive Members of this Congress. He speaks out and tries to move his measures forward, but he always does it in a gentlemanly fashion.

He is recognized as one of the very top experts in the science and technology field and is the ranking Republican on that committee.

In between legislative battles, on occasion Jack and I have enjoyed some good-natured battles of a different sort on the paddleball court. He is just as aggressive on the court as on the House floor, and that is saying a lot.

I join his many friends in this Chamber in wishing him the best. We will miss JACK WYDLER.●

● Mr. MOAKLEY, Mr. Speaker, I rise today to pay tribute to my friend and colleague JEROME AMBRO who has so ably represented the Third Congressional District of New York for the past 6 years. The citizens of Long Island are losing a very able and conscientious representative who has displayed outstanding leadership qualities and the foresight to deal with many of the problems which confront us. His work on the Public Works and Transportation Committee and on the Science and Technology Committee is deserving of recognition. JERRY has been especially effective in his role as chairman of the Subcommittee on Natural Resources and the Environment and has demonstrated a clear understanding and feeling for the issues involving natural resources research and development, health, safety, management of the ocean environment and environmental research. During the 95th Congress he has exhibited effective leadership as vice chairman of the House Environmental Study Conference and has maintained a consistently high voting record for protection of the environment during his tenure in Congress.

Many people come to this Chamber without ever having left a significant imprint on his colleagues. JEROME AMBRO has left his mark on this Congress and on each and every one of us who knows him. Not all of us have the foresight to gaze into the future and seek solutions to our Nation's ills which will truly be enduring. Indeed JEROME AMBRO has a true gift and we are losing, along with him, a number of fine colleagues who have demonstrated this same foresight, understanding, and perception of what must be done to move this country forward. JEROME AMBRO is a man who has stood by his convictions despite the fact that his views were sometimes controversial and would result in political fallout.

JEROME AMBRO has served in public office for at least 12 years that I know of. I do not believe that anyone would argue that we have seen the end of his political career; indeed leadership of his caliber will be extremely important as we set about to rebuild the Democratic Party. JEROME AMBRO realizes that the answers to the problems of the 1980's do not lie in turning back the hands of the clock but rather will be solved with moving

this country ahead, with looking into the Sun, and seeking responsible solutions to the problems of injustice, poverty, and ignorance.●

● Mr. EVANS of Indiana, Mr. Speaker, as my colleagues all know, the House of Representatives is going to be painfully aware of the absence of many fine Members.

One of whom is JERRY AMBRO. When I first had the honor of becoming a part of this great body in 1975, I had the pleasure of meeting a fellow new Member, Congressman JEROME AMBRO of New York. I was immediately impressed with his personal warmth, integrity, and fine qualities of leadership. That feeling was obviously shared by other Members of that large freshman class. We honored him with our confidence in 1976 as chairman of the 22-member Freshman Caucus. That confidence proved to be well placed.

Jerry has made an exemplary contribution to the House of Representatives. He has served his constituents, his colleagues and this great institution well. We will all miss him yet we are certain that he will make an equally valuable contribution wherever he goes.

I am happy to join my colleagues in expressing our appreciation for having had the honor of serving with him and in extending to him our best wishes in his future endeavors.●

● Mr. BARNES, Mr. Speaker, it is a privilege to have the opportunity to recognize today the accomplishments of our colleague, JERRY AMBRO, who is leaving us after three terms in the House.

I had the opportunity to work closely with JERRY AMBRO last August in the effort to "open" the Democratic National Convention and retain the freedom and flexibility of the Democratic Party and its delegates. JERRY got involved in this movement because of his deep and abiding commitment to the future of our party, and he became one of the key spokesmen in the drive to insure that the convention had the opportunity to consider its role in the light of changing events. JERRY AMBRO earned the respect of many Democrats across the country for his work there.

Mr. Speaker, it has been an honor to work with JERRY AMBRO during my first term in the Congress, and to call him a friend. His absence from public service will be, hopefully, short lived.●

● Mr. FISH, Mr. Speaker, I join my colleagues today in wishing the best to seven of the outstanding Members of the New York congressional delegation who will not be returning to the 97th Congress. Every one of these Representatives has been an extremely effective and dedicated legislator, and their contributions as a group and as individuals will be sorely missed.

I had the pleasure to be ranking minority member on the Select Committee on the Outer Continental Shelf with JOHN MURPHY. Both JERRY AMBRO and JACK WYDLER joined me in deliberations of the Science and Technology Committee for several years. BOB McEWEN and JIM HANLEY are valued friends who served, as I do, upstate New York districts. In fact, JIM HANLEY and I have

served the same constituency on different occasions. In the area of foreign policy and Middle East relations, LESTER WOLFF has provided excellent counsel. LIZ HOLTZMAN and I have shared important duty on the House Judiciary Committee on Impeachment, and she has been a very effective chairman of the Subcommittee on Immigration, Refugees and International Law. I am particularly disappointed that LIZ will not be able to complete her work on the Select Commission on Immigration and Refugee Policy, but her invaluable contributions to date will greatly assist the completion of the Commission's report.

I know that the entire New York congressional delegation will regret the absence of these seven outstanding legislators. They have all served New York State and their respective constituencies well.●

● Ms. MIKULSKI, Mr. Speaker, I rise to express my own feeling at this time about the departure from the House of our four New York colleagues.

Congresswoman HOLTZMAN may no longer be my colleague, but she will always be among my closest friends. I feel honored and privileged to have had the opportunity to serve with LIZ HOLTZMAN during the past 4 years. She was chief strategist and tactician during the successful fight for ERA ratification extension and she has been an outstanding co-chair of the Congresswomen's Caucus. LIZ would have been a great U.S. Senator and she still will be. I have enough confidence in her to believe that her career in public service is just beginning.

JERRY AMBRO has been my friend, my colleague, and my neighbor for the past 2 years as we had adjoining offices in the Cannon Building. I have the greatest respect for JERRY. His hard work, his cooperation with other Members on the floor, his candor in debate, and his bluntness in the Cloak Room—all will be missed.

JOHN MURPHY has been the chairman of the Merchant Marine Committee ever since I came to Congress. I soon realized the extent and depth of his knowledge of this Nation's maritime industry. I will miss those spirited battles with Mr. MURPHY over rail rate equalization. He was a formidable opponent and an excellent debating partner.

While I do not know JIM HANLEY as well as some of my other colleagues, I have the greatest respect for his ability and expertise. JIM HANLEY has been an outstanding chairman of the Post Office Committee. The hearings he held on the subject of sexual harassment brought national attention to a serious problem. He will be missed by his colleagues and by the Federal employees and others for whom his committee worked so hard.●

● Mr. JONES of North Carolina, Mr. Speaker, I join with others in expressing my regret on the loss of such outstanding Members in the New York delegation, including Congressmen JOHN M. MURPHY, JOHN W. WYDLER, JAMES M. HANLEY, ROBERT C. McEWEN, LESTER L. WOLFF, and ELIZABETH HOLTZMAN. Particularly, I have formed a close, personal

friendship with the Honorable JERRY AMBRO. Certainly he made a fine impression on the U.S. House of Representatives during his three terms, and his warm personality was welcomed in every quarter. He was dedicated to his job and the people of his district can be eternally grateful for his services in representing them over the years.

I will miss him as a friend, and certainly hope the future holds a great amount of success for him.●

● Mr. SNYDER, Mr. Speaker, we are all going to miss those colleagues from New York who will not be returning next year, and I commend SAM STRATTON for arranging this special order in their honor.

I would like to add my own special farewell to the two departing New Yorkers from this side of the aisle—JACK WYDLER and BOB McEWEN.

JACK has put in 18 years and although the media occasionally characterizes those years of service as "quiet" ones, I think it would be more appropriate to call them quietly productive years. He might not have rabble-raised a great deal, but he got the job done for his folks back in Long Island. And that is the true measure of a real Congressman.

And of course, we all know BOB McEWEN has been no slouch when it comes to serving his constituents and representing them well. I had the pleasure of serving with BOB on the Public Works Committee for a while before he moved on to the Appropriations Committee, and I can testify to the fine job he did there.

I wish them both well deserved happiness and success in their new endeavors. They have earned it.

Also, although he does not hail from my side of the aisle, I would like to wish a fond farewell to JERRY AMBRO. Serving with JERRY on the Public Works Committee has been a pleasure. He is a fine gentleman and a downright nice fellow. I wish him all the best.●

● Mr. FITHIAN, Mr. Speaker, it is with real regret that I recognize our loss of Congressman JERRY AMBRO as a Member of this body. Like others, I have had the pleasure and benefit of serving with Congressman AMBRO for the last 6 years and would like to take this time to record the contribution he has made to the service of his district, to the operations of this House, and to the Government of our Nation.

Service to one's district is the starting point for a Member, and Congressman AMBRO's service has been such that his constituents will shortly realize what they have lost. But JERRY AMBRO's thoughtfulness and dedication to the job have reached beyond his own district. As an example, he has taken the time to come to Indiana to my district in his effort to see that Federal dollars are wisely spent and determine the merits of the Lafayette Railroad Relocation project which means so much to my constituents. It is this kind of congressional service, melding concern for one's district with a broader responsibility to the needs of Americans across the Nation, that marks a valuable Member of the House. Congressman AMBRO's contributions to this House, both legislative

and administrative, will be missed, as his services to his own district will be missed. And, in the broadest sense, the loss of Members like JERRY AMBRO will be missed by the Nation as a whole.

I salute Congressman AMBRO for his valuable service to all of us, I regret his departure from this body, and I trust he will continue to serve our country in his next role.●

SOME THOUGHTS ON THE ECONOMY AND THE DEMOCRATIC PARTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

● Mr. REUSS, Mr. Speaker, on November 19, 1980, I appeared on the CBS radio program, "Capitol Cloakroom," which follows:

INTERVIEW WITH CONGRESSMAN REUSS—CBS NEWS "CAPITOL CLOAKROOM"—NOVEMBER 19, 1980

(With CBS News Correspondents George Herman, Phil Jones, and Rita Flynn)

OPENING SEQUENCE

Congressman Reuss, who should take on the task of rebuilding the Democratic Party? Congressman Reuss, will Congress really be any more productive come next year when the Republicans control the Senate and the Democrats still have the majority in the House?

Congressman Reuss, the prime rate is now up to 16¼ percent. What can be done to bring it down, and when do you see that happening?

INTERVIEW

HERMAN: Chairman Reuss, welcome once again to Capitol Cloakroom, which you've graced with your presence innumerable times since you first came to the House in 1955. I'll just note for the record here that you are a lawyer, a banker, and a businessman, as well as an author and Chairman of a key committee of the House of Representatives. Mr. Reuss, you've written and talked about policies and programs, and now I'd like to talk to you a little about parties—namely your own Democratic Party rather badly crumpled in the recent elections. Who now takes on the job of uncrumpling the Democratic Party, and I hope you feel you can speak with particular freedom since you've announced that you don't plan to run again for your seat in the House?

REUSS: The sad thing is that we don't have any uncrumpling force within our Party, and if we go on as we have, I would think that the Democratic Party would have a good chance of going the way of the Whigs 130 years ago and disappear from sight. After all, we are supposed to be the party that could do something about inflation and unemployment, and therefore it can truly be said that we brought our defeat upon ourselves. Nature abhors a vacuum, and I think in this case we Democrats ought to fill the vacuum. I think that we need a new institution in our Party. I call it the Democratic Council, which by combining the Democrats in Congress—the Senate and the House—and the Democratic governors and mayors, and those in State and local governments, and the rank and file Democrats who believe in their party, we could get something like a parliamentary system going. We could evolve a Democratic program, which would be a counterpoise to President Reagan's program. We could devise some better way of selecting our presidential candidates than has been true in the past. And, in general, we could reinvigorate our Party. But unless we do that, I think we're sunk.

JONES: Well, what name do you see out there who could possibly step in at this point?

REUSS: I don't think it's a matter of names, and I don't think it can be done through the Democratic National Committee—that should persist, but that essentially is an association of patronage dispenser from the fifty states. It isn't prestigious enough, it isn't big enough, it isn't broad enough, and, particularly, it has nothing to do with the elected Democrats—those in Congress. So I say that God, in His wisdom, has kept a little enclave of democracy alive, namely, the Democratically-controlled House, and it ought to be up to us to start the formation of something which can knit our Party together and make us responsible. The Republicans won, and they deserved to have won because they are unified. During the election Governor Reagan was here with all the Republican Senators and Congressmen on the front steps of the Capitol. We did nothing like that. We are simply at loggerheads with our own Administration, and now that we don't have an Administration we must provide a loyal opposition with some cohesiveness.

FLYNN: Congressman, you do not see much of a role then for Senator Kennedy or Vice President Walter Mondale, taking over the reins of it either?

REUSS: Oh yes, I see a big role for both of them. But I don't think that it would be healthy to have either one now take over the party instrumentality and the party machinery. Sure they can make their pass at who is Democratic National Chairman. But we need something bigger than that. We need something that includes the Congress and the state and local Democratic officeholders. We should be responsible, but we haven't been.

FLYNN: Congressman, one of the things that has happened after this election has been the criticism that the Democratic Party has just run dry of ideas. Do you have any idea where new ideas would come from and in what form they would take?

REUSS: Certainly, I think the very many bright, new, energetic Democrats in Congress have a great many new ideas which get rid of the sterile Keynesianism of another era, of the equally sterile monetarism which is in the saddle now, and I think that we Democrats, if we set up the machinery, can work out a program which maybe we can sell to the new Administration. If so, that's fine. I'd much sooner unite than fight.

JONES: When you're talking about these new people, with all these ideas, and let's look at the practical effect of what's going on right now. Thomas O'Neill is going to remain Speaker of the House. Jim Wright is going to remain the Majority Leader. In the Senate you have Robert Byrd, who will become the Minority Leader. Are these really the people who ought to set up the machinery?

REUSS: No, they aren't. They do a good job at their hierarchical role, and they should be continued in that. But what we need is to draw on the great mass of innovative Democrats in House and Senate and out in the states and in the countryside who haven't been heard from. They weren't heard from in the last four years because Mr. Carter chose to run things his own way. And they wouldn't be heard from under the ordinary Congressional setup. But as members of a Democratic Council, they would be heard from, and that's, I think, the only hope that they can block out something new. Where else are we going to get our new ideas from?

HERMAN: What the Democratic Party has done in the past, and what the Republican Party did this time around, was to appoint a good, hard-working, technician Chairman—Bill Brock for the Republicans, in the past for the Democrats it's been Robert Strauss and before that, perhaps, John Bailey—some-

body who worked to bring all of the party together. I gather you think that things are too far gone for that kind of a system.

REUSS: Well, such a person is fine for fund raising and for the nuts and bolts of political life, and for patronage. But what we need is philosopher kings and queens. We need two or three hundred of the ablest people in the Democratic Party, and the only way to get them is to go outside the petty confines of the National Committee. We still need a National Committee, but they should be our janitor, not our governor.

JONES: Well, what interests me is if you will go, as you have, and talk to young Members of Congress, young Democrats, they will tell you that they have a very difficult time being heard, because the old guard tends to stifle their opinions, tends to put them in the back, say, "Kid, some day you'll have your time, right now leave me alone."

REUSS: I would give them their time on the Democratic Council, to which they'd be elected by their respective bodies and by the Council itself.

JONES: I'm just wondering why the Tip O'Neills and the Jim Wrights and the Robert Byrds shouldn't be replaced now. Start over, start anew.

REUSS: One, they're perfectly good at their tasks. Secondly, if all you did was to replace them by a new Speaker, Minority Leader, and so on, you'd still have the same bad situation where the great body of the Party has no voice in things. We Democrats in Congress have been terribly irresponsible in letting the future of our Party rest in the hands of one man in the White House. That's been the source of our troubles. I would end that. And I equally wouldn't have the future course of our Party in the hands, entirely, of the Speaker and a Minority Leader.

FLYNN: Congressman, when you speak of a change and wanting some philosophers, what does the Democratic Party have to do to come up with new ideas on things like the economy, energy, national defense, and so forth? Do you think they should just take a complete about face on it?

REUSS: A clean slate. The old ideas have not proved workable. The new ideas being fostered by the Republicans, in my judgment, offer no real panacea. And I think it is time for us to think anew and speak anew, and that means that we have to use dialogue and thoughtfulness and exchange in order to get at the truth and the light.

HERMAN: You talked about the Party's need for philosopher kings. It may not have any at the moment, but it does have chairmen of committees, and I suppose I don't want to address you as Your Majesty, but the nearest thing to a philosopher king at the moment is the chairman of a powerful committee, and you have sometimes stood back from the hurly-burly and offered suggestions. Do you have some vision, some idea of where the Party should be going? I mean we have talked negatives—it's got to give up Keynesian—do you have any idea where it ought to be headed?

REUSS: Yes. It ought to go back to its roots as a progressive party, as a party of FDR. And remember that our allegiance is to the 80 or 90 percent of the people who were not born booted and spurred, ready to ride the rest of the people. Within that general philosophical tent, we have to get ways and means of encouraging investment; seeing that that investment doesn't just put people out of work, as we use robots instead of human beings to perform our industrial function; seeing that our infrastructure is rebuilt; seeing that our national financing and credit is marshalled toward these ends; and seeing, finally, that the many stupid disincentives—wrong incentives—now in our tax and regulatory structure are leached out.

But the way to do this is not with the Robin-Hood-in-reverse position of taking from the 90 percent of middle class and less affluent people and shifting that to the top 10 percent in the hope that trickle down will work. That's an equally discredited philosophy.

JONES: Mr. Reuss, the historians are going to have a lot of work here, trying to figure out what really went wrong between the Democratic majority in the Congress and President Jimmy Carter. In your view, what happened? Why did it not work? Whose fault was it?

REUSS: It was the fault of both of us, as is true in the case of most marriages that don't work. It was the fault of Jimmy Carter because he disdained the Congress, didn't do, for instance, what Governor Reagan did this week—come up to the Congress as a symbolic gesture. And as a result, Congress was irresponsible. We didn't really do anything about the future of our party—the Democratic Party. The Congress didn't come up with innovative solutions. We've got to end all that. We've got to change things. We can't, in this country, now suddenly go to a parliamentary form of government, which brings the Legislature and the Executive closer together, as is done by all other democracies on the face of the globe. But we can, by something like the Democratic Council, ensure cooperation, rather than conflict, between elements of the Democratic Party.

JONES: Well, let's talk about future of production by the Congress. Come January the Democrats will retain their majority, although much slimmer than they had before in the House, and the Republicans take over majority control in the Senate. Will this Congress be any more productive than the last one?

REUSS: Well, for one thing, I dispute the measure of productivity which we in Congress, and you in the press, ordinarily go by—namely, that you measure productivity by the number of bills passed. I think that if we could undo some of the wrong legislation now on the books, we'd be doing a lot better than if we conceived of tremendous new programs, which I'll admit aren't going to come to pass. But I don't think that's necessarily a bad thing. No, I see no reason why this can't be a useful Congress in the sense that President Reagan will submit his program, and it's up to us Democrats either to adopt it, or to improve upon it. I think we have a chance of doing that.

HERMAN: The first thing that we think of ordinarily, as pledged by the new Reagan White House, is going to be a Kemp-Roth tax cut. Is that the kind of thing a Democratic House of Representatives is going to say, "Aye, aye, sir," and pass through?

REUSS: I hope not, because the Republican tax cut idea is really a delusion. It is pressed as a method of helping productivity and investment. It will do no such thing. It will just add to inflation. The Republican tax cut idea is, in essence:

"Don't give much of a tax cut to the 80 percent in the middle class and the less affluent side of America, because they'll just spend it on consumer goods, and that will cause inflation. Give it, instead, to those at the top—in the great bulk—and then they'll save it and invest it."

You can see the truth of that because under the proposed Republican tax cut, if that had been in effect in 1979, a wealthy person like, for instance, Governor Reagan, would have received a \$20,000 tax rebate. The average family, making \$18,000 a year, would have received a \$200 rebate. Now, when you give all this shift of income to those at the top, they aren't necessarily going to invest that in new plant and equipment. Much more likely, they're going to do what is hap-

pening now—use it to bid up the price of existing assets; corporate takeovers; condominium conversions; speculation in commodities, ala Bunker Hunt; foreign investment, and things that don't add one new tool or equipment to the American economy. So it would make matters worse, not better.

HERMAN: Mr. Chairman, in my simple-minded, journalistic way, it seems to me the operative word in your answer was "I hope not." Now, as Phil Jones has said, we come up to a Congress with a vastly changed balance, and some of these things are going to be attractive even to some of your Democratic members, are they not? Are you going to be able to stop this?

REUSS: I would hope, if we had a Democratic Council, we could say "Come, let us reason together," to our Democratic fringe members who might be tempted to go off on a frolic of their own with the Republicans, and be untrue to the Democratic heritage, which is that we represent the 80 percent of the people, rather than the 10 or 20 percent at the top.

HERMAN: Will there be an effort by, perhaps, the Democratic Caucus to force them into line?

REUSS: I would hope that there would be an effort to reason them into line. But after all, the House is in the majority Democratic, and I hope we could successfully resist the extreme Robin-Hood-in-reverse Republican policy, and thus save us from social upheaval, which is what will surely happen if we cut down on expenditures for people, go hog-wild on unnecessary military expenditures, and give huge tax reductions to the affluent, while neglecting the average person.

FLYNN: Congressman, to what do you attribute the steady increase in the prime rate, and do you see any immediate reversal in interest rates?

REUSS: I attribute it to the Federal Reserve and the government's not doing their job. I think the Federal Reserve's control over the money supply is a good thing, and I've favored that for a long time. The trouble is the Federal Reserve now maintains no surveillance whatever about where all this new money is going. And just as last February, when the prime rate got up to 20 percent, the Fed found out later that much of the new money was going to Bunker Hunt for commodity speculation, going to corporate barracudas for corporate takeovers, going to injudicious foreign lending, going to condominium conversions that took over needed rental housing, just as last spring we were caught short, and didn't know anything about it, so that is what is happening nowadays. And if the Federal Reserve exerted some sort of qualitative judging, as every other central bank in the world does, we wouldn't be in this position where loans for capital investment are going down the drain because who can afford to pay 16-plus percent for tools and equipment?

HERMAN: Do you have any reason to think that the new Administration will put a little pressure on the highly independent Board to do that?

REUSS: No, I don't. And that's why I'm glad the Board is independent of the Administration. I hope they will stay independent. But I hope they will listen to their lord and master, the U.S. Congress, which has told them in our monetary reports to take into account the quality of money, not just the quantity.

JONES: You keep talking about this independent Board, the Federal Reserve Board, which it's supposed to be, but yet there are some who are really wondering whether or not it is independent. I mean here, just a few weeks after the election, you see the prime rate go up again. They managed to hold it until November. Do you have any feel that it might be a little too political?

REUSS: Well, no, the Fed is plenty independent of the government, but the trouble is it is not independent of the banking community. In fact, it's in large part controlled by the banking community, which selects five of the twelve Open Market Committee members. And whereas, until a year ago, it was the Fed that used to, in effect, set interest rates on federal funds, now it's the banking community which sets interest rates, and they're the ones who are, by their own fiat, raising the interest rates to the same disastrous levels as last spring. So I favor an independent Fed, but the independent Fed I favor is one that is independent not only of the government, but of the banking community.

HERMAN: Do you have any reason to think that the new Congress, the new government, will be more sympathetic to protection for American industry against competition from abroad?

REUSS: That's a danger, and as we let our economy swirl into chaos, the chances of protectionism grow. This is a constant danger. But the only cure for protectionism is to get a healthy economy. Then you don't have desperate men and women calling for quotas and tariffs because their job is threatened.

HERMAN: Are you sanguine? I mean this last answer of yours sounds pretty pessimistic about the future of the economy under the new Administration and the new Congress. Are you that pessimistic or are you sanguine?

REUSS: No, I'm always sanguine. That's why I've stayed in Congress for so long. I never give up.

HERMAN: But, you have, on the other hand, declared that you won't run again. That doesn't sound so sanguine.

REUSS: Well, at a certain point I think that others should be given an opportunity to show their stuff. But, I'll be around.

HERMAN: How about aid to cities? Do you think that the new government will do more on that line?

REUSS: No, I think the new government is going to short-change the cities. And to the extent that that means poor infrastructure, that's going to mean less productivity and it's just going to take longer to meet our goals.

HERMAN: The Democrats now become sort of the minority party in Congress. Are they going to be a loyal, a creative, a dragging minority? What kind are they going to be? In the House you remain the majority, of course.

REUSS: I think we ought to be a creative and cooperative minority. To the extent that Ronald Reagan comes forth with good proposals, we ought to vigorously support them, and go him one better. To the extent that he comes forward with proposals to redistribute income from the great mass of the middle class, we ought to oppose him.

HERMAN: Thank you very much, Chairman Reuss, for being our guest today on Capitol Cloakroom. ●

HERITAGE FOUNDATION PLAN SHOULD BE DISAVOWED BY PRESIDENT-ELECT REAGAN

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on Sunday, November 16, the Washington Post contained an article by staff writer Joanne Omang concerning a 3,000-page report to be published by the Heritage Foundation which consists of, in her words, an "action plan for swinging the

Government to the right as fast as possible." According to the article, the report recommends, among other things, that President-elect Ronald Reagan—revoke all executive orders requiring affirmative action for minorities in Government hiring and contracting; convert the Occupational Safety and Health Administration and the Mine Safety and Health Administration to "cooperative roles rather than adversarial ones"; strip the Office of Surface Mining of most of its powers in order to "make an example" of the agency; return most functions of the Environmental Protection Agency to the States or other Government offices; boost the 1981 defense budget by \$20 billion and by \$35 billion in each of the following 5 years; deploy the neutron bomb in Europe; and revoke the guidelines that tell intelligence agencies—presumably the CIA, FBI, and others—how to operate within the Constitution, crack down on domestic radicals and revive Internal Security Committees in Congress.

The Post article states that Reagan transition team director Edwin Meese III, got his copy Thursday night and that E. Pendleton James, personnel chief of the Reagan transition group, stated, "We were anxiously waiting to get our hands on it." The article also quotes the president of the Heritage Foundation, a Mr. Feulner, as saying that Mr. Meese had told him that the Reagan team "would be relying heavily on it."

Mr. Speaker, if the summary of this astonishing report is accurate, it constitutes a declaration of war on workers in factories, mines and offices all over the country, and on minorities. It also appears to constitute a call for subversion of the rights of people to clean air and water, wherever they live, as well as their basic civil liberties by returning the kind of excesses engaged in by intelligence agencies during the Nixon administration.

If such policies were actually to be implemented by the incoming Reagan administration, we could, to say the very least, expect to see new waves of civil unrest of the kind the country experienced in the 1960's and 1970's, and which we thought that the Nation had happily put behind it during the Presidencies of Presidents Ford and Carter.

I had hoped to hear that Mr. Meese or some spokesman for the Reagan transition team had disavowed the remarks attributed to Mr. Meese. So far, I have seen no such disavowal. President-elect Reagan is to be complimented for his efforts this week to meet with congressional leaders on both sides of the aisle, on both sides of the Capitol and for his statements indicating his desire to work with the Congress. Certainly Congress, and particularly the Democratic Members, should take a similarly constructive approach toward working with the Reagan administration.

However, if the Reagan administration has any idea of implementing the plan outlined in the Heritage Foundation report, the constructive atmosphere will rapidly disappear, to be replaced undoubtedly by one of bitter dissension and

antagonism. Lest we forget, candidate Richard Nixon promised to "bring us together again," but President Nixon succeeded only in deepening the divisions in the Nation.

If President-elect Reagan wishes to avoid that and to continue the positive approach that he has followed in recent days, he would do well to publicly disavow the Heritage Foundation plan. If he fails to do so, we will have to draw our own conclusions.

Incidentally, if the Heritage Foundation enjoys a tax exempt status under section 501(c)(3) of the Internal Revenue Code, one may well inquire how this tax-exempt status can be reconciled with what is obviously a major effort to influence the rewriting of the laws of the United States. The Internal Revenue Service ought to be investigating this question, quite apart from the substance of the proposals contained in the foundation's report.

The full text of the Washington Post article follows these remarks:

THE HERITAGE REPORT: GETTING THE GOVERNMENT RIGHT WITH REAGAN

(By Joanne Omang)

The Heritage Foundation, a conservative Washington research group, today proposed an action plan for swinging the government to the right as fast as possible. In an extraordinarily detailed, 3,000-page report, it recommended that President-elect Ronald Reagan:

Abolish the Department of Energy by 1982.

Revoke all executive orders requiring affirmative action for minorities in government hiring and contracting.

Strip the Office of Surface Mining of most of its powers in order to "make an example" of the agency.

Return most functions of the Environmental Protection Agency to the states or other government offices.

Use U.S. agricultural exports as a weapon in foreign policy.

Downgrade the National Security Council to a foreign policy clearinghouse, moving the State Department "clearly out in front."

Impose a 90-day moratorium on exports to Eastern bloc countries while reorienting trade to politics rather than economics.

Boost the 1981 defense budget by \$20 billion, develop a new strategic bomber, deploy the neutron bomb in Europe and raise military spending by \$35 billion in each of the next five years.

Revoke the guidelines that tell intelligence agencies how to operate within the Constitution, crack down on domestic radicals and revive internal security committees in Congress.

Impose a 10 percent across-the-board personal income tax cut.

And convert the Occupational Safety and Health Administration and the Mine Safety and Health Administration to "cooperative roles rather than adversarial ones."

The foundation produced the 20-volume report independently, with no formal connection to the Reagan team, as "a blueprint for the construction of a conservative government," Heritage president Edwin J. Feulner Jr. told a press conference Friday.

Reagan transition team director Edwin Meese III got his copy Thursday night. "We were anxiously waiting to get our hands on it," said E. Pendleton James, personnel chief of the transition group. He said the team had not tried to influence the recommendations, "but if we agree with them we'll try to carry them out."

He praised the 6-year-old foundation as "a pretty good group of people. They know the departments." The report is "valuable because it is all concrete recommendations rather than generalities, something we can agree with or disagree or modify. We can get our teeth into it."

Feulner said Meese had told him the Reagan team "would be relying heavily on it."

The \$100,000 study, entitled "Mandate for Leadership," considered individual programs in all the cabinet departments and independent agencies in nearly a year of volunteer labor by 250 present and former government workers, consultants, scholars, ex-administration officials and researchers, Feulner said. If its first objective was "to roll back big government," the second was "to show that conservatives do have new ideas," he said.

It is clearly a hope chest of the mainstream right wing, predictably coming down hardest on environmentalists and on minority programs, restrictions on the military, the intelligence communities and free enterprise. As a step-by-step road map to realization of most of Reagan's campaign promises, much of it could serve as a handy guide for a later check on his performance.

There are several noteworthy omissions. There is no call for constitutional amendments prohibiting abortion or requiring a balanced budget. "We took a departmental approach," recommending action within the executive branch, Feulner explained. Neither does the foundation call for elimination of the Department of Education, which had been demanded by some conservative groups, although it does propose stiff budget and program cutbacks.

Instead, the study pinpoints. For example, several administrations have called for acceleration of offshore oil leasing programs. The foundation's analysis of the Interior Department describes the existing Outer Continental Shelf five-year plan as "timid" and goes so far as to pick certain lease parcels—Nos. 53 and 68 in California and No. 68 in the Gulf of Mexico, among others—to be moved up in the schedule, outlining the various regulations on advance notice and spotlighting paper-shuffling bottlenecks.

Such detailed proposals are everywhere in the study and, if accepted, would save the incoming administration months of learning the bureaucratic ropes and deciding how best to achieve its goals. "This will be the first time a president has ever been this well prepared to take over," said Robert Terrell, a House Interior Committee staff member who chaired the Interior Department report task force.

There is realism. "The political fallout . . . will be great. Opposition will be savage" to the general downgrading proposed in the poverty program review, the analysis says. A civil rights division chief is needed in the Justice Department who can "take the heat" that will follow his proposed dropping of ongoing civil rights lawsuits.

Along with the repeal of affirmative action orders on minority groups and the handicapped, the analysis of the Justice Department would require "clear proof of intent to discriminate" and not just a headcount showing a pattern of past abuses in order for legal action to be taken. "It is inherently wrong to penalize those who have earned their reward by giving preferential treatment and benefits to those who have not," the report says.

The study advised Reagan to recognize "the reality of subversion and [to put] emphasis on the un-American nature of much so-called 'dissidence.'" Recommending abolition of many specific restrictions on domestic intelligence work, the report said, "It is axiomatic that individual liberties are secondary to the requirement of national security and internal civil order."

Some positions reflect division within the right. For instance, the Justice study calls for legislation to abolish the so-called exclusionary rule that prohibits use in criminal trials of evidence taken illegally, an idea opposed by the National Rifle Association. The Interior report would return to the states control over most mining, reclamation and water rights, but does not specifically endorse legal action to transfer land to the states, a goal of the so-called Sagebrush Rebellion that Reagan has applauded.

The Department of Energy would be reduced to a form much like its predecessor, the Energy Research and Development Agency, with some of its functions reassigned to Commerce or Interior and others, like the Economic Regulatory Administration, simply dropped. All federal involvement in energy sales and distribution would end, and the department itself would be removed from cabinet status in 1982. "The mere existence of the department implies too much federal involvement in energy," said DOE study team leader Milton Copulos.

The Environmental Protection Agency would lose its enforcement function to the states and its research arm to other agencies, becoming mainly a coordinating and transmission point for policy recommendations and arbitration of interstate disputes.

A detailed approach to rewriting the Clean Air and Clean Water acts is outlined, while "zero emissions" goals would be dropped in favor of a "total human environment" guideline requiring equal consideration of jobs, recreation and other economic factors, according to EPA study chief Lou Cordia. "All programs and policies will have to be reappraised under a cost-benefit, risk-benefit analysis," he said.

The foundation called its report a fact and said it would be published as a book in January.

CONFERENCE REPORT ON H.R. 7724

Mr. YATES submitted the following conference report and statement on the 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.

CONFERENCE REPORT (H. REPT. No. 96-1470)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10, 29, 50, 81, 101, 102, 106, 115, 118, 126, 127, and 131.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 5, 11, 14, 18, 21, 28, 33, 38, 39, 40, 41, 47, 59, 63, 76, 77, 79, 89, 90, 92, 97, 98, 104, 114, 117, 120, 121, 122, 125, 129, and 130, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$343,982,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$103,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "\$58,200,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$15,980,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-626), \$20,000,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$378,593,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$80,211,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$37,897,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

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), \$1,250,000, to remain available until expended.

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum named by said amendment insert "\$200,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$43,387,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$107,001,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$139,428,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$107,726,000"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$92,833,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$82,458,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$812,739,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

EASTERN INDIAN LAND CLAIMS

For payment to the Eastern Indian Land Claims Settlement Fund, \$81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$72,284,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$68,000,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$10,313,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$37,019,000"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$122,200,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$73,116,000"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amend-

ment insert "\$66,136,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$870,614,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$197,362,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$378,586,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$353,662,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$423,300,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$12,867,000"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$117,666,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$7,539,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$24,314,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$126,860,000"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$113,960,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$13,450,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment,

as follows: In lieu of the sum proposed by said amendment insert "\$2,443,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 0, 12, 15, 16, 17, 22, 23, 24, 25, 30, 31, 32, 34, 35, 37, 42, 43, 44, 52, 54, 55, 58, 62, 64, 65, 66, 67, 74, 78, 80, 82, 84, 85, 86, 87, 88, 91, 93, 94, 95, 96, 99, 100, 105, 110, 113, 119, 124, 128, 132, 133, 134, 135, and 136.

SIDNEY R. YATES,

GUNN MCKAY,

CLARENCE D. LONG,

R. DUNCAN

(except as to amendment No. 14),

JOHN P. MURTHA,

NORMAN D. DICKS,

JAMIE L. WHITTEN,

JOSEPH M. MCDADE,

RALPH S. REGULA,

SILVIO O. CONTE,

Managers on the Part of the House.

ROBERT C. BYRD,

BIRCH BAYH,

J. BENNETT JOHNSTON,

WALTER D. HUDDLESTON,

PAT LEAHY,

DENNIS DECONCINI,

QUENTIN BURDICK,

JOHN A. DURKIN,

TED STEVENS,

MILTON R. YOUNG,

MARK HATFIELD,

HENRY BELLMON,

JAMES A. MCCLURE,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the 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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

Amendment No. 1: Appropriates \$343,062,000 for management of lands and resources instead of \$349,062,000 as proposed by the House and \$339,162,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: decreases of \$300,000 for coal leasing; \$200,000 for geothermal leasing; \$2,400,000 for energy offshore (environmental studies), \$3,000,000 for soil, water, and air management (Federal water rights); \$500,000 for law enforcement; \$100,000 for equal employment opportunity; and increases of \$100,000 for recreation resources; and \$700,000 for withdrawal review and processing.

The managers are in agreement on the following: That \$500,000 be transferred from energy-related reality to the nonenergy sector to meet changing workload demands; and that the Bureau make available sufficient funds in FY 1981 for necessary studies at the San Simon watershed project to determine a more appropriate dam site.

Amendment No. 2: Appropriates \$14,768,000 for acquisition, construction, and maintenance as proposed by the Senate instead of \$14,568,000 as proposed by the House.

Amendment No. 3: Appropriates \$103,000,000 for payments in lieu of taxes instead of \$85,000,000 as proposed by the House and \$108,000,000 as proposed by the Senate.

Amendment No. 4: In lieu of the sum named by said amendment, insert the following: "\$58,200,000".

The managers are in agreement that the Appropriations Committees of the House and Senate will undertake a thorough review of the effect of the grazing amendment on grazing lands to determine whether future legislation is needed.

The managers are concerned with the current method of appropriating funds from the O & C account. Presently, monies are appropriated from the account based upon projections of 25 percent of current fiscal year timber sale receipts, presenting a recurring difficulty for the BLM and Congress to operate a sound, well planned program.

The managers recommend the administration consider that subsequent appropriation bills fund the O & C program based upon prior year timber sales receipts deposited in the fund, thereby removing the speculation which has plagued so much of the current program.

Amendment No. 5: Deletes House language as proposed by the Senate.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that an appeal of any proposed grazing allotment reduction in excess of 10 per cent be suspended pending final action on the appeal and prohibiting the Bureau from making funds available to determine the suitability or unsuitability for wilderness on which a sheep experiment station is located.

HERITAGE CONSERVATION AND RECREATION SERVICE

Amendment No. 7: Appropriates \$15,980,000 for salaries and expenses instead of \$16,755,000 as proposed by the House and \$16,005,000 as proposed by the Senate. The increase over the amount proposed by the House is \$225,000 to continue a contract with Washington State University for study of the Ozette Village on the Makah reservation.

The total amount available includes funds necessary to conduct a feasibility study of alternatives of the Illinois-Michigan Canal and the Des Plaines river valley corridor. The Service should work closely with industrial and commercial interests in conducting the study.

Amendment No. 8: Appropriates \$20,000,000 for the Urban Park and Recreation Fund instead of \$45,000,000 as proposed by the House which was deleted by the Senate. This sum, along with \$45,000,000 deferred from fiscal year 1980, will provide total obligatory authority of \$65,000,000.

Amendment No. 9: Appropriates \$378,593,000 for the Land and Water Conservation Fund instead of \$394,185,000 as proposed by the House and \$351,368,000 as proposed by the Senate. This includes \$1,000,000 for Federal program administrative expenses and \$6,566,000 for State program administrative expenses.

Amendment No. 10: Provides \$1,135,000 for the Bureau of Land Management as proposed by the House instead of \$700,000 as proposed by the Senate.

Amendment No. 11: Provides \$39,416,000 for the Forest Service as proposed by the Senate instead of \$37,160,000 as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$21,520,000 for the Fish and Wildlife Service instead of \$18,420,000 as proposed by the House and \$15,520,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the House includes a decrease of \$1,500,000 for Atlantic Coastal areas and an increase of \$6,600,000 for the Bogue Chitto NWR.

Amendment No. 13: Provides \$80,211,000 for the National Park Service instead of \$103,011,000 as proposed by the House and \$69,421,000 as proposed by the Senate. The net reduction below the House includes decreases of \$300,000 in preauthorization and \$25,000,000 for Redwood NP and increase of \$1,500,000 for New River NR, and \$1,000,000 for economic and special studies for Redwood NP.

Amendment No. 14: Deletes House language that prohibited use of other Federal funds as a match for Land and Water Conservation Fund grants to states.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that revenues from recreation fee collections shall hereafter be paid into the Land and Water Conservation Fund.

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes the Secretary of Interior to seek and acquire lands for the Kaloko-Honokahau NHP by acquiring Federal surplus lands of equivalent value from the GSA and then exchanging those lands with the owners of the lands to be acquired for the Park.

UNITED STATES FISH AND WILDLIFE SERVICE

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$225,568,000 for resource management instead of \$225,354,000 as proposed by the House and \$225,424,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount proposed by the House consists of the following increases and decreases: increases of \$200,000 for the instream flow analysis group, \$150,000 for expanded wetlands mapping in Alaska, \$250,000 for interpretation and recreation previously provided through a fee collection account, \$175,000 for Snake River fish restoration activity, \$1,000,000 for fishery assistance to the State of Washington, \$100,000 for a study of endangered fishes on the Yampa River; and decreases of \$800,000 for operation of new or expanded refuges because of delayed land acquisition, \$500,000 for operation and maintenance of Snug Harbor NWR, \$6,000 for hunting and fishing compliance regulations on Alaska Wildlife Monuments, \$275,000 for Southeast fish hatchery operations, \$165,000 for endangered species law enforcement officers, and \$117,000 in executive direction for promotion of public involvement in Service activities.

The managers expect the Service to use the authority provided in 31 USC 686 and any other authorities available to obtain reimbursement for the activities of the instream flow analysis group. Within available resources the Service is to provide \$70,000 to the Norfolk NFH, \$165,000 for the Sheridan, Wyo., field station, and to complete an environmental assessment of Protection Island in Washington State. The managers agree (1) that Service employees should not negotiate with foreign governments without appropriate authorization and notification, and (2) that tribal enhancement projects may be eligible for funding even though the tribe may not have entered into a long term comprehensive plan with the State of Washington. The managers are pleased that \$174,000 is to be provided to the animal damage control field station at Hilo, Hawaii. This is an increase of \$18,000 over the 1980 level.

The managers have agreed to a total of \$3,888,000 to administer new areas in Alaska by the National Park Service and the Fish

and Wildlife Service. These funds are available only for those areas designated by the Alaska National Interest Lands Conservation Act which has been passed by both Houses of the Congress.

It is the express intent of the managers that this money be concentrated on mineral management, search and rescue, the preparation of management plans and initial management functions. No funds are intended to police non-Federal activities in the new areas except where there is a demonstrably serious threat to significant resource values.

Amendment No. 18: Appropriates \$8,500,000 for the National Wildlife Refuge Fund as proposed by the Senate instead of \$9,500,000 as proposed by the House.

Amendment No. 19: Appropriates \$37,897,000 for construction and anadromous fish instead of \$34,561,000 as proposed by the House and \$40,405,000 as proposed by the Senate. The increase over the amount proposed by the House consists of the following increases: \$180,000 to replace office and visitor facilities at Maxwell NWR, N.M., \$1,000,000 for anadromous fish grants to States, \$100,000 for high priority energy conservation items for the Leetown Laboratory, \$1,250,000 for an administrative and visitor facility for the Upper Mississippi River NWR at MacGregor, IA., \$700,000 for design of a fish hatchery for the Nisqually Tribe of Washington State, and \$100,000 for a water treatment feasibility study for the White River NFH, Vt.

Amendment No. 20: Appropriates \$1,250,000 for the Migratory Bird Conservation Account instead of \$2,000,000 as proposed by the House which was deleted by the Senate. The managers request the Congress and members of the Migratory Waterfowl Commission to express to the Commission the strong concern of the Committees on Appropriations that the Commission is committing to land acquisition well in advance of having funds available. The managers are also concerned that the Nature Conservancy is establishing the acquisition priorities of the Commission. This concern will be addressed during hearings on the fiscal year 1982 budget.

Amendment No. 21: Deletes recreation fee collection account as proposed by the Senate.

NATIONAL PARK SERVICE

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$444,828,000 for operation of the National Park System instead of \$415,163,000 as proposed by the House and \$440,743,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount proposed by the House consists of the following increases and decreases: increases of \$14,000,000 for interpretation and visitor services previously provided through a fee collection account, \$150,000 for the Harpers Ferry, WV, police force, \$16,330,000 for maintenance, \$415,000 for acquisition and maintenance of the Frederick Law Olmsted library collection, \$100,000 for a cooperative agreement to preserve the Falls of Clyde vessel of the Bishop Museum of Hawaii, \$1,000,000 for a grant to the National Symphony Orchestra, and \$20,000 to assist the Makah Tribe to interpret and protect the Ozette Village archeological site; and decreases of \$250,000 in concessions management, \$200,000 in visitor protection and safety, \$1,500,000 in resource management, and \$400,000 for general management planning.

The managers agree that within available funds \$56,000 is for the Yosemite NP Native

American Cultural Interpretative Program, \$275,000 to reimburse NOAA for research on the humpback whale in Glader Bay NM, and that studies should be conducted of the Falls of the Ohio and Hackensack Meadowlands Park proposals.

The managers support a strong air quality program and expect the Service to continue its efforts to maintain desirable air quality in the parks. The managers agree that escort service should be provided to timber trucks in Colorado NM. If the timber companies or the county do not provide the escort service, the managers expect the Service to be reimbursed for the costs incurred as a result of any Service escort service. The managers are disappointed that the Service has shown so little effort to develop the Val-Kill NHS for use by the public. Thousands visit Hyde Park each year but because Mrs. Roosevelt's cottage is not yet available to the public, these visitors are denied the opportunity to tour this monument. The Service is urged to expedite the development of the facility.

The Conferees direct the National Park Service to continue the National Center for Therapeutic Riding Program in Rock Creek Park by rehabilitating and adapting the existing mounted training barn into a facility suitable for this highly acclaimed program for handicapped children.

The managers are informed that the Park Service has withheld payment to the Wolf Trap Foundation called for by the management agreement. The managers understand that this dispute is not related to activities called for by the agreement. The managers agree that the Service should honor its contractual agreement with the Foundation and resolve any issues arising from an extended season outside of the agreement.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides \$150,000 to the Town of Harpers Ferry, W. Va., for police force use.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following: "Provided further, That \$1,000,000 shall be available for assistance to the National Symphony Orchestra of Washington, District of Columbia, such assistance to be available only to the extent matched by the National Symphony Orchestra with a like amount of contributions or pledge derived from non-government sources which have not previously been used for Federal matching purposes".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The federal funds are to be matched dollar for dollar by cash contributions or pledges obtained between October 1, 1980, and September 30, 1981, from non-government sources which have not been used for other matching purposes. The federal funds shall be released in \$100,000 increments as matched by like amounts of contributions or pledges.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits the Park Service to maintain roads in Indiana Dunes NL which are not owned by the Federal government.

Amendment No. 26: Provides that not to exceed \$200,000 within available funds shall be available for commemoration of the 200th anniversary of the Battle of Yorktown at Colonial NHP instead of \$1,000,000 as proposed by the Senate.

Amendment No. 27: Appropriates \$43,367,000 for construction instead of \$34,203,000 as proposed by the House and \$47,777,000 as

proposed by the Senate. The net increase over the amount proposed by the House consists of a \$13,000 decrease due to anticipated slippage and increases of \$539,000 for Big Bend NP concessions utilities, \$655,000 for Carlsbad Caverns NP utility line replacement, \$618,000 for Sitka NHP to stabilize the Bishop's House, \$2,880,000 for Lassen Volcano NP sewage facilities and utility development, \$631,000 for Olympic NHP sewage system, \$134,000 for Virgin Islands NP water and sewer system, \$2,903,000 for Yellowstone NP water treatment and storage system at the Old Faithful Development area, \$440,000 for Roger Williams NM landscaping, and \$370,000 for Harpers Ferry NHP project planning.

Amendment No. 28: Deletes recreation fee collection account as proposed by the Senate.

Amendment No. 29: Appropriates \$4,400,000 as proposed by the House instead of \$4,143,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the Park Service from acquiring options for the purchase of land for more than \$1 for each option.

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert 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."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GEOLOGICAL SURVEY

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$486,537,000 for surveys, investigations, and research instead of \$477,137,000 as proposed by the House and \$483,837,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the House consists of the following: an increase of \$11,500,000 for geologic and mineral resource surveys and mapping for volcano hazards; and decreases of \$400,000 for the Federal program in water resources investigations, \$1,100,000 in the Federal-State program in water resources investigations, and \$600,000 for the OCS drilling research program.

The managers agree that \$400,000 for the design of a volcano observatory at Mount St. Helens volcano is available within the additional \$11,500,000 provided for volcano hazards work.

The managers also agree that the Survey should absorb the \$1,100,000 reduction in the Federal-State program in water resources investigation in the lowest priority programs, not necessarily in the water use data system as specified by the Senate.

Amendment No. 33: Provides that \$40,724,000 shall be available only for cooperation with states or municipalities for water resource investigations as proposed by the Senate instead of \$41,824,000 as proposed by the House.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named by said amendment, insert the following: "\$150,000."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that a leasing program for the National Petroleum Reserve in Alaska shall be conducted pursuant to this and subsequent appropriations and notwithstanding any other provision of law.

Amendment No. 36: Appropriates \$107,001,000 for exploration of the National Petroleum Reserve in Alaska instead of \$104,251,000 as proposed by the House and \$46,501,000 as proposed by the Senate. The increase above the amount proposed by the Senate is to provide for exploratory drilling on the Reserve.

The managers agree that the appropriation provides for finishing two wells begun in fiscal year 1980, drilling four one-season wells in fiscal year 1981, preparations for a fiscal year 1982 drilling program, and support contracts for technical services, seismic data, and geological investigations. Funds are not provided for a private geophysical exploration program originally in the House-passed bill because private companies will be able to finance geophysical exploration in anticipation of the private leasing of the Reserve provided for in this appropriation.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which rescinds withdrawals established by Section 102 of Public Law 94-268 only for the purposes of the oil and gas leasing program authorized in this appropriation.

Amendment No. 38: Changes the number (5) to (6) as proposed by the Senate.

Amendment No. 39: Changes the number (6) to (7) as proposed by the Senate.

Amendment No. 40: Changes the number (7) to (8) as proposed by the Senate.

Amendment No. 41: Changes the number (8) to (9) as proposed by the Senate.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any agency of the United States and any person authorized by the Secretary may conduct geological and geophysical explorations in the National Petroleum Reserve in Alaska which do not interfere with normal operations. Information acquired is subject to the conditions of 49 U.S.C. 1952(a) (1) (A).

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any action seeking judicial review of an environmental impact statement under the National Environmental Policy Act of 1969 concerning oil and gas leasing in the National Petroleum Reserve in Alaska shall be barred unless brought in the appropriate District Court within 60 days after the notice of availability of such statement is published in the Federal Register. Any proceeding shall be assigned for hearing at the earliest possible date and expedited.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the detailed environmental studies already conducted and the land-use studies carried out in response to Public Law 94-268 fulfill the requirements of the National Environmental Policy Act for the first two oil and gas lease sales in the National Petroleum Reserve in Alaska. Not more than two million acres may be leased in these

sales and any exploration or production undertaken in this program shall be in accordance with Section 104(b) of the Naval Petroleum Reserves Production Act of 1976.

BUREAU OF MINES

Amendment No. 45: Appropriates \$139,428,000 for mines and minerals instead of \$140,878,000 as proposed by the House and \$137,378,000 as proposed by the Senate. The increase over the amount proposed by the Senate consists of \$1,250,000 for minerals environmental technology and \$800,000 to complete disruption strategies for platinum, manganese, and chromium, a technology option assessment for platinum and manganese, and a mineral availability study of platinum.

Amendment No. 46: Provides that \$107,726,000 for mines and minerals shall remain available until expended instead of \$108,978,000 as proposed by the House and \$106,476,000 as proposed by the Senate.

Amendment No. 47: Deletes House language rescinding contract authority for "Development and Operation of Hellum Properties" provided by Public Law 87-122. OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Amendment No. 48: Appropriates \$92,633,000 for regulation and technology instead of \$98,811,000 as proposed by the House and \$88,024,000 as proposed by the Senate. The net increase over the amount proposed by the Senate consists of the following decrease and increases: a decrease of \$951,000 for mineral institutes; and increases of \$1,000,000 for state and Federal programs, \$2,923,000 for Federal inspection and enforcement, \$1,000,000 for technical support and \$837,000 for executive direction.

The managers agree that within the funds provided for executive direction, not more than \$400,000 shall be available for all public affairs activities and that Congressional affairs shall be limited to \$80,000.

Amendment No. 49: Appropriates \$82,485,000 for the Abandoned Mine Reclamation Fund instead of \$87,485,000 as proposed by the House and \$86,485,000 as proposed by the Senate. The \$10,000,000 increase over the amount proposed by the Senate is for Interior reclamation projects.

Amendment No. 50: Provides language as proposed by the House which makes \$16,000,000 from the Abandoned Mine Reclamation Fund available to the Bureau of Mines to carry out research, demonstration, and reclamation projects authorized by Section 403, Public Law 95-87.

BUREAU OF INDIAN AFFAIRS

Amendment No. 51: Appropriates \$812,739,000 for operation of Indian programs instead of \$815,019,000 as proposed by the House and \$806,366,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: an increase of \$3,000,000 for housing; and decreases of \$3,360,000 for Indian action team program; \$80,000 for business enterprise development program; \$500,000 for implementation of a plan to review water claims; \$250,000 for litigation support; \$200,000 for unresolved Indian rights issues; \$500,000 for lease compliance; and \$400,000 for Indian intake and development program.

The managers are in agreement on the following: that \$350,000 budgeted in FY 1981 for feasibility studies for tribally-controlled community colleges be used for operational grants for Sinte Gleska, Oglala Sioux, and Turtle Mountain Community Colleges; that \$1,550,000 of the amount provided for the Indian Action Team program be made available for the Sandia Pueblo, the Coshatta Tribe, the South Puget Sound Intertribal Planning Agency—Souxin Island, Nisqually, and Skokomish Tribes, and St. Regis Mohawk; that the labor associated with the

additional \$3,000,000 provided for housing may be contracted with the Indian Action Team program at the discretion of the tribes.

Amendment No. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$100,182,000 for construction instead of \$99,590,000 as proposed by the House and \$99,745,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of the following: an increase of \$500,000 for advanced school planning, and a decrease of \$63,000 for construction of an interpretive facility at the Ozette archeological project in Washington State.

The managers are in agreement on the following: that the BIA use \$250,000, within available funds, to complete renovation of the Duckwater Shoshone Elementary School in Nevada; that \$2,400,000 be made available for the next phase of construction of the Tangass Creek Hatchery, Alaska, from the unobligated balance of appropriations for the Barrow gas distribution system; and that the BIA use \$26,000, within available funds, for renovation of schools and quarters at Akiak, Alaska.

The managers wish to reaffirm the requirement that the Bureau develop and implement a priority system for road construction designed to assure that the most urgent needs are promptly addressed on an equitable basis. This system is essential to the equitable allocation of road construction and maintenance funding among all reservations.

Amendment No. 53: In lieu of the matter proposed by said amendment, insert the following:

"EASTERN INDIAN LAND CLAIMS

"For payment to the Eastern Indian Land Claims Settlement Fund, \$81,500,000, to remain available until expended, to settle the land claims of the Passamaquoddy Tribe, the Penobscot Nation, and Houlton Band of Maliseet Indians in the State of Maine."

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which provides that funds available to the Bureau of Indian Affairs for the transportation of school children shall not be subject to any travel limitations.

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which provides that agricultural development on the Gila River Indian Reservation shall not be subject to the National Environmental Policy Act.

The managers are in agreement that the NEPA exemption for the Gila River Reservation not be considered a precedent for other Indian reservations. The Environmental Protection Agency is encouraged to provide expedited review for Indian agricultural projects on allotted lands.

Amendment No. 56: Appropriates \$72,284,000 for administration of territories instead of \$84,384,000 as proposed by the House and \$69,684,000 as proposed by the Senate.

The decrease below the amount proposed by the House consists of \$500,000 for the Guam economic development fund, \$600,000 for grants to Samoa, \$1,000,000 for the Virgin Islands economic development fund, and \$10,000,000 for Virgin Islands hospital construction.

The managers agree that \$10,000,000 for Virgin Islands hospital construction will be provided from funds previously appropriated to match increased taxes enacted by the Government of the Virgin Islands.

The managers expect that the Department of the Interior will work with the Department of Health and Human Services to assure proper health care in the Virgin Islands and report to the Appropriations Committees of the House and Senate during the FY 1982 budget process on the status of such health care.

Amendment No. 57: Provides \$68,000,000 for expenses of the Governments of American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands and the Northern Mariana Federal Laws Commission instead of \$80,100,000 as proposed by the House and \$68,400,000 as proposed by the Senate.

The decrease below the amount proposed by the House consists of \$500,000 for the Guam economic development fund, \$600,000 for grants to Samoa, \$1,000,000 for the Virgin Islands economic development fund, and \$10,000,000 for Virgin Islands hospital construction.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that \$10,000,000 in grants to the Virgin Islands appropriated in FY 1980 be available for hospital construction in FY 1981. Language in the FY 1980 appropriation made availability of the \$10,000,000 contingent upon matching funds from the Government of the Virgin Islands generated by increased tax rates or new taxes enacted by the territorial legislature. The managers would consider new matching appropriations if the Virgin Islands passes additional tax legislation.

Amendment No. 59: Appropriates \$94,354,000 for the Trust Territory of the Pacific Islands as proposed by the Senate instead of \$93,804,000 as proposed by the House.

OFFICE OF THE SOLICITOR

Amendment No. 60: Appropriates \$16,313,000 for salaries and expenses instead of \$16,113,000 as proposed by the House and \$16,513,000 as proposed by the Senate. The reduction below the Senate level consists of \$100,000 in common program services and \$100,000 in anticipation of vacancies occurring in FY 1981.

OFFICE OF THE SECRETARY

Amendment No. 61: Appropriates \$37,619,000 for departmental management instead of \$39,251,000 as proposed by the House and \$37,204,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of \$51,000 for the personal representative of the Secretary in California, \$100,000 in equal opportunity, \$125,000 in small and disadvantaged business utilization, \$6,000 for the Office of the Assistant Secretary for land and water resources, \$650,000 for the Office of the Assistant Secretary for Indian Affairs, \$100,000 for the Office of Policy Analysis, \$100,000 for travel, and \$500,000 in contracting.

The managers commend the efforts of the Office of Construction Management. Since this Office was established, the Committees on Appropriations have developed a high degree of confidence in the recommendations provided by the staff in its oversight of school construction and related facility programs of the Bureau of Indian Affairs. The managers anticipate the maintenance of this confidence level. This means the Secretary and his administrative and program staff will be expected to continue to provide the prompt and full support needed by the construction management office in its difficult mission. This includes assurances of adequate staff, space, merit promotions, and other matters essential to maintain effective operations. It is also expected that the Department will expedite all procurement activities possible while making certain that no laws or regulations are violated.

Amendment No. 62: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to appropriate funds for the Youth Conservation Corps to the Secretary of Interior.

Amendment No. 63: Appropriates \$1,000,000 for rural water treatment and distribution system as proposed by the Senate for the WEB water pipeline in South Dakota.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the matter proposed by said amendment, insert the following:

"Sec. 100. Except as specifically provided otherwise in this Act, no funds appropriated in this title shall be available to fulfill the requirements of section 8 of Public Law 94-468 as they apply to reporting to Congress on potential new areas of the National Park System: Provided, That not to exceed \$100,000 may be available to study proposed areas of the National Park System."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to prohibit use of funds for withdrawal, transfer or purchase of any lands for the purpose of extending the current boundaries of the Snake River Birds of Prey Natural Area, Idaho, without provision therefor in appropriation acts.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to terminate the Secretary of Interior's authority to enter into contracts and agreements for the development and operation of hollow properties.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to prohibit use of funds to reduce certain banking solutions on the Colorado River within Grand Canyon National Park.

The managers are in agreement that the implementation of the management plan for the Colorado River should be examined carefully during deliberations on the FY 1982 appropriation bill.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE FOREST SERVICE

Amendment No. 68: Appropriates \$122,200,000 for forest research instead of \$124,100,000 as proposed by the House and \$119,700,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of the following: Decreases of \$100,000 for fire and atmospheric science research, \$250,000 for renewable resource evaluation research, \$250,000 for renewable resource economics research, \$200,000 for surface environment and mining research, \$500,000 for wildlife, range, and fish habitat research, \$500,000 for forest products research, and \$100,000 for forest engineering research.

Amendment No. 69: Appropriates \$73,116,000 for state and private forestry instead of \$71,466,000 as proposed by the House and \$77,206,000 as proposed by the Senate. The net increase above the amount proposed by the House consists of the following: an increase of \$6,000,000 for rural fire control; and decreases of \$600,000 for dutch elm disease control and elm tree utilization, \$1,800,000 for urban forestry assistance, \$1,650,000 for rural forestry assistance, and \$400,000 for FIRESCOPE. The managers agree that the \$600,000 increase for rural fire control includes \$660,000 for pre-suppression activities

in the Mount St. Mt. Helens region of Washington State.

Amendment No. 70: Provides that \$66,136,000 shall remain available for obligation until September 30, 1982, instead of \$63,686,000 as proposed by the House and \$13,306,000 as proposed by the Senate.

Amendment No. 71: Appropriates \$979,614,000 for national forest system instead of \$981,821,000 as proposed by the House and \$972,114,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: increases of \$5,000,000 for timber stand improvement; \$3,700,000 for recreation use; and decreases of \$5,000,000 for timber stand improvement; activities; \$1,000,000 for fire protection; \$577,000 for cooperative law enforcement; \$600,000 for road maintenance; \$5,500,000 for timber sales; \$1,000,000 for wilderness management; \$330,000 for cultural resources; \$100,000 for wildlife and fisheries support; \$700,000 for habitat improvement; and \$100,000 for soil and water support.

The managers are in agreement on the following: that included in the increase above the amount provided by the Senate for the national forest system and construction and land acquisition is \$29,700,000 to prepare for sale in fiscal year 1981, an additional 300 million board feet of timber to be offered for sale in fiscal year 1982.

Amendment No. 72: Provides that \$197,362,000 shall remain available for obligation until September 30, 1982, instead of \$193,539,000 as proposed by the House and \$201,462,000 as proposed by the Senate.

Amendment No. 73: Appropriates \$378,586,000 for construction and land acquisition instead of \$405,466,000 as proposed by the House and \$354,336,000 as proposed by the Senate.

The increase above the amount proposed by the Senate consists of \$19,200,000 for forest service direct road construction, \$4,300,000 for the Mount Nebo Recreation Unit and Road, Uinta National Forest, and \$750,000 for the La Sal Loop Road, Manti-La Sal National Forest, Utah.

The managers agree that \$70,000 for Open Pond, sanitation facilities, Concouh National Forest is included in the recommended amount.

Because there has been a substantial shortfall in the 10% Road Funds for 1981, which will make it impossible to obtain the road building program contemplated by the managers, the managers are expecting the Forest Service to submit a request for supplemental appropriations in 1981 in order to continue direct road construction and timber purchaser road construction at the level contemplated.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that \$22,429,000 is for construction and acquisition of buildings and other facilities, instead of \$21,789,000 as proposed by the House and \$21,229,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 75: Provides that \$353,662,000 is for construction of forest development roads and trails by the Forest Service and construction and maintenance of forest development roads by timber purchasers instead of \$361,181,000 as proposed by the House and \$330,612,000 as proposed by the Senate.

Amendment No. 76: Deletes House language appropriating \$60,000,000 for Youth Conservation Corps to the Department of Agriculture.

Amendment No. 77: Deletes House language providing that revenues collected under the authority of Section 4(f) of the Land

and Water Conservation Fund Act be paid into the Land and Water Conservation Fund. The managers recognize that the Forest Service has had some desirable flexibility in the use of this account and does not intend that the change should offset that flexibility.

DEPARTMENT OF THE TREASURY

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

DEPARTMENT OF THE TREASURY ENERGY SECURITY RESERVE

In title I, chapter VIII of Public Law 96-304, under the subheading "Energy Security Reserve", the second paragraph shall be amended to read as follows:

"The total available funding (including funds committed or conditionally committed under authority of Public Law 96-126) shall be apportioned so as to provide \$17,522,000,000 for purposes of title I, of which \$6,000,000,000 shall be immediately available, \$6,212,000,000 shall be available for obligation after June 30, 1982, and up to \$5,310,000,000 shall be derived by transfer as provided above; and to provide \$1,270,000,000 for purposes of title II, to be immediately available and to be appropriated as follows:

"(i) not to exceed \$25,000,000 to the Secretary of Agriculture under section 204(a) (1) of Public Law 96-394;

"(ii) not to exceed \$25,000,000 to the Secretary of Energy under section 204(a) (2) of Public Law 96-204: Provided, That \$52,500,000 of such amount shall be available to the Secretary of Energy for carrying out commercialization activities other than those carried out by the Office of Alcohol Fuels; and

"(iii) not to exceed \$220,000,000 to the Secretary of Energy for purposes of subtitle B."

Notwithstanding any other provision of law, funds committed to a loan guarantee default reserve for biomass energy projects authorized by title II of the Energy Security Act may be used to guarantee loans up to three times the amount held in reserve. Notwithstanding any public notice or solicitation announcement to the contrary, the Secretary of Energy and the Secretary of Agriculture may apply this loan guarantee leveraging authority to applications for alcohol fuel loan guarantees submitted under title II of the Energy Security Act prior to passage of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to the Senate amendment modifying existing provisions of the Energy Security Reserve. The modifications set aside \$52.5 million out of \$52.5 million previously appropriated to the Reserve and made available to the Secretary of Energy for biomass activities authorized by title II of the Energy Security Act, so that those funds are available to carry out commercialization activities other than those in the Office of Alcohol Fuels. They also delete the provision not allowing the Secretary of Energy to fund biomass projects of less than an annual ethanol (or equivalent) capacity of 15 million gallons. The deletion of the size limitation will allow award of feasibility studies and cooperative agreement contracts for smaller size projects submitted under currently outstanding solicitations.

The managers also agree that loan guarantees may be issued for up to three times the amount of previously appropriated default reserves for biomass energy projects. This provision is equivalent to that already existing for alternative fuels production. The agreed to amendment broadens Senate-passed language from alcohol fuel produc-

tion to all biomass energy projects, and maintains the provision making it applicable to proposals submitted under the basic authority of the Energy Security Act prior to passage of this Act.

The managers do not intend that this provision be interpreted to permit the Department of Energy to stop discussions and negotiations with those seven project sponsors who have been selected by the DOE, as announced on October 20, 1980, to enter into competitive negotiations for a Federal loan guarantee. The managers expect the DOE to proceed with those negotiations so that the production capability represented by those facilities may be placed in operation at the earliest possible date. Furthermore, the DOE may, by this amendment, utilize this leveraging authority to fund projects already selected for competitive negotiations, as well as any proposed projects already submitted to DOE but not yet selected for competitive negotiations.

DEPARTMENT OF ENERGY

Amendment No. 79: Deletes House language defining "alternative fuels" as proposed by the Senate.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that section 19(m) of the Federal Non-Nuclear Energy Research and Development of 1974, as amended, shall not apply to alternative fuels actions.

Amendment No. 81: Deletes proposed Senate language that allows loan guarantees for alcohol fuels production biomass energy projects to be issued for up to three times the amount held in reserve.

A similar provision is included in the "Energy Security Reserve" in the Department of the Treasury.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$717,435,000 for fossil energy research and development instead of \$670,605,000 as proposed by the House and \$380,300,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the Senate consists of the following: Increases of \$4,000,000 for peat gasification, \$5,000,000 for in-situ gasification, \$1,000,000 for advanced research and technology development, \$4,000,000 for pressurized fluidized bed systems in direct combustion, \$1,000,000 for data collection and dissemination in enhanced oil recovery, \$1,300,000 for drilling and offshore technology, \$8,000,000 for liquefaction for the Grace methanol project, and \$5,000,000 for Hygas design studies; and decreases of \$3,000,000 for coal mining research and development, \$3,000,000 for indirect liquefaction, and \$65,000 for the atmospheric fluidized bed facility in Morgantown, West Virginia.

The managers agree that the reduction of \$3,000,000 in indirect liquefaction funds should be made from technology base activity rather than industrial projects. If additional funds are required for technology base activity, they should be provided out of advanced research and technology funds. It is also agreed that the \$1,000,000 reduction in advanced research and technology funds should be taken from lowest priority projects, not necessarily from direct coal utilization as proposed by the Senate.

The managers agree that the \$5,000,000 provided by both Houses for university coal research should support the program as currently constituted and not be used to fund a formal university coal laboratory program as proposed by the Senate.

The managers also agree that no Office of Peat Development as proposed by the Senate is required to be established by the Department.

Finally, the managers agree that funds added for fuel cell development should be allocated as follows: \$5,700,000 for phosphoric acid systems, \$4,300,000 for additional small on-site field test units, \$1,000,000 for molten carbonate systems, and \$1,000,000 for advanced concepts.

Amendment No. 83: Appropriates \$423,300,000 for fossil energy construction instead of \$445,300,000 as proposed by the House and \$380,100,000 as proposed by the Senate.

The decrease under the amount proposed by the House consists of \$10,000,000 for operating expenses for SRC demonstration projects, \$11,000,000 for high-Btu gasification plants, and \$1,000,000 for operating expenses for high-Btu gasification demonstration projects.

The managers agree that the Department should proceed to construction of both high-Btu gasification plants, previously in competition with one another under project 76-1-b, without further delay. Proceeding to construction depends on arriving at satisfactory business arrangements with the contractors and completing required environmental work.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$226,002,000 instead of \$176,337,000 as proposed by the House and \$224,587,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the Senate consists of \$950,000 for direct combustion commercialization and \$525,000 for Federal leasing. The managers agree that none of the \$200,000 reduction in the coal supply development program should be applied to anthracite programs.

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that \$206,466,000 remain available until expended instead of \$156,266,000 as proposed by the House and \$197,127,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the Senate consists of the following: \$847,000 for Naval Petroleum Reserve administrative expenses, \$3,900,000 for shale reserves development and \$4,592,000 for enhanced gas recovery.

Amendment No. 86: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$862,107,000 instead of \$950,607,000 as proposed by the House and \$953,132,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase above the amount proposed by the House consists of the following: Increases of \$5,000,000 for design of a cost-shared formcoking process and \$900,000 for study of a coke pellet process; \$6,000,000 for research and development of a third gas turbine engine; \$5,280,000 for electric and hybrid vehicles; \$10,000,000 for State emergency conservation planning grants; \$3,000,000 for development of advanced concepts in energy conversion technology; \$20,000,000 for assistance to areas impacted by energy growth; and decreases of \$2,240,-

000 for buildings systems; \$1,000,000 for district heating feasibility studies; \$1,940,000 for technology and consumer products; \$500,000 for administration of the emergency building temperature restrictions program; \$400,000 for buildings and community systems program direction; \$6,600,000 for industrial energy conservation projects; \$6,250,000 for conservation grants to schools and hospitals; \$6,975,000 for low income weatherization grants; \$10,000,000 for supplemental State energy grants; \$1,575,000 for State and local program direction; and \$2,100,000 for appropriate technology grants.

The managers agree \$7,433,000 of the funds appropriated for Energy Policy and Conservation Act State grants shall be provided to the States solely for the purpose of preparing emergency gasoline allocation plans in coordination with the Federal effort.

The requirement for cost sharing by states participating in the Energy Extension Service has been deferred until fiscal year 1982 to permit adequate time for states to budget for this activity.

Senate language has been adopted in the bill to retroactively include special districts within the term "local government" entities which are eligible to receive energy impact assistance.

The managers support development of a third gas turbine engine on an accelerated schedule which will coincide approximately with the completion date for the two engines presently under development. The Department should modify the program goals for the third engine as necessary to ensure the earliest practical completion date.

The managers direct that electric vehicles purchased by the Department of Energy for the Electric and Hybrid Vehicle Demonstration Program must demonstrate a 15 percent range improvement over the 1980 DOE performance standards for all classes of electric vehicles. The managers have taken this action to insure that the Department will make every effort to upgrade the range of electric vehicles purchased for the demonstration program.

The managers do not agree to earmark funds to conduct a feasibility study for an urban waste facility in Manchester, New Hampshire, as proposed by the Senate.

The managers agree that the Department should be permitted to reprogram \$4,100,000 to audit and evaluate grants to schools and hospitals. This amount is less than the Department proposed but the managers believe adequate data verification and program evaluation can be accomplished within the allowance.

The managers agree that engine combustion research originally budgeted within the advanced combustion technology subactivity in the fossil energy research and development account should be continued within funding provided for energy conservation.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate defining "local government" for the purposes of Energy Impact Assistance, and making the definition retroactive to the effective date of the authorizing legislation (P.L. 95-620).

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$176,897,000 for economic regulation instead of \$141,999,000 as proposed by the House and \$173,432,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

The increase above the amount proposed by the Senate consists of \$2,500,000 for grants to state utility commissions for the first few months of fiscal year 1982 and of \$935,000 for fuels regulation.

The managers agree that the specific allocation of amounts for preimplementation of the gasoline rationing plan shall remain open. The funds available must be used in conformance with the plan accepted by the Congress at the end of July.

Amendment No. 89: Appropriates \$102,000,000 for the Strategic Petroleum Reserve as proposed by the Senate instead of \$876,918,000 as proposed by the House.

Amendment No. 90: Deletes House language reappropriating \$300,000,000 for the Strategic Petroleum Reserve.

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: "Provided, That the President shall immediately seek to undertake, and thereafter continue, crude oil acquisition, transportation, and injection activities at a level sufficient to assure that crude oil storage in the Strategic Petroleum Reserve will be increased to an average annual rate of at least 300,000 barrels per day or a sustained average annual daily rate of fill which would fully utilize appropriated funds: *Provided further*, That the requirements of the preceding provision shall be in addition to the provisions of title VIII of the Energy Security Act and shall not affect such provisions of the Energy Security Act in any way".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers expect the Reserve to be filled at an average annual rate of at least 300,000 barrels a day, including oil from the Naval Petroleum Reserves, and to use the available funds fully.

Amendment No. 92: Appropriates \$104,117,000 for the Energy Information Administration as proposed by the Senate instead of \$108,812,000 as proposed by the House.

The managers are in agreement on the following: That, program direction should be \$37,150,000 and that this should not interfere with greater use of in-house staff to avoid high contract labor costs.

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to provide the Secretary authority to use the provision of P.L. 85-804 with respect to contracts for government-owned facilities for developing or demonstrating the conversion of coal into gaseous, liquid, or solid hydrocarbon products. The language is intended to clarify that the authority can only be used if the Secretary has other legal authority to undertake such projects.

The managers agree with the Senate report language concerning the scope of the Secretary's authority, utilizing P.L. 85-804, to encourage and carry out cost-sharing arrangements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating \$594,119,000 for Indian health services instead of \$593,619,000 as proposed by the House and \$592,332,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of the following: increases of \$1,000,000 for maintenance and repair; \$1,000,000 for contract services to Pasoua Yaqui of Arizona; \$1,000,000 for the Pawnee Service Unit in Oklahoma; and decreases of \$1,000,000 for

the Indian health man program; and \$1,500,000 for the community health representative program.

The managers are in agreement on the following: that an additional \$100,000, within available funds, be provided for the Indians into medicine program at the University of North Dakota; that the Pawnee Hospital be closed and a contract care system be instituted in its place; that the Indian Health Service may transfer the Tanana Public Health Service Hospital to the Tanana Chiefs Conference for use as a long term care facility so long as such transfer is accomplished within the funds available.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that not to exceed \$20,000,000 collected under Title IV of the Indian Health Care Improvement Act be available for achieving compliance with Titles XVIII and XIX of the Social Security Act.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for leasing of housing units at Bethel, Alaska.

Amendment No. 97: Appropriates \$84,469,000 for Indian health facilities as proposed by the Senate instead of \$88,831,000 as proposed by the House.

Amendment No. 98: Deletes House language as proposed by the Senate.

Amendment No. 99: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that non-Indian patients may be extended health care at the Tallhina Hospital in Tallhina, Oklahoma, and the Zuni-Ramah Indian Health Service Unit in Zuni, New Mexico.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that funds appropriated to Indian Health Service, except for administrative and program direction purposes, shall not be subject to travel limitations.

DEPARTMENT OF EDUCATION

Amendment No. 101: Provides \$19,930,000 for Parts B and C of the Indian Education Act as proposed by the House instead of \$22,430,000 as proposed by the Senate.

Amendment No. 102: Appropriates \$81,680,000 for Indian education instead of \$84,180,000 as proposed by the Senate.

Amendment No. 103: Appropriates \$12,857,000 for Departmental Management, Institute of Museum Services, instead of \$12,000,000 as proposed by the House and \$12,057,000 as proposed by the Senate. The decrease of \$43,000 from the House amount includes \$26,000 for grant readers, \$7,000 for site audits and \$10,000 for program evaluations.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Amendment No. 104: Appropriates \$2,680,000 for salaries and expenses as proposed by the Senate instead of \$1,180,000 as proposed by the House.

SMITHSONIAN INSTITUTION

Amendment No. 105: Appropriates \$117,665,000 for salaries and expenses instead of \$118,838,000 as proposed by the House and \$115,721,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of reductions of: \$150,000 for the Chesapeake Bay Environmental Center, \$13,000 for the Joseph Henry papers, \$38,000 for the National Collection of Fine Arts, \$43,000 for the National Portrait Gallery, \$25,000 for the Freer Gallery, \$25,000 for the Cooper-Hewitt Museum, \$38,000 for the Smithsonian Institution Press, \$62,000 for

the Office of the Assistant Secretary for Museum Programs, \$60,000 for the Smithsonian Distribution Libraries, \$250,000 for major exhibition programs, \$171,000 for administration, \$100,000 for pay cost, and \$200,000 requested for inflation.

The managers agree that the Smithsonian should have the flexibility to apply the special foreign currency reduction to program areas on the basis of changing priorities. There is no objection to a forward-funded reserve of Indian rupees in the amount proposed in the budget.

Amendment No. 106: Appropriates \$3,200,000 for construction and improvements, National Zoological Park, as proposed by the House instead of \$2,790,000 as proposed by the Senate.

Amendment No. 107: Appropriates \$7,539,000 for restoration and renovation of buildings instead of \$8,039,000 as proposed by the House and \$7,039,000 as proposed by the Senate. The reduction is to be applied to low priority projects.

Amendment No. 108: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"CONSTRUCTION

"For necessary expenses to construct museum support facilities, including not to exceed \$50,000 for services as authorized by 5 U.S.C. 3109, \$5,000,000, to remain available until expended."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers were distressed to learn that the 4 bay support facility for which construction funds were provided in fiscal 1980 could not be built for less than \$7,000,000 more than was available. The managers were informed that a 3 bay facility could be built within available funds if the Smithsonian used \$2,500,000 of its private funds to augment the \$20,500,000 appropriation available.

Rather than sacrifice the badly needed space, the managers have chosen to appropriate \$5,000,000 which, along with the \$2,500,000 the Smithsonian had planned to use for construction of a 3 bay facility, will be adequate to build the desired 4 bay facility.

The managers are concerned about the ability of the Smithsonian to deal with more than one major construction project at a time and have not provided any funds for design of the South Quad complex. This will permit the Smithsonian to commit all its construction efforts to the Museum Support Center.

Amendment No. 109: Appropriates \$24,314,000 for salaries and expenses of the National Gallery of Art instead of \$24,404,000 as proposed by the House and \$24,089,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of a pay cost reduction and a reduction for furniture and equipment for newly opened areas.

ARCHITECT OF THE CAPITOL MEMORIAL TO HALE BOGGS

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the sum named by said amendment, insert \$7,000.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The increase over the amount recommended by the Senate is for any unanticipated expenses. The Architect is to take every step to meet the amount proposed by the Senate.

NATIONAL ENDOWMENT FOR THE ARTS

Amendment No. 111: Appropriates \$125,850,000 for salaries and expenses instead of \$127,300,000 as proposed by the House and \$124,800,000 as proposed by the Senate.

Amendment No. 112: Provides \$113,000,000 for program funds instead of \$114,405,000 as proposed by the House and \$112,635,000 as proposed by the Senate. The decrease under the amount proposed by the House is for contracts for analysis of 1980 census data.

Amendment No. 113: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$11,900,000 for administrative expenses instead of \$12,865,000 as proposed by the House and \$12,165,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decrease under the amount proposed by the House is a reduction of \$965,000 budgeted for the expenses associated with moving to the Old Post Office Building.

Amendment No. 114: Deletes House language associated with the move to the Old Post Office Building.

Amendment No. 115: Appropriates \$32,700,000 for matching grants as proposed by the House instead of \$31,200,000 as proposed by the Senate.

Amendment No. 116: Provides \$13,450,000 for challenge grants instead of \$14,200,000 as proposed by the House and \$12,700,000 as proposed by the Senate. The decrease under the amount proposed by the House reflects a transfer of \$760,000 for institutional advancement grants from challenge grants to the "treasury fund" program which requires a 2 to 1 match rate rather than a 3 to 1 ratio.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Amendment No. 117: Appropriates \$117,799,000 for salaries and expenses as proposed by the Senate instead of \$118,741,000 as proposed by the House.

Amendment No. 118: Provides \$106,522,000 for program funds as proposed by the House instead of \$106,022,000 as proposed by the Senate.

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing \$11,277,000 for administrative expenses instead of \$12,210,000 as proposed by the House and \$11,777,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The decrease under the amount proposed by the House is a reduction of \$42,000 budgeted for the expenses associated with moving to the Old Post Office Building.

Amendment No. 120: Deletes House language associated with the move to the Old Post Office Building.

NATIONAL CAPITAL PLANNING COMMISSION

Amendment No. 121: Appropriates \$2,270,000 for the National Capital Planning Commission as proposed by the Senate instead of \$2,300,000 as proposed by the House.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

Amendment No. 122: Appropriates \$30,000 for the Franklin Delano Roosevelt Memorial Commission as proposed by the Senate instead of \$40,000 as proposed by the House.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Amendment No. 123: Appropriates \$2,443,000 for salaries and expenses instead of \$2,508,000 as proposed by the House and \$2,343,000 as proposed by the Senate. The decrease of \$65,000 under the base should be taken from the lowest priority areas.

FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE

Amendment No. 124: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named by said amendment, insert "\$1,500".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

HOLOCAUST MEMORIAL COUNCIL

Amendment No. 125: Appropriates \$722,000 for the Holocaust Memorial Council as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 126: Deletes language proposed by the Senate which would have prevented the closure of any wildlife refuge on which a State permits the use of lead shot for waterfowl hunting.

Amendment No. 127: Deletes language proposed by the Senate which would have prohibited payment or compensation to any individual closing or threatening to close any wildlife refuge where a State permits the use of lead shot for waterfowl hunting.

For the past three years Congress has included a provision in this bill which prohibits funding for the implementation or enforcement of steel shot regulations in any State unless approved by the appropriate state agency. Congress has again included this restriction and continues to believe that the decision regarding steel shot can be best made by the State involved, with the assistance of the Department of the Interior in providing research and other information services.

The managers, however, are concerned that U.S. Fish and Wildlife Service actions have violated the intent of this Congressional mandate. In at least four States the Service threatened to close waterfowl hunting on National Wildlife Refuges as a result of the State's legitimate decision not to accept the Service's proposed steel shot regulations. These threats were clearly in conflict with prohibitions, which Congress has again approved, and the managers believe this amounts to unlawful intimidation of State officials in an attempt to force concurrence with those regulations.

The Senate approved language which would have specifically denied the U.S. Fish and Wildlife Service the authority to close wildlife refuges based on a State's decision regarding steel shot. The managers have agreed to forego this additional prohibition since Congressional intent has now been specifically expressed. However, the managers will consider stronger and more restrictive limitations on Service appropriations if clear Congressional intent is not honored.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Sec. 308. a) (1) Subject to valid existing rights, all applications made pursuant to the Acts of June 1, 1938 (52 Stat. 609), May 3, 1927 (44 Stat. 1364), May 14, 1898 (30 Stat. 413), and March 3, 1891 (26 Stat. 1097), which were filed with the Department of the Interior within the time provided by applicable law, and which describe land in Alaska that was available for entry under the aforementioned statutes when such entry occurred, are hereby approved on the one hundred and eightieth day following the effective date of this Act, except where provided otherwise by paragraph (3) or (4) of this subsection, or where the land description of the entry must be adjusted pursuant to subsection (b) of this section, in which

cases approval pursuant to the terms of this subsection shall be effective at the time the adjustment becomes final.

"(2) Where an application describes land within the boundaries of a unit of the National Park System or a unit of the National Wilderness Preservation System in the Tongass or Chugach National Forests established on or before the effective date of this Act or as designated by the Alaska National Interest Lands Act as passed by the House on November 12, 1980, and the described land was not withdrawn pursuant to section 11(a) (1) of the Alaska Native Claims Settlement Act, or where an application describes land which has been patented or deeded to the State of Alaska or which on or before the date of entry was validly selected by tentatively approved, patented, deeded or confirmed to the State of Alaska pursuant to applicable law and was not withdrawn pursuant to section 11(a) (1) (A) of the Alaska Native Claims Settlement Act from those lands made available for selection by section 11(a) (2) of the Act by any Native Village certified as eligible pursuant to section 11(b) of such Act, paragraph (1) of this subsection and subsection (c) of this section shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 300(a) (1) hereof, the Alaska Native Claims Settlement Act, and other applicable law.

"(3) Paragraph (1) of this subsection and subsection (c) shall not apply and the application shall be adjudicated pursuant to the requirements of the Acts referred to in section 300(a) (1) hereof, if on or before the one hundred and eightieth day following the effective date of this Act—

"(A) A Native Corporation files a protest with the Secretary of the Interior (the Secretary) stating that the applicant is not entitled to the land described in the application, and said land is withdrawn for selection by the corporation pursuant to the Alaska Native Claims Settlement Act; or

"(B) The State of Alaska files a protest with the Secretary stating that the land described in the application is necessary for access to lands owned by the United States, the State of Alaska, or a political subdivision of the State of Alaska, to resources located thereon, or to a public body of water regularly employed for transportation purposes, and the protest states with specificity the facts upon which the conclusions concerning access are based and that no reasonable alternatives for access exist; or

"(C) A person or entity files a protest with the Secretary stating that the applicant is not entitled to the land described in the application and that said land is the situs of improvements claimed by the person or entity.

"(D) The State of Alaska files a protest with the Secretary respecting an entry which was made prior to a valid selection tentative approval, patent, deed, or confirmation to the State of Alaska pursuant to applicable law.

"(4) Paragraph (1) of this subsection and subsection (c) shall not apply to any application which was knowingly and voluntarily relinquished by the applicant.

"(b) An applicant may amend the land description contained in his or her application if said description designates land other than that which the applicant intended to claim at the time of application and if the description as amended describes the land originally intended to be claimed. If the application is amended, this section shall operate to approve the application or to require its adjudication, as the case may be, with reference to the amended land description only; *Provided*, That the Secretary shall notify the State of Alaska and all interested parties, as shown by the records of the Department of the Interior, of the intended correction of the entry's location.

and any such party shall have until the one hundred and eightieth day following the effective date of this Act or sixty days following mailing of the notice, whichever is later, to file with the Department of the Interior a protest as provided in subsection (a) (3) of this section, which protest, if timely, shall be deemed filed within one hundred and eighty days of the effective date of this Act notwithstanding the actual date of filing: *Provided, further*, That the Secretary may require that all applications designating land in a specific area be amended, if at all, prior to a date certain which date shall be calculated to allow for orderly adoption of a plan or survey for the specified area, and the Secretary shall mail notification of the final date for amendment to each affected applicant, and shall provide such other notice as the Secretary deems appropriate, at least sixty days prior to said date: *Provided further*, That no application may be amended for location following adoption of a final plan of survey which includes the location of the entry as described in the application or its location as desired by amendment.

"(c) Where the land described in application (or such an application as adjusted or amended pursuant to subsection (b) or (c) of this section), was on that date withdrawn, reserved, or classified for powersite or power-project purposes, notwithstanding such withdrawal, reservation, or classification the described land shall be deemed vacant, unappropriated, and unreserved within the meaning of the Acts referred to in section 306(a) (1) hereof, and, as such, shall be subject to adjudication or approval pursuant to the terms of this section: *Provided, however*, That if the described land is included as part of a project licensed under part I of the Federal Power Act of June 10, 1920 (41 Stat. 24), as amended, or is presently utilized for purposes of generating or transmitting electrical power or for any other project authorized by Act of Congress, the foregoing provision shall not apply and the application shall be adjudicated pursuant to the appropriate Act: *Provided further*, That where the applicant commenced occupancy of the land after its withdrawal or classification for powersite purposes, the entry shall be made subject to the right of reentry provided the United States by section 24 of the Federal Power Act, as amended: *Provided further*, That any right of reentry reserved in a patent pursuant to this section shall expire twenty years after the effective date of this Act if at that time the land involved is not subject to a license or an application for a license under part I of the Federal Power Act, as amended, or actually utilized or being developed for a purpose authorized by that Act, as amended or other Act of Congress.

"(d) Prior to issuing a patent for an entry subject to this section, the Secretary shall identify and adjudicate any record entry or application for title to land described in the application, other than the Alaska Native Claims Settlement Act, the Alaska Statehood Act, or the Act of May 17, 1906, as amended, which entry or application claims land also described in the application, and shall determine whether such entry or application represents a valid existing right to which the application is subject. Nothing in this section shall be construed to affect rights, if any, acquired by actual use of the described land prior to its withdrawal or classification, as affecting National Forest lands."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Provides language to change the House section numbered 306 to section 307 as proposed by the Senate.

Amendment No. 130: Deletes language exempting Alaska from certain provisions of the Export Administration Act of 1979. The managers on the part of the House and Senate are in full agreement that this provision, first carried in the fiscal year 1980 appropriation act (P.L. 96-126), was an amendment to the Export Administration Act, and such permanent legislation need not be repeated annually to remain in full effect until expressly repealed by Congress.

The managers fully support Alaska's continued exemption from the red cedar provision of the export law, and deletion of the language in no way implies otherwise.

Amendment No. 131: Deletes language proposed by the Senate restricting fourth quarter spending.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number in said amendment insert 308.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number in said amendment, insert 309.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 134: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Sec. 310. (a) Notwithstanding any other provisions of this Act, the amounts otherwise available to agencies under the Act for procurement of consultant services shall be reduced by the following: Forest Service, \$160,000: *Provided*, That not to exceed \$4,600,000 of the funds made available by section 112 of Public Law 96-369 shall be available to the Forest Service until expended for continuing development and demonstration of aerial logging systems."

"(b) For fiscal year 1982 and thereafter, a department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—shall submit annually to the House and Senate Appropriations Committees, as part of its budget justification, the estimated amount of funds requested for consulting services; the appropriation accounts in which such funds are located; and a brief description of the need for consulting services, including a list of major programs that require consulting services.

"(c) For fiscal year 1982 and thereafter, the Inspector General of such department or establishment, or comparable official, or if there is no Inspector General or comparable official, the agency head or the agency head's designee, shall submit to the Congress along with the budget justification, an evaluation of the agency's progress to institute effective management controls and improve the accuracy and completeness of the data provided to the Federal Procurement Data System regarding consultant service contractual arrangements."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers are in agreement with Senate provisions controlling expenditures for consultant services, except for the amount applied generally to the Interior Department,

and with data procurement review requirement. The managers also agree that the reduction of \$166,000 in consultant services shall not be applied to the design and engineering of roads or bridges.

The revised amendment also provides that \$4,600,000 of the unobligated balance of emergency appropriations for the Mt. St. Helens eruption can be applied to continued development and demonstration of the so-called Hellstat aerial logging system. This system, if available in time, can greatly assist timber salvage operations in the area stricken by the volcano.

The managers understand the Navy unilaterally transferred management of this program from the Naval Aviation Systems Command to the Naval Air Development Center. Because the Navy will receive substantial benefits from this program, the managers have provided no new funds for Navy program management and direct that any such program requirements should be financed from funds already appropriated to the Navy.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the section number in said amendment, insert "311".

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: In lieu of the section number in said amendment, insert "312".

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980	\$27, 192, 021, 000
Budget estimates of new (obligational) authority, fiscal year 1981	10, 267, 996, 000
House bill, fiscal year 1981	10, 487, 959, 000
Senate bill, fiscal year 1981	9, 198, 262, 500
Conference agreement, fiscal year 1981	9, 466, 787, 000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980	-17, 725, 234, 000
Budget estimates of new (obligational) authority, fiscal year 1981	-801, 209, 000
House bill, fiscal year 1981	-1, 021, 172, 000
Senate bill, fiscal year 1981	+268, 534, 500

¹ Includes \$185,712,000 of budget estimates not considered by the House.

SIDNEY R. YATES,
GUNN MCKAY,
CLARENCE D. LONG,
R. DUNCAN
(except as to amendment No. 14),
JOHN F. MURTHA,
NORMAN D. DICKS,
JAMIE L. WHITFEN,
JOSEPH M. MODADE,
RALPH S. REGULA,
SILVIO O. CONTE,

Managers on the Part of the House.

ROBERT C. BYRD,
BIRCH BAYH,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PAT LEAHY,
DENNIS DECONCINI,
QUENTIN BURDICK,
JOHN A. DURKIN,
TED STEVENS,
MILTON R. YOUNG,
MARK HATFIELD,
HENRY BELLMON,
JAMES A. MCCLURE,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 6942

Mr. ZABLOCKI submitted the following conference report and statement on the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 96-1471)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperation Act of 1980".

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS

THIRD COUNTRY TRANSFERS

SEC. 101. (a) (1) Section 3(d) of the Arms Export Control Act is amended—

(A) by redesignating existing paragraph (3) as paragraph (4); and

(B) by inserting the following new paragraph (3) immediately after paragraph (2):

"(3) The President may not give his consent to the transfer to a third country of a defense article or a defense service valued (in terms of its original acquisition costs) at \$25,000,000 or more, or of major defense equipment valued (in terms of its original acquisition costs) at \$7,000,000 or more, the export of which has been licensed or approved under section 38 of this Act, unless at least 30 calendar days before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a report containing the information specified in subparagraphs (A) through (E) of paragraph (1)."

(2) Such section is further amended—

(A) in the last sentence of paragraph (1) by striking out "subsection" and inserting in lieu thereof "paragraph"; and

(B) in paragraph (2) by inserting "paragraph (1) of" immediately before "this subsection".

(b) Paragraph (4) of section 3(d) of such Act, as so redesignated by subsection (a) (1) (A) of this section, is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) by striking out the period at the end of clause (1) of subparagraph (C) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(D) to transfers to the North Atlantic Treaty Organization, any member country of such Organization, Japan, Australia, or New Zealand, of any major defense equipment valued (in terms of its original acquisition cost) at less than \$7,000,000 or of any defense article or related training or other defense service valued (in terms of its original acquisition cost) at less than \$25,000,000."

PERFORMANCE OF DEFENSE SERVICES

SEC. 102. Section 21(c) of the Arms Export Control Act is amended—

(1) by striking out "training, advising, or otherwise providing assistance regarding combat activities" and inserting in lieu thereof "training and advising that may engage United States personnel in combat activities";

(2) by inserting "(1)" immediately after "(c)"; and

(3) by adding at the end thereof the following:

"(2) Within 48 hours after the outbreak of significant hostilities involving a country in which United States personnel are performing defense services pursuant to this Act or the Foreign Assistance Act of 1961, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

"(A) the identity of such country and a description of such hostilities; and

"(B) the number of members of the United States Armed Forces and the number of United States civilian personnel performing defense services related to such hostilities in such country, their location, the precise nature of their activities, and the likelihood of their becoming engaged in or endangered by hostilities."

RECIPROCAL TRAINING AGREEMENTS

SEC. 103. Section 21(g) of the Arms Export Control Act is amended by striking out "in carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), the President may enter into North Atlantic Treaty Organization standardization agreements" and inserting in lieu thereof "The President may enter into North Atlantic Treaty Organization standardization agreements in carrying out section 814 of the Act of October 7, 1975 (Public Law 94-106), and may enter into similar agreements with Japan, Australia, and New Zealand."

GUARANTY RESERVE

SEC. 104. (a) Section 24(c) of the Arms Export Control Act is amended to read as follows:

"(c) Funds obligated under this section before the date of enactment of the International Security and Development Cooperation Act of 1980 which constitute a single reserve for the payment of claims under guarantees issued under this section shall remain available for expenditure for the purposes of this section on and after that date. The President shall report promptly to the Congress whenever the payment of a claim under any such guaranty reduces the total amount of funds in the single reserve under this subsection to an amount less than \$750,000,000, together with his recommendations for the authorization of appropriations of additional funds for such reserve. For purposes of any provision in this Act or any other Act relating to a prohibition or limitation on the availability of funds under this Act, whenever a guaranty is issued under this section, the principal amount of the loan so guaranteed shall be deemed to be funds made available for use under this Act. Any guaranties issued hereunder shall be backed by the full faith and credit of the United States."

(D) Section 37 of such Act is amended by adding at the end thereof the following:

"(c) Notwithstanding the provisions of subsection (b), to the extent that any of

the funds constituting the reserve under section 21(c) are paid out for a claim arising out of a loan guaranteed under section 24, amounts received from a foreign government or international organization after the date of such payment, with respect to such claim, shall be credited to such reserve, shall be merged with the funds in such reserve, and shall be available for any purpose for which funds in such reserve are available."

(c) Section 25(a) of such Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5); and

(2) by inserting after paragraph (2) the following:

"(3) the total amount of funds in the reserve under section 24(c) at the end of the fiscal year immediately preceding the fiscal year in which a report under this section is made, together with an assessment of the adequacy of such total amount of funds as a reserve for the payment of claims under guaranties issued pursuant to section 24 in view of the current debt servicing capacity of borrowing countries, as reported to the Congress pursuant to section 634(a)(5) of the Foreign Assistance Act of 1961;"

(d) Section 31(a) of such Act is amended by inserting immediately after the first sentence the following new sentence: "Credits may not be extended under section 23 of this Act in an amount, and loans may not be guaranteed under section 24(a) of this Act in a principal amount, which exceeds any maximum amount which may be established with respect to such credits or such loan guarantees in legislation appropriating funds to carry out this Act."

MILITARY CONSTRUCTION

SEC. 105. (a) The Arms Export Control Act is amended by inserting immediately after chapter 2 the following new chapter:

"Chapter 2A—FOREIGN MILITARY CONSTRUCTION SALES

"SEC. 29. FOREIGN MILITARY CONSTRUCTION SALES.—The President may sell design and construction services to any eligible foreign country or international organization if such country or international organization agrees to pay in United States dollars not less than the full cost to the United States Government of furnishing such services. Payment shall be made to the United States Government in advance of the performance of such services by officers or employees of the United States Government. The President may, without requirement for charge to any appropriation or contract authorization otherwise provided, enter into contracts for the procurement of design and construction services for sale under this section if such country or international organization provides the United States Government with a dependable undertaking (1) to pay the full amount of such contract which will assure the United States Government against any loss on the contract, and (2) to make funds available in such amounts and at such time as may be required to meet the payments required by the contract and any damages and costs that may accrue from the cancellation of such contract. In advance of the time such payments, damages, or costs are due."

(b) (1) Section 21(h) of such Act is amended by striking out "defense articles or defense services" both places it appears and inserting in lieu thereof "defense articles, defense services, or design and construction services".

(2) Section 22(c) of such Act is amended to read as follows:

"(c) The provisions of the Renegotiation Act of 1951 do not apply to procurement contracts heretofore or hereafter entered into under this section, section 29, or predecessor provisions of law."

(3) Sections 23, 24(a), and 31(c) of such Act are each amended by striking out "defense articles and defense services" each place it appears and inserting in lieu thereof

"defense articles, defense services, and design and construction services".

(c) Section 36(a) of such Act is amended—

(1) by striking out "and" immediately after the semicolon at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new paragraph:

(9) a listing of each sale under section 29 during the quarter for which such report is made, specifying (A) the purchaser, (B) the United States Government department or agency responsible for implementing the sale, (C) an estimate of the dollar amount of the sale, and (D) a general description of the real property facilities to be constructed pursuant to such sale; and

(d) (1) Section 36(b)(1) of such Act is amended in the first sentence by inserting "any design and construction services for \$200,000,000 or more," immediately after "\$25,000,000 or more,".

(2) Such section is further amended—
(A) in the first sentence by inserting ", or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a)," immediately after "subsection (a)" the first place it appears;

(B) in the second sentence by striking out "or defense services" and inserting in lieu thereof ", defense services, or design and construction services,"; and

(C) in the third sentence—
(i) in subparagraph (A) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(ii) in subparagraph (C) by striking out "or defense service" and inserting in lieu thereof ", defense service, or design and construction service";

(iii) in subparagraph (E) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(iv) in subparagraph (I) by striking out "or services" both places it appears and inserting in lieu thereof ", defense services, or design and construction services";

(v) in subparagraph (J) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vi) in subparagraph (K) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(vii) in subparagraph (L) by striking out "or services" and inserting in lieu thereof ", defense services, or design and construction services";

(viii) in subparagraph (M) by striking out "services, or" the first place it appears and inserting in lieu thereof "defense services, design and construction services, or defense"; and

(ix) in subparagraph (N) by inserting ", defense services, or design and construction services" immediately after "defense management services" relating thereto, and

(e) (1) Section 37(a) of such Act is amended by striking out "sections 21 and 22" and inserting in lieu thereof "sections 21, 22, and 29".

(2) Section 39 of such Act is amended—

(A) in subsection (a) by inserting ", or of design and construction services under section 29," immediately after "section 22"; and

(B) in subsection (c) by inserting "or section 29" immediately after "section 22".

(3) Section 42 of such Act is amended—

(A) in subsection (d) by striking out "and 24" and inserting in lieu thereof "24, and 29"; and

(B) in subsection (e) by striking out "and 23" both places that it appears and inserting in lieu thereof ", 23, and 29".

(f) Section 47 of such Act is amended—

(1) in paragraph (4) by inserting ", but does not include design and construction services under section 29 of this Act" immediately after "military sales";

(2) in paragraph (6) by striking out "and" immediately after the semicolon;

(3) in paragraph (7) by striking out the period and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) 'design and construction services' means, with respect to sales under section 29 of this Act, the design and construction of real property facilities, including necessary construction equipment and materials, engineering services, construction contract management services relating thereto, and technical advisory assistance in the operation and maintenance of real property facilities provided or performed by any department or agency of the Department of Defense or by a contractor pursuant to a contract with such department or agency."

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 109. (a) Section 31(a) of the Arms Export Control Act is amended by striking out "\$673,500,000 for the fiscal year 1980" and inserting in lieu thereof "\$500,000,000 for the fiscal year 1981".

(b) Section 31(b) of such Act is amended to read as follows:

"(b)(1) The total amount of credits, or participations in credits, extended pursuant to section 23 of this Act for the fiscal year 1981 shall not exceed \$500,000,000.

"(2) The total principal amount of loans guaranteed pursuant to section 24(a) of this Act for the fiscal year 1981 shall not exceed \$2,618,000,000.

"(3) Of the aggregate total of such credits, or participations in credits, and of the total principal amount of such loans guaranteed, not less than \$1,400,000,000 for the fiscal year 1981 shall be available only for Israel, of which \$200,000,000 shall be available only for costs associated with the relocation of Israeli forces from the Sinai."

(c) Section 31(c) of such Act is amended—

(1) in the first sentence by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in the last sentence by striking out "one-half" and inserting in lieu thereof "\$500,000,000".

(d) The principal amount of the loans guaranteed under section 24(a) of such Act for the fiscal year 1981 with respect to Egypt, the Sudan, Greece, and Turkey shall be repaid, and with respect to Somalia may be repaid, in not less than twenty years, following a grace period of ten years on repayment of principal.

COMMERCIAL EXPORTS OF DEFENSE ARTICLES AND DEFENSE SERVICES

SEC. 107. (a) Section 38(b)(3) of the Arms Export Control Act is amended by striking out "\$35,000,000" and inserting in lieu thereof "\$100,000,000".

(b) Section 36(c) of such Act is amended—

(1) in the first sentence by striking out "not less than 30 days";

(2) by redesignating paragraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively;

(3) in the last sentence by striking out "paragraph (2)" and inserting in lieu thereof "clause (B)" and by striking out "paragraph (3)" and inserting in lieu thereof "clause (C)";

(4) by inserting "(1)" immediately after "(C)"; and

(5) by adding at the end thereof the following:

"(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

"(A) shall not be issued until at least 30 calendar days after the Congress receives such certification; and

"(B) shall not be issued then if the Congress, within such 30-day period, adopts a concurrent resolution stating that it objects to the proposed export, except that this subparagraph does not apply with respect to a license issued for an export to the North Atlantic Treaty Organization, any member country of that Organization, Japan, Australia, or New Zealand.

"If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs (A) and (B) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved."

"(3) (A) Any resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and adoption of concurrent resolutions under this subsection, a motion to proceed to the consideration of any such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives."

(c) Section 38(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) In exercising the authorities conferred by this section, the President may require that any defense article or defense service be sold under this Act as a condition of its eligibility for export, and may require that persons engaged in the negotiation for the export of defense articles and services keep the President fully and currently informed of the progress and future prospects of such negotiations."

(d) Section 25(d)(1) of such Act is amended—

(1) in the first sentence by inserting "and licensed commercial exports" immediately after "sales" both places it appears; and

(2) in the second sentence—

(A) by inserting "and licensed commercial exports" immediately after "Sales", and

(B) by inserting "or of an export license" immediately after "letter of offer".

EXPORT CONTROLS ON CERTAIN ITEMS ON THE MUNITIONS LIST

SEC. 108. (a) The President shall review the categories of defense articles and defense services on the United States Munitions List in order to determine which of such articles and services, if any, should be removed from such List. The President shall report to the Congress concerning the results of this review not later than 120 days after the date of enactment of this Act. With respect to this review, it is the sense of the Congress that defense articles and services should not be removed from the United States Munitions List—

(1) if they are specifically designed, modified, adapted, or equipped for military application or use;

(2) if they do contain sensitive technology used for military, security, intelligence, or cryptographic purposes;

(3) if they are related to nuclear weapons development, production, or testing.

or to systems capable of delivering nuclear weapons, or to spacecraft; or

(4) if they are otherwise of such a particular nature as to warrant continued export control under section 38 of the Arms Export Control Act.

(b) In addition, the President shall study whether section 620B of the Foreign Assistance Act of 1961 should be amended in order to allow the issuance of licenses under section 38 of the Arms Export Control Act for the export of (1) communications and electronics equipment with a direct civilian application; (2) transport, utility, or training helicopters with a direct civilian application; (3) propeller-driven transport, utility, or training aircraft; (4) trucks and vehicles with a direct civilian application; or (5) defense services related to any of the items described in clauses (1) through (4). The President shall report the results of this study to the Congress within 120 days after the date of enactment of this Act.

LEASING OF DEFENSE PROPERTY

Sec. 109. (a) Not less than thirty days before the Secretary of a military department exercises his authority under section 2667 of title 10, United States Code, in order to lease defense property to a foreign government for a period of more than six months, the President shall transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, a written notification which specifies—

(1) the country to which such defense property is to be leased;

(2) the type, quantity, and value of the defense property to be leased;

(3) the terms and duration of the lease; and

(4) a justification for the lease.

(b) Each such lease agreement shall be subject to the approval of the Secretary of State.

(c) Each such lease agreement shall be provided to the Congress not later than thirty days after its date of signature.

(d) The President may waive the requirements of subsections (a) and (b) of this section if he determines and immediately reports such determination to the Congress that an emergency exists which requires such lease in the national security interests of the United States.

(e) As used in this section, the term "defense property" means any major defense equipment (as defined in section 47(f) of the Arms Export Control Act) valued at \$7,000,000 or more and any other property valued at \$25,000,000 or more.

(f) Section 36(a) of the Arms Export Control Act is amended by inserting the following new paragraph immediately after paragraph (9), as added by section 105(c) of this Act:

"(10) a listing (classified if necessary) of all property valued at \$1,000,000 or more which was leased, during the quarter for which such report is submitted, to a foreign government for a period of more than six months under section 2667 of title 10, United States Code."

EXPORTATION OF URANIUM DEPLETED IN THE ISOTOPE 235

Sec. 110. Upon a finding that an export of uranium depleted in the isotope 235 is incorporated in defense articles or commodities solely to take advantage of high density or pyrophoric characteristics unrelated to its radioactivity, such exports shall be exempt from the provisions of the Atomic Energy Act of 1954 and of the Nuclear Non-Proliferation Act of 1978 when such exports are subject to the controls established under the Arms Export Control Act or the Export Administration Act of 1979.

NOTIFICATION OF CERTAIN COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

Sec. 111. Section 6(i) of the Export Administration Act of 1979 is amended in text preceding paragraph (1) by striking out "of the Senate" and inserting in lieu thereof "and the Committee on Foreign Relations of the Senate at least 30 days".

MILITARY ASSISTANCE

Sec. 112. (a) Section 503(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by inserting at the end thereof the following new paragraph:

"(3) transferring such of the funds appropriated or otherwise made available under this chapter as the President may determine for assistance to a recipient specified in section 504(a)(1) of this Act, within the dollar limitations of that section, to the account in which funds for the procurement of defense articles and defense services under section 21 and section 22 of the Arms Export Control Act have been deposited for such recipient, to be merged with such deposited funds, and to be used solely to meet obligations of the recipient for payment for sales under that Act."

(b) Section 504(a)(1) of such Act is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$103,100,000 for the fiscal year 1981. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1981:

Portugal	\$51,000,000
Spain	3,600,000
The Philippines.....	25,000,000
The Sudan.....	1,700,000

The amount specified in this paragraph for military assistance to any such country may be increased by not more than 10 percent of such amount if the President deems such increase necessary for the purposes of this chapter."

(c) Section 500(a) of such Act is amended by striking out "\$10,000,000" and inserting in lieu thereof "\$50,000,000".

(d) Section 510(a) of such Act is amended—

(1) by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1982"; and

(2) by striking out "three" and inserting in lieu thereof "five".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 113. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "\$95,000,000 for the fiscal year 1980" and inserting in lieu thereof "\$85,000,000 for the fiscal year 1981".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

Sec. 114. Section 515 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (b)(1)—

(A) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981";

(B) by striking out "the countries specified in section 504(a)(1) and in" and inserting in lieu thereof "Portugal, Spain, Jordan, the Philippines,"; and

(C) by striking out "Iran, Kuwait" and inserting in lieu thereof "Egypt";

(2) in subsection (b)(3)—

(A) by striking out "Iran, Kuwait, and";

(B) by striking out "countries" and inserting in lieu thereof "country"; and

(C) by striking out "each"; and

(3) in the last sentence of subsection (f)—

(A) by inserting "six more than" immediately after "may not exceed";

(B) by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1979"; and

(C) by inserting "and countries to which military personnel have been assigned pursuant to subsection (c)" immediately after "such countries".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 115. (a) The first sentence of section 542 of the Foreign Assistance Act of 1961 is amended by striking out all that follows "the purposes of this chapter" and inserting in lieu thereof "\$34,000,000 for the fiscal year 1981."

(b)(1) Section 644(m) of such Act is amended—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(5) with respect to military education and training, the additional costs that are incurred by the United States Government in furnishing such assistance."

(2) Section 21(a)(3) of the Arms Export Control Act is amended by inserting immediately before the period the following: ", except that in the case of training sold to a purchaser who is concurrently receiving assistance under chapter 5 of part II of the Foreign Assistance Act of 1961, only those additional costs that are incurred by the United States Government in furnishing such training".

PEACEKEEPING OPERATIONS

Sec. 116. (a) Section 552(a) of the Foreign Assistance Act of 1961 is amended by striking out "\$21,100,000 for the fiscal year 1980" and inserting in lieu thereof "\$25,000,000 for the fiscal year 1981".

(b) Section 553 of such Act is repealed and section 554 is redesignated as section 553.

SPECIAL AUTHORITY

Sec. 117. (a) Section 614(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

"(2) The President may make sales, extend credit, and issue guarantees under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

"(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a writ-

ten policy justification to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(4) The authority of this subsection may not be used to authorize the use of more than \$250,000,000 of funds made available for use under this Act or the Arms Export Control Act, or the use of more than \$100,000,000 of foreign currencies accruing under this Act or any other law, in any fiscal year. Not more than \$50,000,000 of the funds available under this subsection may be allocated to any one country in any fiscal year, unless such country is a victim of active Communist or Communist-supported aggression.

"(5) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act."

(b) Section 652 of such Act is amended by striking out ", 610(a), or 614(a)" and inserting in lieu thereof "or 610(a)".

MILITARY OR PARLIAMENTARY OPERATIONS
IN ANGOLA

SEC. 118. (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until—

(1) the President determines that such assistance should be furnished in the national security interests of the United States;

(2) the President submits to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(A) a description of the amounts and categories of assistance which he recommends be furnished and the identity of the proposed recipients of such assistance; and

(B) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement of the reasons supporting such determination; and

(3) the Congress enacts a joint resolution approving the furnishing of such assistance.

(b) If introduced within 30 days after the submission of the report required by paragraph (2) of subsection (a), a resolution under paragraph (3) of subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 and in the House of Representatives in accordance with the procedures applicable to the consideration of resolutions of disapproval under section 36 (b) of the Arms Export Control Act.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

(e) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 is repealed.

PROHIBITION ON MILITARY ASSISTANCE TO
NICARAGUA

SEC. 119. None of the funds authorized to be appropriated by this title shall be made available for any aid or assistance to Nicaragua.

TITLE II—ECONOMIC SUPPORT FUND
AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 531(b) (1) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980, \$1,935,000,000" and

inserting in lieu thereof "fiscal year 1981, \$3,065,300,000".

USE OF FUNDS

SEC. 202. Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by striking out all that follows section 531 and inserting in lieu thereof the following:

"SEC. 532. USE OF FISCAL YEAR 1981 FUNDS.—
(a) (1) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than \$785,000,000 shall be available only for Israel and not less than \$750,000,000 shall be available only for Egypt.

"(2) All of the funds made available to Israel and to Egypt under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(3) The total amount of funds allocated for Israel under this chapter for the fiscal year 1981 may be made available as a cash transfer. In exercising the authority of this paragraph, the President shall ensure that the level of cash transfers made to Israel does not cause an adverse impact on the total amount of nonmilitary exports from the United States to Israel.

"(b) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, not less than \$200,000,000 shall be available only for Turkey. Not less than two-thirds of the funds made available to Turkey under this chapter for the fiscal year 1981 shall be provided on a grant basis.

"(c) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1981, \$15,000,000 shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

"(d) (1) Of the amount authorized to be appropriated to carry out this chapter for the fiscal year 1981, \$12,500,000 may be used for special requirements in the Middle East, including regional programs and development programs on the West Bank and in Gaza.

"(2) The President may obligate or expend funds under this subsection only if—

"(A) he has transmitted to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations and the chairman of the Committee on Appropriations of the Senate, a report setting forth—

"(i) the name of the proposed recipient of such funds,

"(ii) the amount of funds to be made available to such recipient, and

"(iii) the purpose for which such funds are to be made available;

"(B) a period of 30 calendar days has elapsed since the Congress received such report; and

"(C) the Congress did not adopt, during such 30-day period, a concurrent resolution stating in substance that the Congress does not approve the proposed use of funds described in such report.

"(e) (1) Up to \$50,000,000 of the funds appropriated to carry out this chapter for the fiscal year 1981 may be made available for emergency use under this chapter when the national interests of the United States urgently require economic support to promote economic or political stability.

"(2) Notwithstanding subsections (a) (1), (b), (c) and (d) (1) of this section, up to 5 percent of the funds available for any country or region pursuant to such subsections may be used under paragraph (1) of this subsection.

"(f) None of the funds appropriated to carry out this chapter for fiscal year 1981 may be made available for Syria.

"(g) Funds available to carry out this chapter for the fiscal year 1981 may not be used to finance the construction of, the op-

eration or maintenance of, or the supplying of fuel for, any nuclear facility in a foreign country unless the President certifies to the Congress that use of funds for such purpose is indispensable to the achievement of nonproliferation objectives which are uniquely significant and of paramount importance to the United States.

"SEC. 533. CENTRAL AMERICAN ECONOMIC SUPPORT.—(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in Nicaragua has caused great human suffering and disruption to the economy of that country, and that substantial external assistance to Nicaragua is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. The Congress further finds that peaceful and democratic development in certain other Central American countries will be significantly assisted by additional economic support at this time.

"(b) In furnishing assistance under this chapter to the Government of Nicaragua, the President shall take into account the extent to which that Government has engaged in violations of the right to organize and operate labor unions free from political oppression, has engaged in or permitted violations of human rights, has engaged in violations of the right to freedom of the press, or has engaged in violations of the right to freedom of religion.

"(c) The President shall encourage the Government of Nicaragua to respect the right to freedom of the press, the right to organize and operate free labor unions, the right to freedom of religion, as well as all other fundamental human rights.

"(d) The Congress reaffirms the requirement of section 502B(a) (1) of this Act that a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries. In furtherance of the goal, assistance to Nicaragua for the fiscal year 1981 under this chapter shall be terminated, in accordance with sections 116 and 502B of this Act, if the Government of Nicaragua engages in a consistent pattern of gross violations of internationally recognized human rights.

"(e) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each 6-month period in which funds are expended under this chapter for Nicaragua for the fiscal year 1981. Each such report shall discuss fully and completely the status of respect in Nicaragua for human rights, political pluralism, freedom of the press and assembly, freedom of religion, and freedom of labor to organize and bargain collectively.

"(f) Prior to releasing any assistance to the Government of Nicaragua under this chapter, the President shall transmit a certification to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Nicaragua has not cooperated with or harbored any international terrorist organization and is not aiding, abetting, or supporting acts of violence or terrorism in other countries. In the event that the President transmits such a certification, but at a later date he determines that the Government of Nicaragua cooperates with or harbors any international terrorist organization or is aiding, abetting, or supporting acts of violence or terrorism in other countries, the President shall terminate assistance to the Government of Nicaragua under this chapter, and the outstanding balance of any loan to the Government of Nicaragua, or any of its

agencies or instrumentalities, with funds authorized to be appropriated by this chapter shall become immediately due and payable.

"(g) It is the sense of the Congress that the United States should support those traditionally faithful allies of the United States which are responsible members of the Organization of American States, including Guatemala, El Salvador, Costa Rica, Nicaragua, Panama, and Honduras, against terrorism and external subversion.

"(h) Funds made available under this chapter for the National School of Agriculture in Nicaragua shall be used under an understanding with the Autonomous National University of Nicaragua that the National School of Agriculture will cooperate in programs with United States institutions of higher education.

"(i) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that at least 60 percent of such loan funds, and any local currency generated in conjunction therewith, shall be used for assistance to the private sector. Insofar as practicable, local currency used for assistance to the private sector in Nicaragua shall, consistent with the accomplishment of the purposes set forth in subsection (a) of this section, be used in ways which will strengthen private financial institutions which will help keep the private sector in Nicaragua financially independent. Local currency loan programs in Nicaragua shall be monitored and audited in accordance with section 624(g) of this Act. The President shall report on the implementation of this subsection in the reports required under subsection (c) of this section.

"(j) The President shall terminate assistance to the Government of Nicaragua under this chapter if he determines and reports to the Congress that Soviet, Cuban, or other foreign combat military forces are stationed or situated within the borders of Nicaragua and that the presence of such forces constitutes a threat to the national security of the United States or to any Latin American ally of the United States.

"(k) The President shall terminate assistance to Nicaragua under this chapter for the fiscal year 1981 if he determines that the Government of Nicaragua has engaged in a consistent pattern of violations of the right to organize and operate labor unions free from political oppression.

"(l) The President shall encourage the holding of free, open elections in Nicaragua within a reasonable period of time and shall, in providing any additional assistance to Nicaragua, take into consideration the progress which is being made toward holding such elections.

"(m) None of the funds made available for Nicaragua under this chapter may be used for assistance for any school or other educational instrumentality or facility which would house, employ, or be made available to Cuban personnel.

"(n) The President shall terminate assistance to Nicaragua under this chapter if he determines that the Government of Nicaragua engages in systematic violations of free speech and press.

"(o) Any agreement between the United States and the Government of Nicaragua regarding the use of funds authorized to be appropriated under this chapter, which are to be made available in the form of loans, shall specifically require that such loan funds shall be used for the purchase of goods or services of United States origin.

"(p) Up to one percent of the funds made available to Nicaragua under this chapter for the fiscal year 1981 shall be used to make

publicly known to the people of Nicaragua the extent of United States aid programs to them. The President shall periodically report to the Congress on the effectiveness of his efforts to carry out this subsection."

CONSTRUCTION OF PRODUCTIVE ENTERPRISE IN EGYPT

SEC. 203. The first sentence of section 620 (k) of the Foreign Assistance Act of 1961 is amended by inserting ", fiscal year 1980, or fiscal year 1981" immediately after "fiscal year 1977".

TITLE III—DEVELOPMENT ASSISTANCE PROGRAMS

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 301. The first sentence of section 103 (a) (2) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$713,500,000 for the fiscal year 1981."

POPULATION AND HEALTH

SEC. 302. (a) Section 104(b) of the Foreign Assistance Act of 1961 is amended by inserting after "information and services" in the second sentence the following: ", including also information and services which relate to and support natural family planning methods."

(b) The first sentence of section 104(g) of such Act is amended to read as follows: "There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) \$238,000,000 for the fiscal year 1981 to carry out subsection (b) of this section, of which not less than \$3,000,000 shall be available only to support the World Health Organization's Special Program of Research, Development and Research Training in Human Reproduction; and

"(2) \$145,300,000 for the fiscal year 1981 to carry out subsection (c) of this section."

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 303. The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$101,000,000 for the fiscal year 1981, which are authorized to remain available until expended."

ENERGY, PRIVATE VOLUNTARY ORGANIZATIONS, AND SELECTED DEVELOPMENT ACTIVITIES

SEC. 304. (a) The section caption of section 106 of the Foreign Assistance Act of 1961 is amended by striking out "technical assistance, energy, research, reconstruction, and selected development problems" and inserting in lieu thereof "energy, private voluntary organizations, and selected development activities".

(b) Subsection (a) of such section is amended—

(1) by inserting "(A)" immediately after "(a) (1)";

(2) by striking out "(2)", "(3)", and "(4)" and inserting in lieu thereof "(B)", "(C)", and "(D)", respectively;

(3) by striking out "(A)", "(B)", and "(C)" in paragraph (3) and inserting in lieu thereof "(i)", "(ii)", and "(iii)", respectively; and

(4) by adding at the end thereof the following new paragraph:

"(2) The Congress also finds that energy production from renewable, decentralized sources and energy conservation are vital elements in the development process. Inadequate access by the poor to energy sources as well as the prospect of depleted fossil fuel reserves and higher energy prices require an enhanced effort to expand the

energy resources of developing countries through greater emphasis on renewable sources. Renewable and decentralized energy technologies have particular applicability for the poor, especially in rural areas."

(c) Subsection (b) of such section is amended—

(1) by inserting "(A)" immediately after "(b) (1)";

(2) by striking out "(2)" and inserting in lieu thereof "(B)"; and

(3) by striking out "fiscal year 1980 shall be used for purposes of paragraph (1)" and inserting in lieu thereof "fiscal year 1981 shall be used for purposes of subparagraph (A)".

(d) Such section is further amended by inserting at the end of subsection (b) the following:

"(2) The President is authorized to furnish assistance under this chapter for cooperative programs with developing countries in energy production and conservation through research on and development and use of small-scale, decentralized, renewable energy sources for rural areas carried out as integral parts of rural development efforts in accordance with section 103 of this Act. Such programs shall also be directed toward the earliest practicable development and use of energy technologies which are environmentally acceptable, require minimum capital investment, are most acceptable to and affordable by the people using them, are simple and inexpensive to use and maintain, and are transferable from one region of the world to another. Such programs may include research on and the development, demonstration, and application of suitable energy technologies (including use of wood); analysis of energy uses, needs, and resources; training and institutional development; and scientific interchange.

"(c) The agency primarily responsible for administering this part and the Department of Energy shall coordinate with one another, to the maximum extent possible, the planning and implementation of energy programs under this chapter."

(e) Existing subsection (c) of such section is redesignated as subsection (d).

(f) Existing subsection (d) of such section is amended to read as follows:

"(e) (1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$140,000,000 for the fiscal year 1981.

"(2) Amounts appropriated under this section are authorized to remain available until expended."

(g) Section 119 of such Act is repealed.

HUMAN RIGHTS IN DEVELOPING COUNTRIES

SEC. 305. Section 116(e) of the Foreign Assistance Act of 1961 is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

SAHEL DEVELOPMENT PROGRAM

SEC. 306. Section 121(c) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the second sentence the following new sentence: "In addition to the amounts authorized in the preceding sentences and to funds otherwise available for such purposes, there are authorized to be appropriated to the President for purposes of this section \$88,442,000 for the fiscal year 1981."

PRIVATE AND VOLUNTARY ORGANIZATIONS AND COOPERATIVES

SEC. 307. Section 123 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a) by inserting before the period at the end of the fourth sentence the following: "and, if necessary and determined on a case-by-case basis, for the purpose of sharing the cost of developing programs related to such activities";

(2) in subsection (a) by inserting before

the period at the end of the fifth sentence the following: "and to establish simplified procedures for the development and approval of programs to be carried out by such private and voluntary organizations and cooperatives as have demonstrated a capacity to undertake effective development activities"; and

(3) by adding at the end thereof the following new subsection:

"(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than thirty days after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation."

RELATIVELY LEAST DEVELOPED COUNTRIES

Sec. 308. The last sentence of section 124 (c) (2) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1980" and inserting in lieu thereof "1981"; and

(2) by striking out "\$18,800,000" and inserting in lieu thereof "\$10,845,000".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Sec. 309. Section 302(a) (1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) (1) There are authorized to be appropriated to the President for grants to carry out the purposes of this chapter, in addition to funds available under any other Acts for such purposes, \$233,350,000 for the fiscal year 1981."

PARTICIPANT TRAINING

Sec. 310. Section 617 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "In order to ensure the effectiveness of assistance under this Act, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated."

REIMBURSABLE DEVELOPMENT PROGRAMS

Sec. 311. Section 661 of the Foreign Assistance Act of 1961 is amended in the first sentence by striking out "\$3,800,000 of the funds made available for the purposes of this Act for the fiscal year 1980" and inserting in lieu thereof "\$4,000,000 of the funds made available for the fiscal year 1981 for the purposes of this Act".

INSTITUTE FOR SCIENTIFIC AND TECHNOLOGICAL COOPERATION

Sec. 312. The first sentence of section 410 of the International Development Cooperation Act of 1979 is amended by striking out "\$23,750,000 for the fiscal year 1980" and inserting in lieu thereof "\$12,000,000 for the fiscal year 1981".

ASSISTANCE TO THE EASTERN CARIBBEAN

Sec. 313. (a) The Congress urges the President to use up to \$7,000,000 for the fiscal year 1981 for bilateral development assistance for the countries of the eastern Caribbean.

(b) Not later than February 1, 1981, the President shall report to the Congress on the implementation of this section.

ASSISTANCE FOR EQUATORIAL GUINEA

Sec. 314. The President is urged to provide up to \$3,000,000 of the funds authorized to be appropriated for the fiscal year 1981 by this title for assistance to Equatorial Guinea if he deems that conditions in that country warrant such assistance.

CARIBBEAN DEVELOPMENT BANK

Sec. 315. Notwithstanding section 620(r) of the Foreign Assistance Act of 1961, the President may, after consultation with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, make arrangements at his discretion for the assumption by the recipient members of the Caribbean Development Bank of any loans made to the Bank under the authority of that Act.

WORLD HUNGER

Sec. 316. (a) In order to further the purposes of section 103 of the Foreign Assistance Act of 1961, the Director of the United States International Development Cooperation Agency shall encourage the ongoing work of private and voluntary organizations to deal with world hunger problems abroad. To this end, the Director shall help facilitate widespread public discussion, analysis, and review of the issues raised by the Report of the Presidential Commission on World Hunger of March 1980, especially the issues raised by the Commission's call for increased public awareness of the political, economic, technical, and social factors relating to hunger and poverty.

(b) As a means of carrying out subsection (a), and to ensure the effectiveness of private and voluntary organizations in dealing with world hunger abroad, the Director is urged to provide assistance to private and voluntary organizations engaged in facilitating public discussion of hunger and other related issues.

REDUCTION OF POSTHARVEST LOSSES OF FOOD

Sec. 317. It is the sense of the Congress that—

(1) The President should reaffirm the policy of the United States Government to support the goal established by the United Nations General Assembly of reducing by 50 percent postharvest losses of food in developing countries; and

(2) The President, acting through the Agency for International Development, should increase substantially the proportion of funds made available under the Foreign Assistance Act of 1961 for the purpose of assisting, together with other donor countries and with developing countries, in the reduction of postharvest losses of food in developing countries.

TITLE IV—OTHER ASSISTANCE PROGRAMS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

Sec. 401. Section 214(c) of the Foreign Assistance Act of 1961 is amended by striking out "\$25,000,000 for the fiscal year 1980" and inserting in lieu thereof "\$30,000,000 for the fiscal year 1981".

INTERNATIONAL NARCOTICS CONTROL

Sec. 402. (a) Section 482(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) (1) To carry out the purposes of section 481, there are authorized to be appropriated to the President \$38,573,000 for the fiscal year 1981.

"(2) Funds appropriated under this subsection for the fiscal year 1981 may not be used for a contribution to the United Nations Fund for Drug Abuse Control in an amount which exceeds the lesser of \$3,000,000 or 50 percent of the total contributions by all countries to such Fund for the calendar year with respect to which the United States contribution is made.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended."

(b) Section 482 of such Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, section 508 of the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1982, and section 105 of the Agricultural Trade Development and Assistance Act of 1954, up to the equivalent of \$10,000,000 in currencies or credits of the Government of Pakistan held by the United States shall, to such extent as may be provided in an appropriation Act, be available to the President for the fiscal year 1981 (and shall remain available until expended) to carry out the purposes of section 481 through assistance to the Government of Pakistan. Notwithstanding any other provision of law, the availability or expenditure of such foreign currencies shall not affect or reduce appropriations otherwise available to carry out the administration of the international narcotics control program."

(c) Notwithstanding the provisions of section 482(a) (2) of the Foreign Assistance Act of 1961 as in effect immediately prior to the enactment of this Act, funds appropriated for the fiscal year 1980 to carry out the purposes of section 481 of that Act which were obligated for assistance for Colombia may be used for fixed-wing aircraft, communications equipment, and such other equipment and operational support, including aviation services, as are essential to the Colombian anti-narcotics enforcement program.

INTERNATIONAL DISASTER ASSISTANCE

Sec. 403. Section 492 of the Foreign Assistance Act of 1961 is amended by striking out "\$21,800,000 for the fiscal year 1980" and inserting in lieu thereof "\$25,000,000 for the fiscal year 1981".

DISASTER ASSISTANCE BORROWING AUTHORITY

Sec. 404. (a) Section 492 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "There is"; and

(2) by adding at the end thereof the following new subsection:

"(b) In addition to amounts otherwise available to carry out this chapter, up to \$50,000,000 in any fiscal year may be obligated against appropriations under this part (other than this chapter) for use in providing assistance in accordance with the authorities and general policies of section 491. Amounts subsequently appropriated under this chapter with respect to a disaster may be used to reimburse any appropriation account against which obligations were incurred under this subsection with respect to that disaster."

(b) Section 491(b) of such Act is amended by striking out "limitation on appropriations" and inserting in lieu thereof "limitations".

AFRICAN REHABILITATION AND RESETTLEMENT

Sec. 405. Section 495F of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 495F. AFRICAN REHABILITATION AND RESETTLEMENT.—(a) The Congress recognizes that United States assistance is necessary to help developing countries in Africa meet the longer term rehabilitation and resettlement needs of displaced persons and other innocent victims of civil strife. Therefore, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for the longer term rehabilitation and resettlement needs of such victims. Funds for this purpose should be used to assist African governments in pro-

viding semipermanent housing, potable water supply systems, and sanitary facilities which are generally not provided by existing refugee relief agencies.

"(b) There are authorized to be appropriated to the President for the purposes of this section, in addition to amounts otherwise available for such purposes, \$15,000,000 for the fiscal year 1981. Amounts appropriated under this subsection are authorized to remain available until expended.

"(c) Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491."

MIGRATION AND REFUGEE ASSISTANCE

SEC. 406. Section 102(a) (4) of the Department of State Authorization Act, Fiscal Years 1980 and 1981, is amended by striking out "\$457,798,000" and inserting in lieu thereof "\$517,209,000".

PUBLIC LAW 480 TRANSFER AUTHORITY

SEC. 407. Section 403 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"(c) Notwithstanding any other provision of this Act or any other Act, if the President determines it to be necessary for the purposes of this Act, he may direct that not to exceed 15 percent of the funds available in any fiscal year for carrying out any title of this Act be used to carry out any other title of this Act."

EAST TIMOR

SEC. 408. It is the sense of the Congress that the President should take all appropriate measures to—

(1) continue to support and encourage relief operations by the Government of Indonesia and by international relief agencies in East Timor;

(2) assist the Government of Indonesia to facilitate the reuniting of families separated because of developments in recent years in East Timor; and

(3) encourage the Government of Indonesia to allow access to East Timor by international journalists.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

SHORT TITLE

SEC. 501. This title may be cited as the "African Development Foundation Act".

FINDINGS

SEC. 502. The Congress finds that—

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961, and recent amendments to that Act, the Congress has sought to enable the poor to participate in the process of development;

(4) the Inter-American foundation, established by Congress in the Foreign Assistance Act of 1969 to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

ESTABLISHMENT

SEC. 503. (a) There is established a body corporate to be known as the "African Development Foundation" (hereafter in this title referred to as the "Foundation").

(b) The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

PURPOSES

SEC. 504. (a) In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives, the purposes of the Foundation shall be—

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation of Africans in their development process; and

(4) to encourage the establishment and growth of development institutions which are indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) The Foundation shall carry out the purposes specified in subsection (a) in cooperation with, and in response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

FUNCTIONS

SEC. 505. (a) (1) In order to carry out the purposes set forth in section 504, the Foundation may make grants, loans, and loan guarantees to any African private or public group, association, or other entity engaged in peaceful activities for—

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this title; and

(E) other projects that would carry out the purposes set forth in section 504.

(2) The total amount of grants, loans, and loan guarantees that may be made under this section for a project may not exceed \$250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this title.

(b) In making grants, loans, and loan guarantees under subsection (a), the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this title, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this title.

POWERS

SEC. 506. (a) The Foundation, as a corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding \$10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this title;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this title; and

(12) shall have such other powers as may be necessary and incident to carrying out this title.

(b) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this title. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(c) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

MANAGEMENT

SEC. 507. (a) (1) The management of the Foundation shall be vested in a board of directors (hereafter in this title referred to as the "Board") composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be

appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

(b) Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding \$100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

(c) A majority of the Board shall constitute a quorum.

(d) (1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5, United States Code.

(e) (1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this title.

(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, United States Code, which are incurred by them in the performance of their functions under this subsection.

GOVERNMENT CORPORATION CONTROL ACT

Sec. 508. The Foundation shall be subject to title I of the Government Corporation Control Act.

LIMITATION ON SPENDING AUTHORITY

Sec. 509. Any authority provided by this title involving the expenditure of funds (other than the funds made available pursuant to section 510) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

USE OF CERTAIN FUNDS

Sec. 510. Of the funds appropriated for the fiscal year 1981 to carry out part I of the Foreign Assistance Act of 1961, other than funds appropriated for the Economic Support Fund, \$2,000,000 shall be used to carry out this title.

EXPIRATION OF AUTHORITIES

Sec. 511. The authority of the Foundation to make grants, loans, and loan guarantees and otherwise to carry out the purposes of this title shall expire on September 30, 1985, except that this section shall not preclude the Foundation from acquiring obligations prior to that date which mature subsequent to that date or from assuming liability prior to that date as a guarantor of obligations

which mature subsequent to that date or from continuing as a body corporate and exercising any of its powers subsequent to that date for purposes of the orderly liquidation of its activities.

TITLE VI—PEACE CORPS

AUTHORIZATION OF APPROPRIATIONS

Sec. 601. (a) Section 3(b) of the Peace Corps Act is amended by striking out "fiscal year 1980 not to exceed \$105,404,000" and inserting in lieu thereof "fiscal year 1981 not to exceed \$118,000,000".

(b) Section 3(c) of such Act is amended by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981".

(c) Section 15(d)(7) of such Act is amended by striking out "\$5,000" and inserting in lieu thereof "\$20,000".

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

Sec. 602. (a) Section 401 of the Domestic Volunteer Service Act of 1973 is amended—

(1) by striking out "two Associate Directors" in the fifth sentence and inserting in lieu thereof "one Associate Director";

(2) by striking out "One such" and by inserting in lieu thereof "Such"; and

(3) by striking out ", and the other such Associate Director" and all that follows through "(22 U.S.C. 2501 et seq.)".

(b) Section 405 of such Act is amended—

(1) in subsection (a) by striking out "and the Peace Corps Act (22 U.S.C. 2501 et seq.)";

(2) in subsection (b) (1) by striking out "and the Peace Corps Act (22 U.S.C. et seq.)"; and

(3) in subsection (b) (2)—

(A) by striking out "and the Peace Corps Act", and

(B) by striking out "Acts" both places it appears and inserting in lieu thereof "Act".

UTILIZATION OF RETURNED PEACE CORPS VOLUNTEERS

Sec. 603. The Director of the Peace Corps shall develop a plan providing for more effective utilization of returned Peace Corps volunteers in order to promote a better understanding of other peoples and cultures on the part of the American people. The Director shall report to the Congress no later than January 15, 1981, on the plan and necessary procedures for implementing the plan.

TITLE VII—MISCELLANEOUS PROVISIONS

HUMAN RIGHTS

Sec. 701. (a) Section 116(a) of the Foreign Assistance Act of 1961 is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

(b) Section 502B(d)(1) of such Act is amended by inserting "causing the disappearance of persons by the abduction and clandestine detention of those persons," immediately after "without charges,".

AUDITING OF INTERNATIONAL PROGRAMS

Sec. 702. (a) Section 301(d) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following: "The Comptroller General shall report simultaneously to the Congress and the President the results of the audits conducted under this subsection."

(b) Section 301(e) of such Act is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking out "a single professionally qualified group" and inserting in lieu thereof "of external, professionally qualified groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(2) in the second sentence of paragraph (1)—

(A) by striking out "group" both places it appears and inserting in lieu thereof "groups", and

(B) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit";

(3) in the third sentence of paragraph (1) by striking out "group" and inserting in lieu thereof "groups";

(4) in the first sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, and audits";

(5) in the second sentence of paragraph (2) by striking out "and evaluation" and inserting in lieu thereof "evaluation, or audit"; and

(c) in the second sentence of paragraph (3) by inserting "his evaluation of such reports and related information," immediately after "to the President".

REPORTS ON INTERNATIONAL ORGANIZATIONS

Sec. 703. Chapter 3 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 306. REPORTS ON INTERNATIONAL ORGANIZATIONS.—(a) The annual reports to the Congress under section 2 of the Act of September 21, 1950 (64 Stat. 902; 22 U.S.C. 202a), shall be submitted within nine months after the end of the fiscal year to which they relate.

"(b) (1) The President shall submit semi-annual reports to the Congress listing all voluntary contributions by the United States Government to international organizations. One of the semiannual reports shall be submitted no later than July 1 and shall list all contributions made during the first six months of the then current fiscal year. The other semiannual report shall be submitted no later than January 1 and shall list all contributions made during the last six months of the preceding fiscal year. Each such report shall specify the Government agency making the voluntary contribution, the international organization to which the contribution was made, the amount and form of the contribution, and the purpose of the contribution. Contributions shall be listed on both an agency-by-agency basis and an organization-by-organization basis.

"(2) In order to facilitate the preparation of the reports required by paragraph (1), the head of any Government agency which makes a voluntary contribution to any international organization shall promptly report that contribution to the Director of the Office of Management and Budget.

"(3) As used in this subsection, the term 'contribution' means any contribution of any kind, including the furnishing of funds or other financial support, services of any kind (including the use of experts or other personnel), or commodities, equipment, supplies, or other material."

TECHNICAL AMENDMENT CORRECTING CROSS REFERENCE

Sec. 704. Section 502B(a) (2) of the Foreign Assistance Act of 1961 is amended by striking out "Export Administration Act of 1969" and inserting in lieu thereof "Export Administration Act of 1979".

PROCUREMENT

Sec. 705. (a) Section 604(e) of the Foreign Assistance Act of 1961 is amended by inserting the following immediately before the period at the end thereof: "unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed".

(b) Section 604 of such Act is amended by

adding at the end thereof the following new subsection:

"(g) None of the funds authorized to be appropriated or made available for obligation or expenditure under this Act may be made available for the procurement of construction or engineering services from advanced developing countries, eligible under the Geographic Code 941, which have attained a competitive capability in international markets for construction services or engineering services."

INSPECTOR GENERAL

SEC. 706. Section 624(g) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "Auditor General" each place it appears and inserting in lieu thereof "Inspector General";

(2) in paragraph (3)—
(A) by striking out "and Investigative" and inserting in lieu thereof "investigative, and security"; and

(B) by adding at the end thereof the following: "In addition, to the extent requested by the Director of the United States International Development Cooperation Agency (after consultation with the Administrator), the Inspector General shall with respect to the duties and responsibilities of that Agency supervise, direct, and control all audit, investigative, and security activities relating to programs and operations within the United States International Development Cooperation Agency";

(3) in paragraph (4) by inserting "and the Director" immediately after "Administrator"; and

(4) by adding at the end thereof the following:

"(d) The Inspector General shall have the authority to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions under this subsection. Any such subpoena, in the case of contumacy or refusal to obey shall be enforceable by order of any appropriate United States district court. Procedures other than subpoenas shall be used to obtain documents and information from agencies of the United States Government.

"(7) In carrying out the responsibilities specified in paragraph (3), the Inspector General shall—

"(A) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(B) establish guidelines for determining when it is appropriate to use non-Federal auditors; and

"(C) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in subparagraph (A).

"(8) The Administrator shall provide the Inspector General with appropriate and adequate office space at central and field office locations of the agency primarily responsible for administering part I of this Act, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices and the equipment and facilities located in such offices. In establishing and staffing such field offices, the Administrator shall not be bound by overseas personnel ceilings established under the Monitoring Overseas Direct Employment policy.

"(9) (A) The Inspector General may receive and investigate complaints or information from any employee of or under the United States International Development Cooperation Agency concerning the possible existence of an activity constituting a violation of law, rules, or regulations, constituting mismanagement, gross waste of funds,

abuse of authority, or constituting a substantial and specific danger to the public health and safety.

"(B) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

"(C) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not exercise or threaten to exercise such authority in order to take any action against any employee as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity."

ANNUAL REPORT

SEC. 707. Section 634(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by redesignating paragraph (6) as paragraph (8); and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) the dollar value of all official development assistance, security assistance, international disaster assistance, refugee assistance, and international narcotic control assistance provided by each government of a country which is a member of the Organization for Economic Cooperation and Development or of the Organization of Petroleum Exporting Countries;

"(7) the percentage which each type of assistance described in paragraph (6) represents of (A) the gross national product of each country referred to in paragraph (6), and (B) the budget of the government of such country, as well as the per capita contribution for each country for each type of assistance described in paragraph (6); and"

SHIPPING DIFFERENTIAL

SEC. 708. Section 640C of the Foreign Assistance Act of 1961 is amended by striking out "Part V" and inserting in lieu thereof "chapter 4 of part II".

OPERATING EXPENSES

SEC. 709. Section 607(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "fiscal year 1980" and inserting in lieu thereof "fiscal year 1981"; and

(2) in paragraph (1) by striking out "\$263,000,000" and inserting in lieu thereof "\$293,800,000".

INTERAGENCY GROUP ON HUMAN RIGHTS AND FOREIGN ASSISTANCE

SEC. 710. It is the sense of the Congress that—

(1) the Interagency Group on Human Rights and Foreign Assistance has been an effective mechanism for coordinating and implementing United States human rights policies;

(2) the President should consider establishing the Interagency Group on a more permanent basis;

(3) the Interagency Group should examine proposals for not only economic assistance but also for security assistance; and

(4) the President should report his recommendations for strengthening the Interagency Group to the Congress no later than July 1, 1981.

PEACE IN THE MIDDLE EAST

SEC. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take

actions to encourage parties not currently involved in the peace process to become active participants in peace efforts.

(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Governments of Israel and Egypt should maintain and strengthen their commitment to the process of normalization of relations and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process.

ASSISTANCE FOR JORDAN

SEC. 712. It is the sense of the Congress that for Jordan to receive any funds authorized to be appropriated by this Act, it should be judged by the President that Jordan is acting in good faith to achieve peace in the Middle East and that the expenditure of such funds for Jordan will serve to further peace in the Middle East.

EXTERNAL DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

SEC. 713. The Congress finds that the Governments of Egypt, Israel, Portugal, and Turkey each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs. In order to assist the Congress in examining United States assistance for these countries, the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, no later than January 15, 1981, a report regarding economic conditions prevailing in Egypt, Israel, Portugal, and Turkey which may affect their respective ability to meet their international debt obligations and to stabilize their economies.

SOVIET MILITARY PERSONNEL AND ACTIVITIES IN CUBA

SEC. 714. (a) At intervals of 90 days during the first year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report identifying the military capabilities and deployment of Soviet military personnel in Cuba, together with his appraisal of the mission performed by such personnel.

(b) At intervals of one year after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report setting forth the amount and nature of Soviet military assistance to the armed forces of Cuba during the preceding year and the military capabilities of those armed forces.

CUBAN REFUGEES

SEC. 715. (a) The Congress finds that—

(1) the flow of refugees for political, economic, or other compelling reasons is a growing and world-wide phenomenon;

(2) the United States represents freedom of thought and action and economic opportunity and has historically played a major role in providing a home to the refugees of the world;

(3) an orderly and lawful refugee process is necessary for the furtherance of United States domestic well-being;

(4) continuation of the traditional compassionate and humanitarian policy of the United States regarding entry to its shores of refugees and other victims of oppression is threatened by the precipitate influx of large numbers of Cubans fleeing their country;

(5) the United States has sought to negotiate with the Government of Cuba to estab-

lish a lawful, safe, and orderly process by which Cubans may be allowed to leave their country; and

(8) the Cuban refugee crisis is a problem of international concern and other nations should contribute to its resolution.

(b) (1) The Congress urges the President to take the necessary steps to encourage and secure greater international cooperation with respect to the large number of Cuban natives who have recently fled or are attempting to flee Cuba. Such steps should include seeking the agreement of other countries to admit some of those persons into their respective countries and to contribute funds and other assistance for the resettlement of those persons.

(2) In order to encourage countries throughout the world which are recipients of United States bilateral and multilateral assistance to permit and to help finance the resettlement of Cuban and other refugees within their borders, the President shall, to the maximum extent feasible, attempt to channel such assistance to countries which have demonstrated a willingness to provide assistance to Cuban and other refugees.

(c) It is the sense of the Congress that, in carrying out subsection (b) (1), the President should seek the discussion, in an appropriate international forum such as the United Nations or the Organization of American States, of the situation involving the flight of large numbers of Cuban natives from Cuba, of the resettlement of Cuban refugees, and of means by which a more orderly process may be established to handle future crises of a similar nature.

INCARCERATION AND DEPORTATION OF CERTAIN CUBANS

SEC. 716. The Congress finds that the United States Government has already incarcerated recently arrived Cubans who are admitted criminals, are security threats, or have incited civil disturbances in Federal processing facilities. The Congress urges the Executive branch, consistent with United States law, to seek the deportation of such individuals.

PROHIBITION ON ASSISTANCE TO THE GOVERNMENTS OF CUBA, VIETNAM, AND CAMBODIA

SEC. 717. None of the funds authorized to be appropriated by this Act may be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. Nothing in this section shall be construed to prohibit food assistance or humanitarian assistance which is distributed directly to the people of Cambodia.

COOPERATION OF OTHER GOVERNMENTS IN THE BOYCOTT OF THE 1980 SUMMER OLYMPIC GAMES IN MOSCOW

SEC. 718. In determining the levels of assistance to be provided to a foreign government with funds authorized to be appropriated by this Act, the President shall take into account the position of that government with respect to the United States, proposed boycott of the 1980 summer Olympic games in Moscow.

ELECTIONS IN UGANDA

SEC. 719. The President shall encourage the holding of free, open elections in Uganda and shall, in considering assistance for Uganda with funds authorized to be appropriated by

this Act, take into account whether such elections are held.

REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE LANCASTER HOUSE DECLARATION OF RIGHTS IN ZIMBABWE

SEC. 720. If Zimbabwe receives assistance from funds authorized to be appropriated by this Act, the President shall report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives every sixty days after the obligation of such funds on the internal situation in Zimbabwe, particularly upon the implementation of the Declaration of Rights contained in Annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 22, 1979.

RESTRICTION ON ASSISTANCE TO EL SALVADOR

SEC. 721. None of the funds authorized to be appropriated by this Act may be made available for the provision of assistance to El Salvador for the purpose of planning for compensation, or for the purpose of compensation, or for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or of the properties or stock shares which may be pertaining thereto.

And the Senate agree to the same.

CLEMENT J. ZABLOCKI,
L. H. FOUNTAIN,
DANTE B. FACCELL,
LEE H. HAMILTON,
LESTER L. WOLFF,
JONATHAN BINGHAM,
STEPHEN J. SOLARZ,
DAN MICA,
WILLIAM H. GRAY III,
DAVID BOWEN,
WM. S. BROOMFIELD,
EDWARD J. DERWINSKI,
PAUL FINDLEY,
JOHN BUCHANAN,
LARRY WINN, Jr.,
EDWARD P. BOLAND

(solely for consideration of section 113 of the House bill, and modifications committed to conference),

BILL D. BURLISON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

LES ASPIN
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

CHARLES ROSE
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

J. K. ROBINSON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

JOHN M. ASHBROOK
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

Managers on the Part of the House.

FRANK CHURCH,
CLAIBORNE PELL,
JOE BIDEN,
JOHN GLENN,
JACOB K. JAVITS,
CHARLES H. PERCY,
S. I. HAYAKAWA,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6942) to authorize appropriations for the fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1981

The conference substitute contains authorizations for fiscal year 1981 appropriations of \$1.981 billion: \$665.1 million for military assistance, \$2.065 billion for economic support fund assistance, \$1.671 billion for development assistance, \$108.5 million for other assistance programs, \$118 million for the Peace Corps, and \$293.8 million for IDCA/AID operating expenses. The amount authorized to be appropriated in the conference substitute is \$240.5 million less than the House authorization as calculated with a 10-percent cut, \$195.8 million above the Senate authorization as calculated with a 28 million cut, and \$323 2/3 million below the executive branch request.

The amounts contained in the conference substitute compared to the amounts requested by the executive branch and recommended by the House and Senate follow:

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1981

(In thousands of dollars)

	Executive branch request	House bill	Senate amendment	Conference substitute
Title I: Military:				
Grant military assistance.....	104,400	105,000.0	105,100	105,100
Grant military education and training.....	32,500	35,500.0	32,500	34,000
FMS credit financing.....	734,000	761,600.0	800,000	500,000
Aggregate ceiling.....	(2,840,000)	(3,116,000.0)	(3,059,000)	(3,116,000)
Peacekeeping operations.....	25,000	25,000.0	25,000	25,000
Subtotal, title I.....	895,900	927,100.0	663,600	665,100
Title II: Economic support fund	2,030,500	2,110,500.0	2,049,500	2,065,300
Title III: Development:				
Bilateral:				
Agriculture.....	729,273	731,773.0	677,000	713,500
Population.....	236,015	239,015.0	208,000	238,000
Health.....	159,213	164,213.0	150,000	145,300
Education.....	122,069	119,569.0	107,000	101,000
Energy.....	160,632	160,632.0	140,000	140,000
Subtotal, bilateral.....	1,409,202	1,414,202.0	1,282,000	1,337,800
Sahel ² international organizations.....	112,442	113,442.0	89,442	89,442
ISTC.....	232,050	244,550.0	233,350	233,350
	85,000	95,000.0	(51,000)	12,000
Subtotal, title III.....	1,839,694	1,867,194.0	1,603,792	1,671,592

	Executive branch request	House bill	Senate amendment	Conference substitute
Title IV: Other:				
ASHA.....	7,500	30,000.0	25,000	30,000
International narcotics.....	38,573	38,613.0	38,573	38,573
International disaster.....	25,000	25,000.0	25,000	25,000
African resettlement.....		15,000.0	0	15,000
Refugees.....				
Subtotal, title IV.....	71,073	108,613.0	88,573	108,573
Title VI: Peace Corps	114,656	118,600.0	114,656	118,600
Title VII: Operating expenses	293,800	293,800.0	293,800	293,800
Total.....	5,245,623	5,426,007.0	4,813,921	4,922,365
Reductions.....		-311,139.8	-28,000	
Net authorization level.....		5,114,867.2	4,785,921	
Plus refugees.....	+59,411	+107,411.0	(59,411)	+59,411
Grand total.....	5,305,034	5,222,278.2	4,785,921	4,981,776

¹ The FMS aggregate ceiling is not an authorization of funds for appropriation. It represents the total principal amount of loans which can be extended under the FMS credit and guaranty program.

² The committee agreed to make this amount available in addition to amounts previously authorized for the Sahel Development program.

REDUCTION IN AUTHORIZATION LEVELS

The House bill provided that the total amount to be appropriated shall not exceed the aggregate of amounts intended for Egypt, Israel, peacekeeping operations, ASHA, international narcotics control, migration and refugee assistance, and UNICEF, plus 90 percent of the total of all other amounts authorized by the bill.

The Senate amendment provided that the aggregate amount of funds authorized to be appropriated in titles I, III, IV, and V shall be reduced by a total of \$28 million.

The conference substitute reflects the impact of the House 10-percent reduction in the conference agreement on the total authorization level, which is \$204.6 million below the level of the House authorization.

TITLE I—MILITARY AND RELATED ASSISTANCE AND SALES PROGRAMS—AUTHORIZATION OF APPROPRIATIONS

The conference substitute contains authorizations for appropriations for international security assistance and other assistance programs for fiscal year 1981 of \$605.1 million. This is \$1.6 million above the Senate figure and \$262 million below the House figure. The disproportionate reduction from the House figure is due to conference acceptance of the Senate provision concerning the Foreign Military Sales (FMS) Guaranty Reserve Fund, which eliminates the requirement in present law that funds for FMS guaranty loans be obligated at 10 percent of the face value of loans extended under the FMS guaranty program. Adoption of this provision significantly reduces the funds required to be authorized and appropriated to run the FMS credit and guaranty program.

GRANT MILITARY ASSISTANCE

Sudan ceiling

The Senate amendment amended section 504 of the Foreign Assistance Act of 1961 to authorize and set a ceiling of \$1.7 million for grant military assistance to Sudan in fiscal year 1981.

The House bill contained no comparable provision.

The conference substitute (sec. 112(b)) is the same as the Senate provision.

INTERNATIONAL MILITARY EDUCATION AND TRAINING (IMET)

Programs in human rights

The House bill created a new section 544 of the Foreign Assistance Act requiring that a human rights program be established in the IMET programs as a prerequisite for completion of all other courses. The House

bill further required a Presidential report on the implementation of this new human rights program.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees emphasize the adoption of the Senate position should in no way be construed as implying a weakening of congressional leaders' interest in making human rights considerations an integral part of the IMET program. Full implementation of present efforts in this regard is urged.

IMET training rates

The House bill amended section 21 of the Arms Export Control Act to allow IMET recipients to purchase FMS training on an incremental cost basis (i.e. only those additional costs that are incurred by the U.S. Government in furnishing such training).

The Senate amendment had no comparable provision, although both the House and the Senate provided for incremental costing for grant IMET courses.

The conference substitute (sec. 115(b)(2)) is the same as the House provision.

During the House-Senate conference, the importance of Brazil and Venezuela to U.S. security interests was discussed. Given the importance of Brazil and Venezuela to U.S. security interests and given the need to strengthen our military relations with them, the conferees urge the administration to consider including a modest IMET program for both Brazil and Venezuela sufficient to permit a small number of their officers to attend our professional-level service schools.

FOREIGN MILITARY SALES (FMS) CREDIT AND GUARANTY PROGRAM

Guaranty reserve

The Senate amendment amended several sections of the Arms Export Control Act to do the following:

Eliminate the requirement in existing law that FMS financing funds be obligated at 10 percent of the face value of loans and held in a single reserve for payment of claims; Maintain availability of existing guaranty reserve funds for future payment of claims;

Provide for a Presidential report if any future claim payment reduces guaranty reserve funds below \$750 million;

Allow for replenishment of the reserve fund should future claim payments be made;

Require an annual report on the amount and adequacy of guaranty reserve funds;

Require that credits and principal amount of loans may be extended or guaranteed only

to the extent and in such amounts as provided in advance in appropriations acts.

The House bill had no comparable provision.

The conference substitute (sec. 104) is the same as the Senate provision with minor changes.

In adopting the Senate amendment, the committee of conference expresses its strong opposition in principle to the alarming and growing congressional practice of legislating in appropriations acts.

Aggregate ceilings

The House bill amended section 31 of the Arms Export Control Act to set aggregate ceilings totalling \$3.116 billion on the amount of FMS credits and guaranties which can be extended in fiscal year 1981.

The Senate amendment set aggregate ceilings of \$3.090 billion.

The conference substitute (sec. 106(b)(1) and 106(b)(2)) is the same as the House aggregate ceilings.

In adopting the House aggregate ceiling, the conferees recommend the following amounts in FMS guaranties to the following countries: Zaire, \$6 million; Sudan, \$65 million; Morocco, \$45 million; Tunisia, \$30 million; and the Philippines, \$50 million.

The House Foreign Affairs Committee voted to defer \$5 million of the \$50 million FMS request for the Philippines in order to send a signal to the Marcos government on the violations of human rights in that country. The Senate Foreign Relations Committee, while fully in accord with the House committee's human rights concerns, voted to provide the full \$50 million. The committee of conference agreed to fund the \$50 million program requested by the executive branch with the explicit understanding that this action in no way diminishes congressional concerns about the human rights policies of the Marcos government. In particular, the committee of conference is concerned about the continuation of martial law (now in its eighth year), the continued suspension of civil and political liberties, and the unwillingness of President Marcos to hold free and fair national elections. Both committees shall continue to monitor closely the human rights situation in the Philippines, and reserve the right to take appropriate action on future assistance requests.

Specific country ceilings

The House bill amended section 31 of the Arms Export Control Act to set ceilings of \$45 million and \$70 million on FMS guaranties for the Philippines and Thailand, respectively.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position.

Korea earmark

The Senate amendment earmarked \$175 million in FMS guaranties for Korea.

The House bill had no comparable earmark.

The conference substitute is the same as the House position.

Favorable repayment terms for Somalia

The Senate amendment gave the President discretionary authority to provide FMS guaranties to Somalia on favorable repayment terms in fiscal year 1981. Repayment terms call for repayment in 30 years with a 10-year grace period on repayment of principal.

The House bill had no comparable provision.

The conference substitute (Sec. 100(d)) is the same as the Senate amendment. This action should not be construed as constituting congressional endorsement of the executive agreement under which the United

Activities permitted

Continue to help organize and train ground force units, including training for combat, in support areas.

Continue to help organize and train air force units, including training for combat; continue to help repair and maintain combat equipment; assist in operation and maintenance of airfield facilities, such as hydrant refueling systems and munitions storage and repair facilities.

Continue to help organize and operate vehicle repair and maintenance activities in support areas.

Continue to help train personnel in use of highly technical equipment in support areas.

Continue to provide advice on military strategy and doctrine at headquarters above unit level.

Activities barred

No trainers, advisers, or other personnel with units engaged in combat.

No flight line activities with combat units, such as arming or fueling aircraft for combat sorties.

No personnel with or delivering equipment to units engaged in combat.

No personnel with units engaged in combat.

Do.

NONRECURRING RESEARCH AND DEVELOPMENT COSTS

The House bill amended section 21(e)(2) of the Arms Export Control Act to remove existing Presidential authority to waive reimbursement for certain plant and production equipment and research and development costs for foreign military sales to non-NATO countries which, if made, would encourage foreign procurement in the United States under coproduction arrangements.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. In retaining the present Presidential authority the conferees believe that the executive branch should review the question to determine whether removal of such authority is warranted.

RECIPROCAL TRAINING AGREEMENTS

The Senate amendment amended section 21(g) of the Arms Export Control Act to add Japan, Australia, and New Zealand to NATO countries already eligible for reduced U.S.-sold training rates on the basis of reciprocity.

The House bill contained no comparable provision.

The conference substitute (sec. 103) is the same as the Senate provision.

MILITARY CONSTRUCTION

The House bill added a new chapter to the Arms Export Control Act authorizing the President to make sales of design and construction services (heretofore sold under the Arms Export Control Act as "defense services") and to procure such services for sale to eligible foreign countries. It also provided for congressional notification and possible legislative veto of sales of design and construction services of \$200 million or more, and made conforming changes to relevant

States is obtaining access to military facilities in Somalia.

PERFORMANCE OF DEFENSE SERVICES

The Senate amendment amended section 21(c) of the Arms Export Control Act to prohibit the sale of defense services involving training and advising that may engage U.S. personnel in combat activities. (Existing section 21(c) prohibits the sale of defense services involving training, advising, or otherwise providing assistance regarding combat activities.) The Senate amendment also provided for a Presidential report 48 hours after the outbreak of hostilities in countries where U.S. personnel are performing defense services.

The House bill had no comparable provision although the House report on H.R. 6942 delineated the defense services permitted and prohibited under existing section 21(c) of the Arms Export Control Act.

The conference substitute (sec. 102) is the same as the Senate provision.

The report language in the House bill, which established the following guidelines with respect to activities permitted and prohibited under section 21(c), will be used to implement the conference substitute:

sections of the Arms Export Control Act to accommodate the new chapter.

The Senate amendment had no comparable provision.

The conference substitute (sec. 105) is the same as the House provision. It is the intent of the conferees that design and construction services sales cases are not to be divided so as to avoid any one case exceeding the \$200 million threshold and thereby circumvent congressional notification requirements.

REPORTS TO CONGRESS

The House bill amended several sections of the Arms Export Control Act to exempt NATO and its members, Japan, Australia, and New Zealand from congressional reporting requirements on third-country transfers, on arms sales through FMS procedures and on commercial arms export licenses. The House bill also limited advance congressional notification and possible legislative veto of third-country transfers to countries other than NATO members, Japan, Australia, and New Zealand to only those third-country transfers valued at \$7 million or more for major defense equipment or valued at \$25 million or more for defense articles and defense services based on original acquisition cost.

The Senate amendment had no comparable provision.

The committee of conference agreed (sec. 101) to adopt the Senate position with an amendment to require that in the case of third-country transfers to NATO and its members, Japan, Australia, and New Zealand only transfers of \$7 million or more for major defense equipment and \$25 million or more for other defense articles and services need be reported to Congress and be subject to possible legislative veto.

COMMERCIAL EXPORTS TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

The Senate amendment amended section 6(1) of the Export Administration Act to include the Senate Foreign Relations Committee among congressional committees receiving prior notification of commercial export of goods and technology of \$7 million or more to countries determined by the Secretary of State to be countries supporting international terrorism. It also provided for 30 day prior notification for such sales. The Senate amendment also expanded the definition of the kinds of sales that must be notified under section 6(1) to include all sales that would have a "potential military capability."

The House bill contained no comparable provision.

The committee of conference agreed (sec. 111) to adopt the Senate provision with an amendment to retain the definition of the kinds of sales that must be reported under section 6(1) of the Export Administration Act to be those which "would make a significant contribution to the military potential of such country, including its military logistics capability, or would enhance the ability of such country to support acts of international terrorism."

ENGINES FOR IRAQI FRIGATES

The Senate amendment revoked export licenses for any gas turbine engines to be used in Iraqi naval frigates.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The executive branch has assured the conferees that it will not agree to the shipment of the engines for Iraqi frigates so long as the conflict between Iraq and Iran is not resolved and that the license to export the engines expires on January 23, 1981.

COMMERCIAL ARMS SALES

Ceiling

The House bill amended section 38(b)(3) of the Arms Export Control Act to increase from \$35 million to \$75 million the dollar value of major defense equipment that may be licensed for commercial export to non-NATO countries. Major defense equipment valued at more than the \$75 million figure would have to be sold through government-to-government FMS procedures.

The Senate amendment repealed section 38(b)(3) thereby eliminating any ceiling on the dollar value of major defense equipment that may be sold commercially.

The conference substitute (sec. 107(a)) provides for a \$100 million ceiling.

Congressional disapproval

The Senate amendment amended section 36 of the Arms Export Control Act to provide for possible legislative veto of commercial arms sales valued at \$7 million or more for major defense equipment of \$25 million or more for defense articles or defense services.

The House bill contained no comparable provision.

The committee of conference agreed (sec. 107(b)) to adopt the Senate provision with an amendment to exempt NATO and its members, Australia, New Zealand, and Japan from the legislative veto requirements of the Senate provision. Commercial sales to these countries will still be subject to advance notification to the Congress under section 36(c). Under present law, Congress does not have a legislative veto over commercial sales to NATO countries, Japan, Australia, and New Zealand.

Presidential authority to require FMS rather than commercial arms sales

The Senate amendment amended section 38(a) of the Arms Export Control Act to authorize the President to require that any particular arms sale be made as a government-to-government FMS sale rather than as a commercial arms sale. It also author-

ized the President to require that persons engaged in the negotiation of a potential commercial arms sale keep the President informed of the progress of such negotiation. The House bill had no comparable provision.

The conference substitute (sec. 107(c)) is the same as the Senate provision.
Inclusion of commercial arms sales in the arms sales proposal

The Senate amendment amended section 25(d) of the Arms Export Control Act to include qualifying commercial sales in the list of possible arms sales for the upcoming fiscal year reported to Congress under section 25(d).

The House bill had no comparable provision.

The conference substitute (sec. 107(d)) is the same as the Senate provision.

Third-country transfers of commercial arms

The Senate amendment amended section 3 of the Arms Export Control Act to require congressional notification and possible legislative veto of third-country transfers of major defense equipment valued at \$7 million or more or defense articles or defense services valued at \$25 million or more that were originally exported commercially.

The House bill had no comparable provision.

The committee of conference agreed (sec. 101(a)(1)) to adopt the Senate amendment with an amendment deleting the portion providing for a legislative veto of third-country transfers of commercially exported arms.

DEFENSE ARTICLES WITH A DIRECT CIVILIAN APPLICATION

The House bill amended section 38 of the Arms Export Control Act to remove from the U.S. Munitions List for purposes of export to non-Communist countries certain types of equipment and technical data that in some cases have a direct civilian application (e.g., communication and electronics equipment, transport, utility, or training helicopters, propeller-driven transport, utility, or training aircraft, and trucks and vehicles). The House bill provided for possible control of these items by the Commerce Department through the Export Administration Act and required the President to determine if a removal of these items is consistent with U.S. policy in such areas as international terrorism, nuclear proliferation, environmental protection, and human rights. The House bill also provided the President with discretionary authority to require a foreign country statement of purposes as to how these items which the United States proposes to export will be used.

The Senate amendment required a Presidential review and report on categories of defense articles on the U.S. Munitions List and expressed the sense of the Senate that items not be removed from the U.S. Munitions List which have direct military application or contain technology used for military, security, intelligence, cryptology, or nuclear weapons purposes.

The committee of conference agreed (sec. 108) to adopt the Senate provision with an amendment to require the President to assess the advisability of exporting to Argentina through commercial channels the item identified in the House bill, notwithstanding the provisions of section 620B of the Foreign Assistance Act which prohibits such export to Argentina.

SPECIAL AUTHORITY

Presidential determination and report to Congress

The House bill amended section 614 of the Foreign Assistance Act of 1961 to authorize Presidential use of the special authority if the President determines that to do so is

"important" to U.S. security. (As amended, the special authority in section 614 would authorize the President to provide up to \$250 million in assistance under the Foreign Assistance Act and Arms Export Control Act without regard to any prohibitions or restrictions in those acts or in annual authorization or appropriations acts unless the use of the special authority is expressly forbidden by any prohibition or restriction to waive the prohibition or restriction in question.)

The Senate amendment amended section 614 of the Foreign Assistance Act to authorize Presidential use of the special authority if he determines that to do so is "vital" to U.S. security and so notifies the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress.

The committee of conference agreed (secs. 117(a)(1) and 117(a)(2)) to adopt a compromise provision which: (1) Requires the President to determine that it is important to U.S. security interests to use Foreign Assistance Act funds under the special authority; and (2) requires the President to determine that such authorization is vital to the U.S. national security interests to use Arms Export Control Act funds under the special authority.

The conferees note that the various existing prior notification requirements and prohibitions on the use of section 614(a) in existing law will remain in force and are not to be construed to be superseded by the adoption of the conference substitute.

Prior consultation

The Senate amendment amended section 614 of the Foreign Assistance Act of 1961 to require the President "in every possible instance" to consult with the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress before exercising the special authority. The Senate amendment deleted a reporting requirement that would have been redundant if the Senate provision had been adopted.

The House bill had no comparable provision.

The committee of conference agreed (section 117(a)(3)) to adopt a compromise provision which provides that the President "shall consult" with the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and the Appropriations Committees of both Houses of Congress before exercising the special authority.

REPORTS TO CONGRESS ON INTELLIGENCE ACTIVITIES

The House bill amended section 602 of the Foreign Assistance Act to establish new criteria for conducting covert operations and reporting such operations to Congress. The House bill reduced from eight to two the number of committees receiving reports on covert operations and clarified existing law concerning the question of prior notification of such operations. The House bill provided exceptions to prior reporting to Congress of covert operations for the shortest practicable period under certain circumstances (i.e., if deferral or reporting was essential to meet extraordinary circumstances affecting the vital interest of the United States or was essential to avoid unreasonable risk to the safety or security of the personnel or methods employed).

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. (This issue was resolved by enactment of S. 2597, the intelligence authorization legislation.)

PROHIBITION ON ASSISTANCE TO THE PEOPLE'S REPUBLIC OF CHINA

The House bill prohibited any assistance under title I in fiscal year 1981 to the People's Republic of China (PRC).

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees note that the executive branch has no intention of providing military assistance to the PRC in fiscal year 1981 and that military assistance to the PRC is prohibited by section 620(f) of the Foreign Assistance Act of 1961. The conferees felt the provision was redundant and, therefore, unnecessary.

EXPORT CONTROLS OF DEPLETED URANIUM INCORPORATED IN DEFENSE ARTICLES

The Senate amendment stated that if a determination is made, depleted uranium to be incorporated in defense articles or commodities solely to take advantage of high-density or pyrophoric characteristics would be exempted from export controls under the Atomic Energy Act of 1954 and the Nuclear Nonproliferation Act of 1978, if such items are already controlled under the Arms Export Control Act or the Export Administration Act.

The House bill had no comparable provision.

The committee of conference agreed (sec. 110) to adopt the Senate provision with an amendment to delete the words "to be" thereby assuring that exports of bulk depleted uranium would not be authorized.

The conferees express their understanding that the determination called for in the Senate provision is to be made by the agency responsible for the administration of the export control program applicable to the defense articles or commodities in question, provided that such determination is made in consultation with those officials of the Department of State directly responsible for nonproliferation matters. Second, the conferees request congressional notification in the event that unusually large quantities of depleted uranium in defense articles are proposed for export to any country other than a member of NATO, Australia, New Zealand, and Japan.

MILITARY OPERATIONS IN ANGOLA

The Senate amendment prohibited assistance of any kind for military or paramilitary operations in Angola unless the President determines such assistance is in the U.S. national security interest and so reports to Congress, detailing the amounts of assistance and its recipients. (Existing law prohibits assistance of any kind for military or paramilitary operations in Angola unless expressly authorized by Congress. It also provides for a report to Congress, detailing types and amounts of assistance and its recipients if the President determines assistance to Angola for such operations should be furnished in the national security interest.)

The House bill had no comparable provision.

The committee of conference agreed (sec. 118) to adopt the Senate provision with an amendment to provide that the Presidential determination must be acted upon through a joint resolution of the Congress under expedited procedures before assistance can be provided for military or paramilitary operations in Angola. The conference substitute cannot be waived by any other provision of law.

REPORTS ON LEASES OF DEFENSE PROPERTY

The Senate amendment required the President to report to Congress 30 days in advance of any leasing of defense property for more than 6 months to a foreign government.

The House bill had no comparable provision.

The committee of conference agreed (sec. 109) to adopt the Senate provision with three amendments:

(1) Providing that the report called for in the Senate provision applies only to those leases of defense property that involve ma-

for defense equipment valued at \$7 million or more or other property valued at \$25 million or more;

(2) Providing that such leases of defense property be subject to the approval of the Secretary of State; and

(3) Providing that leases of defense property for more than 6 months valued at \$1 million or more be reported quarterly under section 30(a) of the Arms Export Control Act.

It is the intent of the conferees that the executive branch will not enter into leases

of defense property for less than 6-month periods to avoid reporting under the conference substitute. It is also the intent of the conferees that the executive branch will not divide such leases to avoid the dollar thresholds on the reporting requirements. Further, it is the intent of the conferees that the executive branch consult with the Congress prior to entering into any lease which could be considered controversial or which could be considered politically or militarily significant in terms of its impact on a nation or a region of the world.

TITLE II—ECONOMIC SUPPORT FUND FUNDING

The House bill amended section 631(b) of the Foreign Assistance Act to authorize an appropriation of \$2,100,500 for fiscal year 1981 for the Economic Support Fund (ESF).

The Senate amendment amended the same section to authorize an appropriation for fiscal year 1981 of \$2,049,500,000.

The committee of conferees agreed to an authorization of \$2,065,300,000.

Funding levels agreed to by the conferees are shown in the following table:

FUNDING ISSUES
(In thousands)

Country/program	Executive branch request (January 1980)	House bill	Senate amendment	Conference substitute	Country/program	Executive branch request (January 1980)	House bill	Senate amendment	Conference substitute
Africa:					Near East:				
Botswana.....	\$15,000	\$15,000	\$15,000	.....	Egypt.....	750,000	\$750,000	\$750,000	\$750,000
Mozambique.....	9,000	18,000	9,000	.....	Israel.....	785,000	\$785,000	\$785,000	\$785,000
Tanzania.....	12,000	10,000	.....	.....	Jordan/Maqarin Dam.....	50,000	50,000	50,000	50,000
Uganda.....	27,000	120,300	27,000	.....	Lebanon.....	7,000	10,000	7,000	10,000
Zambia.....	39,000	39,000	9,000	.....	Turkey.....	200,000	\$200,000	\$200,000	\$200,000
Zimbabwe.....	.....	.....	30,000	.....	Syria.....	5,000	(¹)	(¹)	.....
Southern Africa regional.....	.....	.....	.....	.....	Regional cooperative programs.....	5,000	(²)	(²)	.....
Subtotal for Southern African accounts.....	90,000	102,300	\$90,000	\$102,300	West Bank/Gaza.....	3,000	(³)	\$15,000	.....
Sudan.....	50,000	50,000	\$50,000	50,000	Project development and support.....	500	500	\$500	500
Regional subtotal.....	140,000	152,300	140,000	152,300	Middle East special requirements.....	.....	\$17,000	.....	12,500
Regional subtotal.....	140,000	152,300	140,000	152,300	Regional subtotal.....	1,805,500	1,811,500	1,804,500	1,808,000
Asia: Philippines.....	30,000	30,000	30,000	30,000	Other:				
Latin America and Caribbean:					Cyprus.....	.....	(⁴)	\$15,000	\$15,000
Jamaica.....	3,000	3,000	3,000	3,000	Portugal.....	20,000	\$25,000	\$25,000	25,000
Nicaragua.....	25,000	25,000	25,000	25,000	Spain.....	7,000	7,000	7,000	7,000
Regional subtotal.....	28,000	28,000	28,000	28,000	Regional subtotal.....	27,000	32,000	47,000	47,000
					Unallocated emergency fund.....	160,000	50,000	.....	.....
					Unassigned.....	.....	16,700	.....	.....
					Economic support fund total.....	\$2,080,500	2,110,500	2,049,500	2,065,300

¹ Ceiling.
² Earmarked.
³ The House bill prohibited any ESF assistance to Syria. The Senate amendment had no comparable provision, but the Senate committee deleted \$5,000,000 for Syria from their bill.
⁴ The House bill included \$5,500,000 for regional cooperative programs under the Middle East special requirements account (see footnote 7). The Senate amendment included \$5,000,000 for regional cooperative programs under the regional projects account.
⁵ The House bill included \$7,000,000 for the West Bank and Gaza under the Middle East special requirements account (see footnote 7). The Senate amendment earmarked \$7,000,000 for the West Bank and Gaza under the regional projects account.
⁶ The Senate amendment included \$500,000 for project development and support under the regional projects account.

⁷ The \$16,000,000 contained in the House bill for the Middle East special requirements fund included \$5,500,000 for regional cooperative programs, \$7,000,000 for West Bank/Gaza, and up to \$3,500,000 for participant training programs.
⁸ The House committee also approved \$15,000,000 for Cyprus, but included it in the migration and refugee account (sec. 405).
⁹ This amount included an additional \$5,000,000 for earthquake assistance to the Azores.
¹⁰ This total was the President's January request. The Senate committee used the President's March revised budget of \$2,030,500, which was officially transmitted to Congress after H.R. 6912 was ordered reported by the House committee. The President's March budget was the same as the January budget except for the deletion of the \$50,000,000 unallocated emergency fund.
¹¹ The administration requested \$27,000,000 for Zambia. H.R. 6942 limits the authorized amount for Zambia to \$20,300,000. The difference, \$6,700,000 is unallocated within the ESF account.

In agreeing on a total of \$102.3 million for ESF assistance to southern Africa in fiscal year 1981, without specifying country assistance levels within that total, the committee of conferees did not intend that countries proposed for assistance under the House or Senate bills which were not cited in the executive branch request should be eliminated from ESF assistance in fiscal year 1981. For example, the committee of conferees intends that of the total Economic Support Fund authorization for fiscal year 1981, up to \$10 million is to be available for Tanzania and up to \$12 million be for Uganda.

TURKEY AID

The House bill provided that not less than \$200 million of the ESF authorization for fiscal year 1981 shall be available for Turkey.

The Senate amendment provided that not more than \$200 million of the ESF authorized for fiscal year 1981 shall be available for Turkey.

The conference substitute (sec. 202(3)(b)) is the same as the House provision.

JORDAN AID
Uses of aid

The House bill amended chapter 4 of Part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981 for Jordan, \$50 million shall be available only as follows: (1) Up to \$40 million for the Maqarin Dam and Jordan Valley Irrigation system; and (2) \$10 million and so much of the remainder of the \$50

million as is not used for the Maqarin Dam and Jordan Valley Irrigation system for other development programs in Jordan.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. The conferees intend that the bulk of the \$50 million authorized for Jordan be available for the construction of the Maqarin Dam but that some of the money, including any funds which cannot be obligated for the Maqarin Dam, be used to support bilateral economic aid projects in Jordan.

Peace efforts

The House bill expressed the sense of Congress that for Jordan to receive any funds appropriated under this act, it should be judged by the President that Jordan is acting in good faith "to achieve progress toward peace in the Middle East" and that such assistance "will serve to further the process of peace in the Middle East."

The Senate amendment had no comparable provision.

The conference substitute (sec. 712) is the same as the House provision with an amendment deleting the words "progress toward" and "the process of".

SYRIA PROHIBITION

The House bill provided that none of the ESF for fiscal year 1981 may be made available for Syria.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(f)) is the same as the House provision.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that of the funds authorized for ESF for fiscal year 1981, \$16 million shall be available only for special requirements in the Middle East including regional programs, development programs on the West Bank and in Gaza, and participant training programs.

The Senate amendment provided that not less than \$7 million shall be available only for development programs of private and voluntary agencies on the West Bank and in Gaza.

The conference substitute (sec. 202) states that \$12.5 million of the ESF authorized to be appropriated for fiscal year 1981 may be used for special requirements in the Middle East. The committee of conferees intends that \$7 million of this amount be used for development programs on the West Bank and in Gaza and \$5.5 million for regional cooperative programs.

MOZAMBIQUE CEILING

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that of the ESF funds authorized for fiscal year 1981, not more than \$6 million may be used for Mozambique.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. It is the intention of

the conferees that \$6 million of the amount authorized for ESF for fiscal year 1981 will be used for assistance to Mozambique.

ZAMBIA

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that not more than \$20.3 million of the funds authorized for ESF for fiscal year 1981 may be made available for Zambia.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate position. It is the intention of the conferees that \$20.3 million of the amount authorized for ESF for fiscal year 1981 will be used for assistance to Zambia.

SOUTHERN AFRICA PROGRAM

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, \$90 million shall be available for the countries of southern Africa.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The conferees intend that, as shown in the ESF table of funding levels for fiscal year 1981, the total for southern African accounts for the year is to be \$102.3 million.

CYPRUS AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, \$15 million shall be available only for Cyprus for refugee relief, reconstruction, and educational exchange programs.

The House bill had no comparable provision under the ESF authorization, but included \$15 million for this purpose under the fiscal year 1981 authorization level for migration and refugee assistance.

The conference substitute (sec. 202(c)) is the same as the Senate provision.

PORTUGAL AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, \$25 million shall be available only for Portugal which was also intended to include \$5 million for Azores disaster relief.

The House bill had no comparable provision. However, the House ESF total included \$25 million for Portugal of which \$5 million was for disaster assistance for the Azores.

The conference substitute is the same as the House provision. The conferees intend that \$25 million of the ESF in fiscal year 1981 will be for Portugal, of which \$5 million is to be for disaster assistance for the Azores. The conferees acted after receiving assurance from the executive branch of intent to provide such assistance in fiscal year 1981. Following is the text of a letter sent to Chairman Clement J. Zablocki of the House Foreign Affairs Committee and Chairman Frank Church of the Senate Foreign Relations Committee:

DEPARTMENT OF STATE,

Washington, D.C., November 20, 1980.

DEAR MR. CHAIRMAN: During yesterday's meeting of the Committee of Conference on the FY 1981 foreign aid authorization bill, the conferees agreed to lift earmarkings on the Sudan and Portugal ESF programs contingent upon receipt of a letter from the Administration providing assurances that the requested programs would be funded.

This is to advise you that the Executive Branch has requested and intends to fund the \$50 million program for the Sudan. With regard to Portugal, the Executive Branch requested a \$20 million program, while \$5 million additional was authorized in the House and Senate authorization bills and

by the House Appropriations Committee for earthquake disaster assistance to the Azores. It is the Administration's intention to provide a \$25 million ESF program for Portugal in FY 1981, including \$5 million in earthquake assistance to the Azores.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary for
Congressional Relations.

SUDAN AID

The Senate amendment amended chapter 4 of part II of the Foreign Assistance Act to provide that of the amount authorized for ESF for fiscal year 1981, \$50 million shall be available for Sudan.

The House bill had no comparable provision. However, the House total authorization level for ESF for fiscal year 1981 included \$50 million intended for Sudan.

The conference substitute is the same as the House provision. The conferees intend that \$50 million of ESF in fiscal year 1981 be for Sudan. The conferees acted after receiving assurance from the executive branch of intention to fund the \$50 million for Sudan. (For a text of the executive branch statement, see the letter to the chairman from J. Brian Atwood, Assistant Secretary of State for Congressional Relations, printed in the explanation of the Portugal aid issue.)

PEACE IN THE MIDDLE EAST

The House bill states the following sense of Congress:

"Sec. 711. (a) It is the sense of the Congress that all parties to the Arab-Israeli conflict need to reaffirm their unequivocal commitment to the peace process in order to achieve further progress toward a comprehensive settlement, to reinforce the principles of the Camp David accords, and to take actions to encourage parties not currently involved in the peace process to become active participants in peace efforts.

"(b) It is further the sense of the Congress that to further these goals (1) all parties to the conflict should accept Israel's unequivocal right to exist within secure and recognized borders; (2) the Government of Egypt should maintain and strengthen its commitment to the process of normalization of relations with Israel and continue actions to support that commitment; (3) the Governments of Israel and Egypt should reaffirm their commitment to United Nations Resolution 242 and its applicability, in all its aspects, to territories under negotiations; and (4) the Government of Israel should assure that its settlement policies and actions in the occupied territories are consistent with the objectives of achieving peace and of involving other parties in the peace process."

The Senate amendment had no comparable provision.

The conference substitute (sec. 711) is the same as the House provision, with an amendment to section 711(b) as follows:

Clause (2) is amended to read "(2) the Governments of Israel and Egypt should maintain and strengthen their commitments to the process of normalization of relations and continue actions to support that commitment."

Clause (4) is amended to read "(4) the governments of countries in the Middle East should assure that their policies and actions are consistent with the objectives of achieving peace and of involving other parties in the peace process."

MESRF LIMITATION

The House bill repeated the limitation on the use of the Middle East Special Requirements Funds (MESRF's), in section 553(b) of the Foreign Assistance Act of 1961, which requires a Presidential report setting forth the name of the proposed recipient, the amount and the purpose for which the funds are to be made available, and a 30-day period for congressional disapproval of the proposed use of such funds.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(d)) is the same as the House provision.

GRANT TO EGYPT

The House bill amended chapter 4 of part II of the Foreign Assistance Act to require that not less than two-thirds of the Economic Support Funds made available to Egypt for fiscal year 1981 be provided on a grant basis.

The Senate amendment amended the same chapter to require all of the Economic Support Funds for Egypt for fiscal year 1981 be provided on a grant basis.

The conference substitute (sec. 202(2)) is the same as the Senate provision.

PROJECT AID FOR EGYPT

The Senate amendment amended section 610(k) of the Foreign Assistance Act of 1961 to exempt projects in Egypt, for fiscal years 1980 and 1981, from the \$100 million assistance ceiling on aid for construction of any productive enterprise.

The House bill had no comparable provision.

The conference substitute (Sec. 203) is the same as the Senate provision.

FULL CASH TRANSFER TO ISRAEL

The Senate amendment retained section 532(b)(2) of the Foreign Assistance Act which provides that the ESF assistance to Israel may be made available on a cash transfer basis as long as the President insures that the level of cash transfers to Israel does not adversely affect U.S. nonmilitary exports to Israel.

The House bill had no comparable provision.

The conference substitute (Sec. 201(2)) is the same as the Senate provision.

DEBT BURDENS OF EGYPT, ISRAEL, PORTUGAL, AND TURKEY

The House bill required the President to report to Congress by January 15, 1981, on the economic conditions in Egypt, Israel, Portugal, and Turkey which may affect their ability to meet their international debt obligations and to stabilize their economies.

The Senate amendment had no comparable provision.

The conference substitute (Sec. 713) is the same as the House provision.

NUCLEAR FACILITIES PROHIBITION

The House bill amended section 531(b)(1) of the Foreign Assistance Act to prohibit the use of the ESF to finance the construction, maintenance, or fueling of nuclear facilities in foreign countries except in special cases where the President certifies that the use of such funds is indispensable to the achievement of nonproliferation objectives.

The Senate amendment had no comparable provision.

The conference substitute (sec. 202(g)) is the same as the House provision with an amendment limiting the application of the provision to fiscal year 1981.

CONTINGENCY AUTHORITY

The House bill amended chapter 4 of part II of the Foreign Assistance Act to provide that up to \$50 million in fiscal year 1981 ESF appropriations may be used for emergencies, for ESF purposes, when urgently required in the national interests of the United States, including up to 5 percent of funds programed for any country notwithstanding earmarks in the House bill.

The Senate amendment contained a similar provision, with the \$50 million available notwithstanding any restriction of this act and with no 5-percent limit on the amount that may be taken out of a country account.

The conference substitute (Sec. 202(e)) is the same as the House position.

ZIMBABWE REPORT

The House bill amended chapter 4 of part II of the Foreign Assistance Act to require that if Zimbabwe receives ESF assistance, the President is to report to Congress every 60 days on the internal situation in Zimbabwe and particularly on its observance of human rights.

The Senate amendment contained a similar provision, requiring the report to assess implementation of the Declaration of Rights contained in annex C of the agreement signed at Lancaster House, London, by the participants in the Constitutional Conference on Southern Rhodesia on December 23, 1979.

The conference substitute (sec. 720) is the same as the Senate provision.

UGANDA ELECTIONS

The House bill directed the President to take into account whether or not free elections were held in Uganda as planned in 1980 when determining the levels of assistance to Uganda and Tanzania.

The Senate amendment had no comparable provision.

The conference substitute (sec. 719) is the same as the House provision with an amendment deleting the reference to Tanzania and the reference to the planned holding of elections in 1980.

NICARAGUA
Conditions

The House bill restated the conditions on U.S. economic support funds assistance to Nicaragua that are contained in section 536 of the Foreign Assistance Act, as amended by Public Law 96-257, the Special Central American Assistance Act of 1979.

The Senate amendment had no comparable amendment.

The conference substitute (Sec. 201) is the same as the House provision.

Reporting requirement

The House bill required the President to report every 90 days on the internal situation in Nicaragua, particularly on the observance of human rights and progress in the establishment of democratic political institutions.

The Senate amendment had no comparable amendment.

The conference substitute is the same as the Senate position.

TITLE III—DEVELOPMENT ASSISTANCE
POPULATION

Natural family planning

The Senate amendment added "provision of information and services related to natural family planning methods" to the description of family planning programs in section 104 of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (sec. 302(a)) is the same as the Senate provision.

Special programs

The Senate amendment earmarked \$4.5 million of the funds authorized for sec. 104, population activities, for the World Health Organization (WHO) special program of research, development, and research training in human reproduction, and \$35 million for the U.N. Fund for Population Activities (UNFPA).

The House bill did not contain similar earmarks.

The conference substitute (sec. 302(b)) earmarks \$3 million for the WHO program. While not earmarking funds for the UNFPA, the committee of conference intends that of the funds appropriated for population programs, not less than \$35 million should be made available to the U.N. Fund for Population Activities.

ENERGY AND SELECTED DEVELOPMENT ACTIVITIES

The House bill changed the title of section 106 of the Foreign Assistance Act from

"Technical Assistance, Energy, Research, Reconstruction, and Selected Development Problems" to "Energy and Selected Development Activities" and consolidates the energy provisions of section 106 and section 110 of the Foreign Assistance Act into a new section 106.

The Senate amendment had no comparable provision.

The conference substitute (section 304), is the same as the House provision, with an amendment making the title "Energy, Private Voluntary Organizations, and Selected Development Activities" and making several technical changes.

HUMAN RIGHTS ACTIVITIES

The House bill amended section 118(e) of the Foreign Assistance Act to authorize and encourage the President to use not less than \$1.5 million in fiscal year 1981 to carry out programs and activities to promote adherence to civil and political rights as set forth in the Universal Declaration of Human Rights.

The Senate amendment had no comparable provision.

The conference substitute (section 505) is the same as the House provision.

DISAPPEARANCE OF PERSONS

The House bill included "causing the disappearance of persons" in the definition of gross violations of internationally recognized human rights contained in the Foreign Assistance Act and the Agricultural Trade Development and Assistance Act of 1954.

The Senate amendment had no comparable provision.

The conference substitute (section 701) is the same as the House provision.

ENVIRONMENTAL PROGRAMS

The Senate amendment earmarked \$2.5 million of the funds authorized for section 118 of the Foreign Assistance Act for the preparation of environmental profiles of developing countries and for natural resources protection and management programs.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The committee of conference recommends that the Agency for International Development continue to strengthen its efforts to assist recipient countries to prepare environmental profiles and support programs to protect and improve management of their environment and natural resources and that the agency spend not less than \$2.5 million for these purposes.

PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES

Project preparation

The Senate amendment contained a provision amending section 123 of the Foreign Assistance Act to permit AID to fund part of the cost of project preparation activities of private voluntary organizations.

The House bill had no comparable provision.

The conference substitute (section 307(1)) is the same as the Senate provision, with an amendment specifying that such reimbursement be made only if necessary and on a case-by-case basis.

Agency procedures

The Senate amendment adds new language to section 123 of the Foreign Assistance Act directing AID to simplify procedures for development and approval of projects to be carried out by qualified private voluntary organizations.

The House bill had no comparable provision.

The conference substitute (sec. 307(2)) is the same as the Senate provision.

Country prohibitions

The House bill amended sec. 123 of the Foreign Assistance Act to permit AID-funded private voluntary organization activity to

continue in countries where prohibitions on U.S. assistance have subsequently become applicable.

The Senate amendment contained a similar provision, with the additional requirement that the President report to the Congress on the reasons for such a continuation.

The conference substitute (sec 307(3)) is the same as the Senate provision.

Ocean freight reimbursement

The conferees reaffirm their strong support of the humanitarian and development work of private and voluntary organizations. The conferees urge and expect the Agency for International Development to provide adequate funding for ocean freight reimbursement as authorized by section 123(b) of the Foreign Assistance Act of 1961.

UNITED NATIONS ENVIRONMENT PROGRAM

The Senate amendment provided that not less than \$9 million of the funds authorized for voluntary contributions to international organizations (sec. 302 of the Foreign Assistance Act) shall be available only for the United Nations Environment Program.

The House bill had no comparable provision.

The conference substitute is the same as the House position. The committee of conference urges and expects that the fiscal year 1981 contribution be \$10 million, the level at which the program was supported in fiscal year 1980.

EASTERN CARIBBEAN

The House bill urged the President to use up to \$7 million for bilateral development assistance for the Eastern Caribbean countries and directed him to report to Congress by February 1, 1981, on the implementation of this section.

The Senate amendment had no comparable provision.

The conference substitute (Sec. 313) is the same as the House provision.

ASSISTANCE TO EQUATORIAL GUINEA

The House bill urged the President to use up to \$3 million for assistance to Equatorial Guinea if warranted by conditions there.

The Senate amendment had no comparable provision.

The conference substitute (sec. 314) is the same as the House provision.

WORLD HUNGER

The Senate amendment provided that in order to further the intent of section 103 of the Foreign Assistance Act, the Administrator of the Agency for International Development shall encourage the ongoing work of private voluntary organizations to deal with world hunger problems abroad.

The House bill had no comparable provision.

The substitute (sec. 316) is the same as the Senate provision, with an amendment substituting the Director of the International Development Cooperation Agency for the Administrator of AID in those instances in which the Senate provision had named the AID Administrator. The amendment recognizes that under the governmental reorganization undertaken in 1979, IDCA, of which AID is a component, has prime responsibility within the U.S. Government on matters concerning development and other efforts to improve living conditions in developing countries.

POSTHARVEST FOOD LOSSES

The Senate amendment expressed the sense of Congress that the President should reaffirm U.S. support for the goal established by the U.N. General Assembly of reducing the postharvest losses of food by 50 percent and that the Agency for International Development should substantially increase the proportion of its resources devoted to this purpose.

The House bill had no comparable provision.

The conference substitute (sec. 317) is the same as the Senate provision.

CARIBBEAN DEVELOPMENT BANK

The Senate amendment provided the President, after consultation with Congress, with the authority to transfer repayment obligations of the Caribbean Development Bank to the recipient members of the Caribbean Development Bank, notwithstanding section 620(r) of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (section 315) is the same as the Senate provision.

TITLE IV—OTHER ASSISTANCE PROGRAMS

NARCOTICS CONTROL ASSISTANCE UNFDAO ceiling

The House bill amended section 402 of the Foreign Assistance Act, placing a ceiling of \$3 million on the U.S. contribution to the U.N. Fund for Drug Abuse Control, or 50 percent of the total contributions by all countries to the Fund, whichever is less.

The Senate amendment had no comparable provision.

The conference substitute (sec. 402(a)(2)) is the same as the House provision.

Excess Pakistani currency

The Senate amendment made available up to \$10 million in excess Pakistani currency and credits for narcotics control assistance to Pakistan; waived the requirement for a special appropriation act provision to allocate such funds; waived the limits on expenditures of foreign currencies received under Public Law 480; and exempted this provision from appropriation acts' prohibitions on using appropriated funds to administer programs funded from foreign currencies.

The House bill had no comparable provision.

The conference substitute (sec. 402(b)) incorporates the Senate provision with an amendment which waives an additional provision of existing law which might obstruct expenditures of excess foreign currency funds in this matter, and also conditions this authorization upon a further provision in an appropriation act, including a continuing resolution, thus assuring some Appropriations Committee role in approving the expenditure of excess currency funds as authorized by this provision.

Aircraft in Colombia

The Senate amendment contained a provision which would make available aircraft, communications equipment, and operational support to the Colombian antinarcotics enforcement program under section 481 of the Foreign Assistance Act.

The House bill had no comparable provision.

The conference substitute (sec. 402(c)) is the same as the Senate provision, except for technical changes necessitated by the fact that this legislation was not enacted before October 1, 1980, as had been the assumption when the provision was adopted in the Senate.

INTERNATIONAL DISASTER ASSISTANCE

The House bill amended section 402 of the Foreign Assistance Act to allow the President to transfer up to \$50 million into the international disaster assistance account in any fiscal year from funds available under other provisions of the Foreign Assistance Act using the authority of section 614(a) (transfer between accounts) of that act without regard to the 20-percent limitation in section 616(a).

The Senate amendment had no comparable provision.

The committee of conference agreed on a substitute for the House provision which contained some technical modification de-

signed to achieve the same goal of flexibility in obtaining up to \$50 million additional funding for the international disaster assistance account in emergencies in any one year. The substitute (sec. 404) provides that up to \$50 million in any fiscal year may be obligated against appropriations under part I of the Foreign Assistance Act (economic assistance), other than the international disaster assistance appropriations, for use in accord with the provisions of section 401 of the Foreign Assistance Act. Section 401 sets forth the authorities and general policies covering the international disaster assistance account. Amounts subsequently appropriated under the international disaster assistance account for a disaster may be used to reimburse any account against which funds for that disaster were drawn under this authority.

AFRICAN REHABILITATION AND RESETTLEMENT

The House bill amended section 405F of the Foreign Assistance Act to authorize \$15 million for the longer term rehabilitation and resettlement needs of displaced persons and other victims of civil strife in African developing countries. It directed that the funds be used for semipermanent housing, potable water supply systems, and sanitary facilities and provided that the assistance be furnished under the authority of section 491 of the Foreign Assistance Act, which deals with disaster relief.

The Senate amendment had no comparable provision.

The conference substitute (sec. 405) is the same as the House provision.

MIGRATION AND REFUGEE ASSISTANCE

Legislative vehicle

The House bill amended section 102 of the States Department Authorization Act, fiscal years 1980 and 1981, to provide a supplemental fiscal year 1981 authorization for migration and refugee assistance.

The Senate amendment did not contain such authorization; a fiscal year 1981 supplemental authorization for migration and refugee assistance was included in S. 2727, authorizing supplemental appropriations for the Department of State and the Board for International Broadcasting for fiscal years 1980 and 1981.

The conference substitute (sec. 406) retains the supplemental fiscal year 1981 authorization for migration and refugee assistance in this bill.

Migration and refugee assistance funding levels for fiscal year 1981

The House bill authorized an additional \$107,411,000 for migration and refugee assistance in fiscal year 1981. The House authorization included the President's January 1980 supplemental budget request of \$94,411,000 plus \$13 million intended for Cyprus refugees in addition to the \$2 million programmed for such refugees under the President's January request.

The Senate amendment had no comparable amendment; however, S. 2727 authorized \$57,411,000 for refugee assistance for fiscal year 1981 which is \$2 million less than the President's revised March request of \$59,411,000 for this purpose. The \$2 million reduction was made in view of the decision to retain the Cyprus account in the ESF authorization.

The conference substitute (sec. 406) authorized an additional \$59,411,000 for migration and refugee assistance in fiscal year 1981 as requested by the President in his revised March 1980 budget request, and retains the Cyprus program in the ESF authorization.

Nothing the burgeoning worldwide refugee problem, the committee of conference expressed the view that, should this authorization level be insufficient for the remainder of fiscal year 1981, the Congress would be

sympathetic to requests for appropriate increases in the account if the need arises. The committee of conference further stressed that, while the United States should continue its policy of accepting its fair share of those refugees requiring resettlement, the United States should continue to insist that other members of the world community also accept their fair share of this burden.

Resettlement assistance for Cuban and Haitian refugees

The House bill authorized and earmarked an additional \$100 million in fiscal year 1980 migration and refugee assistance funds for resettlement of foreign nationals for whom such assistance is not otherwise authorized and earmarked \$100 million of funds appropriated for migration and refugee assistance in fiscal year 1981 for the same purpose. The intent of the House provision was to provide Federal assistance to State and local governments affected by the recent Cuban/Haitian refugee influx.

The Senate amendment had no comparable provision with respect to migration and refugee assistance funds but contained a provision designating those Cubans arriving in the United States between January 1 and June 16, 1980, as refugees so as to permit State and local governments to qualify for assistance under the Refugee Act of 1980.

The conference substitute contains no provision on these issues in view of the fact that subsequent to the adoption of the House bill and the Senate amendment thereto, the Congress enacted and the President signed into law the Refugee Education Assistance Act of 1980 (Public Law 96-422) which authorizes Federal assistance to State and local governments affected by the Cuban/Haitian refugee influx.

International cooperation in Cuban refugee resettlement

The House bill expressed the sense of Congress that the President should encourage and secure greater international cooperation in the resettlement of Cuban refugees and should seek the discussion in an appropriate international forum of the Cuban refugee problem.

The Senate amendment contained a similar provision with additional language relating to the growing refugee phenomenon and historic role in refugee resettlement.

The conference substitute (sec. 715) merges the House and Senate provision on this issue.

Aid to countries cooperating in refugee resettlement

The House bill provided that the Secretary of State shall, to the maximum extent feasible, attempt to channel U.S. assistance to countries willing to assist Cuban and other refugees.

The Senate amendment had no comparable provision.

The conference substitute (sec. 715(c)) is the same as the House provision.

Expulsion of certain Cuban emigrants

The House bill expressed the sense of Congress that the President should use his authority to order the expulsion of Cuban emigrants who have violated U.S. law by participating in civil disturbances at Federal processing centers.

The Senate amendment had no comparable provision.

The conference substitute (sec. 716) acknowledges the fact that the U.S. Government has already incarcerated those individuals who left Cuba for the United States but who are admitted criminals, security threats, or who incited civil disturbances in Federal processing facilities.

The conference substitute urges the executive branch, consistent with U.S. law to seek the deportation of such individuals.

EAST TIMOR

The Senate amendment expressed the sense of Congress that with regard to East Timor, the President should take all appropriate measures to support relief operations, urge the reuniting of families, and encourage the Government of Indonesia to allow access to East Timor by international journalists.

The House bill contained a similar provision.

The conference substitute (sec. 408) is the same as the Senate provision.

TITLE V—AFRICAN DEVELOPMENT FOUNDATION

The House bill provided for the establishment of the African Development Foundation to channel small amounts of development assistance to local community groups and institutions in Africa to support indigenously initiated and administered development projects.

The Senate amendment had no comparable provision.

The conference substitute (secs. 501-511) incorporates the House provision with an amendment that: Deletes from section 504 (a) of the bill the all-encompassing authority to "improve the quality of life of all Africans"; requires the Foundation to the extent possible, to coordinate its development assistance activities with those of the U.S. Government, and private, regional, and international organizations; insures that the Foundation confines its efforts to support for entities engaged in peaceful activities; limits the total number of employees to no more than 25 the first year, 50 the second year, and 75 the third year, and thereafter; reduces the funds available to the Foundation for fiscal year 1981 from \$5 million to \$2 million; and provides that the provisions of this title shall expire on September 30, 1985. This last provision will give the Foundation time to begin its work, but will require review and affirmative congressional action in order to continue its activities.

TITLE VI—PEACE CORPS CONTINGENCY FUND

The Senate amendment amended section 15(d) (7) of the Peace Corps Act to increase the Peace Corps contingency fund from \$5,000 to \$20,000.

The House bill had no similar provision.

The conference substitute (sec. 601 (c)) is the same as the Senate provision.

AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT

The Senate amendment made technical amendments to the Domestic Volunteer Service Act by removing references to the Peace Corps.

The House bill had no comparable provision.

The conference substitute (sec. 602) is the same as the Senate provision.

RETURNED PEACE CORPS VOLUNTEERS

The House bill required the Peace Corps Director to report to Congress on the development of a plan for more effective utilization of returned Peace Corps volunteers.

The Senate amendment had no comparable provision.

The conference substitute (sec. 603) is the same as the House provision.

TITLE VII—MISCELLANEOUS PROVISIONS AUDITING OF INTERNATIONAL PROGRAMS

The House bill required the U.S. Comptroller General to report audits required by section 301 (d) of the Foreign Assistance Act to the Congress and to the President. The House bill also directed the President to encourage audits of international organizations by external audit programs.

The Senate amendment had no comparable provisions.

The conference substitute (sec. 702) is the same as the House provision.

REPORTS ON INTERNATIONAL ORGANIZATIONS

The House bill added a new section to chapter 3 of part I of the Foreign Assistance Act to require: (1) That annual reports to the Congress on U.S. contributions to international organizations be submitted 9 months after the end of the fiscal year; and (2) that semiannual reports be required, giving a comprehensive cash and in-kind accounting of U.S. contributions to international organizations.

The Senate amendment had no comparable provision.

The conference substitute (sec. 703) is the same as the House provision.

EXPORT ADMINISTRATION ACT

The House bill made a technical amendment to section 502(B) (a) (2) of the Export Administration Act of 1979 so that the reference is to the "Export Administration Act of 1979" rather than the "Export Administration Act of 1980".

The Senate amendment had no comparable provision.

The conference substitute (sec. 704) is the same as the House provision.

HUMAN RIGHTS COMMITTEE

The House bill stated it to be the sense of the Congress that the Interagency Group on Human Rights has been an effective mechanism for coordinating human rights policy and that the President should consider establishing the group on a more permanent basis and report his recommendation for strengthening the group no later than November 1, 1980.

The Senate amendment had no comparable provision.

The conference substitute (sec. 710) is the same as the House provision with an amendment changing the reporting date to July 1, 1981.

PROCUREMENT

The Senate amendment amended section 604(e) of the Foreign Assistance Act to preclude the use of foreign assistance funds to procure construction or engineering services from advanced developing countries that have attained a competitive capability in international markets for construction services or engineering services.

The House bill had no comparable provision.

The conference substitute (sec. 705) is the same as the Senate provision.

This provision is intended to apply to procurement for projects initiated after enactment of this act.

OVERSEAS PERSONNEL CEILINGS

The Senate amendment amended section 624(g) of the Foreign Assistance Act to remove the overseas personnel ceilings with regard to AID Inspector General regional offices.

The House bill had no comparable provision.

The conference substitute (sec. 706) is the same as the Senate provision.

The committee of conference has noted with concern the difficulties encountered by the Agency for International Development in recent years in maintaining adequate overseas audit and inspection presence sufficient to maintain a reasonable degree of audit and investigative oversight of its foreign assistance programs. The Agency is responsible for the prudent administration of billions of dollars in public funds made available for the support of its programs in some 70 of the world's less developed countries. For this task it maintains austere staffed audit and investigative offices in Washington and certain overseas locations.

The intent of this legislation is to insure that the Agency is provided with clear-out authority to establish and maintain adequate audit and inspection capability in place in the several regions of the world in

which it carries forward the U.S. foreign aid program.

PROHIBITION OF ASSISTANCE

The House bill specified that, except for food assistance and humanitarian assistance distributed directly to the Cambodian people, no funds authorized under this act, including funds authorized under section 302 (a) (1) of the Foreign Assistance Act, may be used for assistance to the Governments of Cuba, Vietnam, and Cambodia.

The Senate amendment had no comparable provision.

The conference substitute (sec. 717) states that funds may not be used to provide assistance to the Governments of Cuba, Vietnam, or Cambodia. It does not make reference to section 302(a) (1) of the act in order to make clear that the prohibition is not to be construed as applying to funds provided to international organizations.

IDENTIFICATION OF ASSISTANCE

The House bill required the President to take necessary steps to insure that U.S. assistance is identified as having been made available by the people of the United States, and that countries' efforts in this regard be taken into consideration in determining levels of assistance.

The Senate amendment had no comparable provision.

The conference substitute is the same as the Senate provision. The committee of conference noted that existing provisions in the Foreign Assistance Act and in Public Law 480 require identification of U.S. assistance and urged the Agency for International Development to take all necessary action to comply fully with these requirements.

REPORT OF FOREIGN ASSISTANCE PROVIDED BY OTHER COUNTRIES

The Senate amendment amended section 634(a) of the Foreign Assistance Act to require the annual report on foreign assistance to include information on foreign assistance levels of OECD and OPEC countries.

The House bill had no comparable provision.

The conference substitute (sec. 707) is the same as the Senate provision.

CONSIDERATION OF ACTIONS REGARDING IRAN AND AFGHANISTAN

The Senate amendment called on the Venice summit to give highest priority to actions to resolve the Iran and Afghanistan threats to peace and required the President to report by August 1, 1980, on these deliberations.

The House bill had no comparable provision.

The conference substitute is the same as the House provision.

EL SALVADOR

The Senate amendment provided that "None of the funds authorized to be appropriated under this Act or any other provision of law may be made available, directly or indirectly, for the provision of assistance to El Salvador for the purpose of planning or executing the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto."

The House bill had no comparable provision.

The conference substitute is the same as the Senate provision, with an amendment so that it reads: "None of the funds authorized to be appropriated under this Act may be made available for the provision of assistance by El Salvador for the purpose of planning for compensation, or for the purpose of compensation, for the confiscation, nationalization, acquisition, or expropriation of any agricultural or banking enterprise, or the properties or stock shares which may be pertaining thereto."

The committee of conference notes that pursuant to section 620(g) of the Foreign Assistance Act it has been U.S. policy not to permit U.S. assistance to be used for the payment of compensation of any confiscation, nationalization, acquisition, or expropriation of property.

CLEMENT J. ZABLOCKI,
L. H. FOUNTAIN,
DANTE B. FASCELL,
LEE H. HAMILTON,
LESTER L. WOLFF,
JONATHAN BINGHAM,
STEPHEN J. SOLARZ,
DAN MICA,
WILLIAM H. GRAY III,
DAVID BOWEN,
WM. S. BROOMFIELD,
EDWARD J. DERWINSKI,
PAUL FINDLEY,
JOHN BUCHANAN,
LARRY WINN, JR.,
EDWARD P. BOLAND

(solely for consideration of section 113 of the House bill, and modifications committed to conference),

BILL D. BURLISON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

LES ASPIN
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

CHARLES ROSE
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

J. K. ROBINSON
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

JOHN M. ASHBROOK
(solely for consideration of section 113 of the House bill, and modifications committed to conference),

Managers on the Part of the House.

FRANK CHURCH,
CLAIBORNE FELL,
JOE BIDEN,
JOHN GLENN,
JACOB K. JAVITS,
CHARLES H. PERCY,
S. I. HAYAKAWA,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 7584

Mr. SMITH of Iowa submitted the following conference report and statement on the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes.

CONFERENCE REPORT (H. REPT. NO. 96-1473)

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 13, 19, 21, 23, 24, 26, 27, 29, 33, 39, 41, 42, 43, 50, 55, 56, 58, 61, 62, 64, 66, 67, 68, 71, 78, 79, 80, 81, 83, 85, 86, 87, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 9, 11, 14, 15, 16, 18, 20, 32, 36, 48, 53, 54, 59, 60, 69, 70, 73, and 77, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter stricken by said amendment insert:

Sec. 105. No more than 98 percent of the funds appropriated by this title shall be expended, except for any sums appropriated for the payment to the American Institute in Taiwan.

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$113,050,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22; and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$32,925,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$750,367,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$61,585,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,250,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$112,550,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$25,705,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$65,550,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert "\$214,181,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$11,853,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$76,926,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "Provided further, That no part of this appropriation shall be used by the Legal Services Corporation to provide legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$734,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$600,000,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "\$2,708,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 10, 17, 25, 28, 30, 31, 34, 46, 49, 51, 74, 75, 82, 84, 89, 90, 91, 92, 93 and 94.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
JACK HIGHTOWER,
W. G. (BILL) HEFNER,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
MARK ANDREWS,
SILVIO O. CONTE,

Managers on the Part of the House.

ERNEST F. HOLLINGS,
WARREN G. MAGNUSON,
DANIEL K. INOUYE,
QUENTIN BURDICK,
DENNIS DECONCINI,
DALE BUMPERS,
LOWELL WEICKER, JR.,
MARK HATFIELD,
TED STEVENS,
JAKE GARN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7584) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1981, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

**TITLE I—DEPARTMENT OF STATE
ADMINISTRATION OF FOREIGN AFFAIRS
BUYING POWER MAINTENANCE**

Amendment No. 1: Deletes an appropriation of \$5,000,000, proposed by the House, for a buying power maintenance fund.

**INTERNATIONAL ORGANIZATIONS AND
CONFERENCES**

Amendment No. 2: Appropriates \$481,110,000 as proposed by the House instead of \$508,083,000 as proposed by the Senate.

The conferees have deleted the United States 1981 assessed contribution to the International Labor Organization due to the lack of authorization for such appropriation. (The 1980 contribution has been provided.) However, the unavailability of these funds at this time should not be misconstrued as a lack of support for the goals and purposes of this Organization.

In November of 1977 the U.S. withdrew from the ILO because the principles of the ILO charter were not being maintained. In February of 1980 the U.S. rejoined the organization as the ILO withdrew from inappropriate activities and met U.S. conditions for resuming membership. The newly organized federation of Polish workers and their right to organize free trade unions under the ILO Convention is evidence of renewed commitment to basic rights of workers. The U.S. supports these developments and will continue its active role in the ILO. Therefore the authorization situation must be quickly resolved.

THE ASIA FOUNDATION

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"THE ASIA FOUNDATION

"For a grant to the Asia Foundation, \$4,100,000, to remain available until expended, notwithstanding section 15(a) of the Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1959."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

GENERAL PROVISIONS—DEPARTMENT OF STATE

Amendment No. 4: Limits the funds which can be expended by the Department of State to 98 per cent of the amounts appropriated in title I, except for funds appropriated for payment to the American Institute in Taiwan, instead of 95 per cent of such amounts as proposed by the House.

The conferees are agreed that the funds appropriated for the security enhancement program of the Department of State in this Act should be excluded from the limitation on the expenditure of funds, and direct the Department to make the full \$35,000,000, appropriated for this program, available for obligation and expenditure.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds a general provision that reduces the United States payment to the United Nations Educational, Scientific and Cultural Organization by 25 per cent of that amount which the UNESCO budget provides to the Palestine Liberation Organization or for projects administered by or in consultation with the PLO.

**TITLE II—DEPARTMENT OF JUSTICE
GENERAL ADMINISTRATION
Salaries and expenses**

Amendment No. 6: Appropriates \$40,833,000 as proposed by the Senate instead of \$30,333,000 as proposed by the House.

Amendment No. 7: Designates \$1,400,000 for the Federal Justice research program as proposed by the Senate instead of \$1,700,000 as proposed by the House.

LEGAL ACTIVITIES

**Salaries and expenses, general legal
activities**

Amendment No. 8: Appropriates \$113,050,000 instead of \$113,250,000 as proposed by the House and \$114,043,000 as proposed by the Senate.

Salaries and expenses, antitrust division

Amendment No. 9: Appropriates \$44,862,000 as proposed by the Senate instead of \$45,682,000 as proposed by the House.

**Salaries and expenses, United States
attorneys and marshals**

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language making the appropriation available for acquisition, lease, maintenance and operation of aircraft.

Amendment No. 11: Appropriates \$268,537,000 as proposed by the Senate instead of \$271,250,000 as proposed by the House.

FEDERAL BUREAU OF INVESTIGATION

Salaries and expenses

Amendment No. 12: Appropriates \$629,720,000 as proposed by the House instead of \$630,070,000 as proposed by the Senate.

The conferees are agreed that the Federal Bureau of Investigation should co-operate with the Bureau of Alcohol, Tobacco, and Firearms in the Department of the Treasury to provide for the continuation of the hazardous devices course at Redstone Arsenal, Huntsville, Alabama.

The conferees are also agreed that within the total amount provided in this appropriation, the FBI should use the funds necessary to maintain the domestic terrorism program at the FY 1980 level and such funds as are necessary to maintain the number of positions for the legal attaché program at the FY 1980 level.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses

Amendment No. 13: Deletes language proposed by the Senate which would have increased from \$1 per day, to \$4 per day the amount paid to aliens, while held in custody under the immigration laws, for work performed.

Amendments Nos. 14 and 15: Limit the number of police-type vehicles that can be purchased to 510 as proposed by the Senate instead of 586 as proposed by the House.

Amendment No. 16: Appropriates \$351,000,000 as proposed by the Senate instead of \$370,073,000 as proposed by the House.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that would prohibit the Immigration and Naturalization Service from paying any employee overtime in excess of \$20,000 except when the Commissioner determines that this restriction is impossible to implement.

DRUG ENFORCEMENT ADMINISTRATION

Salaries and expenses

Amendment No. 18: Appropriates \$206,800,000 as proposed by the Senate instead of \$205,100,000 as proposed by the House.

FEDERAL PRISON SYSTEM

Relief from liability

Amendment No. 19: Deletes language proposed by the Senate which would have relieved the State of New Mexico from obligation or liability for reimbursement to the Federal Government for the costs incurred by the United States for the custody and care of prisoners of the State of New Mex-

ico required to be temporarily housed in Federal facilities as a result of a disruption in the New Mexico State Penitentiary on February 2 and 3, 1980.

**OFFICE OF JUSTICE ASSISTANCE, RESEARCH
AND STATISTICS**

Research and Statistics

Amendment No. 20: Appropriates \$19,000,000 as proposed by the Senate instead of \$44,881,000 as proposed by the House.

DISPUTE RESOLUTION PROGRAM

Amendment No. 21: Deletes proposal of the Senate which would have appropriated \$2,000,000 for the Dispute Resolution Program.

**TITLE III—DEPARTMENT OF COMMERCE
GENERAL ADMINISTRATION
Salaries and Expenses**

Amendment No. 22: Appropriates \$32,925,000 instead of \$32,800,000 as proposed by the House and \$34,300,000 as proposed by the Senate.

The conference agreement provides \$125,000 and 3 positions for the Office of the Assistant Secretary for Tourism.

BUREAU OF THE CENSUS

Salaries and Expenses

Amendment No. 23: Appropriates \$54,600,000 as proposed by the House instead of \$55,600,000 as proposed by the Senate.

Amendment No. 24: Deletes language proposed by the Senate concerning in-kind benefit programs. The conferees agree that the Secretary of Commerce should expedite the program of collecting through appropriate surveys, data on benefits received and data on participation in federally funded, in-kind benefit programs. Programs on which data are to be reported include, but are not necessarily limited to food stamps, Medicaid, Medicare, and subsidies in areas such as housing, nutrition, child care and transportation. The Secretary should also continue research and testing of techniques for assigning monetary values to in-kind benefits, and for calculating the impact of such benefits on income and poverty estimates. In addition, the Secretary should include in survey reports beginning no later than October 1, 1981, appropriate summaries of data on in-kind benefits and estimates of the effect of in-kind benefits on the number of families and individuals below the poverty level.

PERIODIC CENSUSES AND PROGRAMS

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that will prohibit the expenditure of funds for certain Agricultural Census forms.

Amendment No. 26: Deletes language proposed by the Senate which would have allowed the President to order a special census count or use other means of revising the census estimates in areas where there has been a large population change within six months of the census enumeration due to a large number of legal immigrants. Such a special census or revised estimate would be conducted solely at Federal expense, would be conducted no later than 12 months after the regular census date, and the results would be designated the official census statistics and could be used for all purposes authorized by law.

ECONOMIC AND STATISTICAL ANALYSIS

Salaries and expenses

Amendment No. 27: Appropriates \$24,600,000 as proposed by the House instead of \$24,970,000 as proposed by the Senate. The conferees agree that the Administration should carefully consider the need for a program to collect and publish current data concerning international investment, as authorized by the International Investment Survey Act of 1976.

**ECONOMIC DEVELOPMENT ADMINISTRATION
ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment insert the following:

"ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

"For economic development and adjustment assistance as authorized by the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, \$24,950,000: *Provided*, That during 1981 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$116,430,000: *Provided further*, That during 1981, total commitments to guarantee loans shall not exceed \$425,000,000 of contingent liability for loan principal."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Salaries and expenses

Amendment No. 29: Appropriates \$30,700,000 as proposed by the House instead of \$55,000,000 as proposed by the Senate.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language making this appropriation available for expenses of administering the Community Emergency Drought Relief Act of 1977.

REGIONAL DEVELOPMENT PROGRAM

Regional Development Programs

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"REGIONAL DEVELOPMENT PROGRAM

"Regional Development Programs

"For necessary expenses to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, \$43,838,000, to remain available until expended."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that, within the available funds, the Pacific Northwest Regional Commission should provide to the Port of Astoria, Oregon, such sums as may be necessary, but not to exceed \$500,000, to relieve shoaling within the harbor caused by deposition of volcanic ash from the eruption of Mt. St. Helens.

INTERNATIONAL TRADE ADMINISTRATION

Operations and administration

Amendment No. 32: Appropriates \$107,500,000 as proposed by the Senate instead of \$116,000,000 as proposed by the House. The conferees agree that of the amount appropriated \$3,000,000 is for the Worldwide Information and Trade System (WITS).

Amendment No. 33: Deletes language proposed by the Senate which would require that \$1,000,000 of the amount appropriated to the International Trade Administration be made available to carry out the program established in section 302 of Public Law 96-481. The conferees are agreed, however, that within the total amount appropriated for the International Trade Administration in amendment No. 32, \$1,000,000 is for the small business export development programs authorized by section 302 of Public Law 96-481.

UNITED STATES TRAVEL SERVICE

Salaries and expenses

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates \$8,000,000 for the United States Travel Service.

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION**

OPERATIONS, RESEARCH, AND FACILITIES

(Including Transfer of Funds)

Amendment No. 35: Appropriates \$750,367,000 instead of \$728,475,000 as proposed by the House and \$772,830,000 as proposed by the Senate.

The conference agreement includes \$100,000 for marine mammal research, \$810,000 for Ocean Pulse, \$800,000 for ocean climate, \$1,075,000 for manned undersea facilities, \$400,000 for expansion of the U.S. Climate Program Office, \$6,400,000 for NOSS, \$500,000 for ocean service units, \$1,000,000 for ocean heat flux and \$700,000 for data management system improvements. The conference agreement also includes \$1,400,000 for local warning weather radars in Tucson, Arizona, Savannah, Georgia, and Tupelo, Mississippi, \$650,000 for the Pascagoula Laboratory, \$325,000 for the Big Sandy River flash flood warning system and \$100,000 for oceanographic instrumentation. The conference agreement also includes \$157,000 for the Stuttgart aquaculture project, \$117,000 for the Woods Hole Aquarium, \$348,000 to maintain the NWS Pacific Region headquarters, and \$600,000 for the salmon tagging project. In addition, the conference agreement includes \$15,000,000 for a buy back program for salmon fishing vessels, licenses and gear in the States of Washington and Oregon, \$500,000 for the Campeche oil spill, \$2,000,000 for anadromous fishing grants to states, \$250,000 for a flash flood warning system for West Virginia, \$385,000 for a local warning radar for South Bend, Indiana, and \$750,000 for research on striped bass.

Amendment No. 36: Transfers \$15,000,000 as proposed by the Senate instead of \$10,000,000 as proposed by the House.

The conferees agree that \$3,175,000 for the MARMAP program, and \$825,000 for the recreational fisheries statistics program, are to be funded within the amount provided.

COASTAL ZONE MANAGEMENT

Amendment No. 37: Appropriates \$51,585,000 instead of \$51,085,000 as proposed by the House and \$52,335,000 as proposed by the Senate.

The conferees are agreed that from the total amount appropriated, \$2,250,000 is for the marine sanctuaries program.

**FISHING VESSEL AND GEAR DAMAGE
COMPENSATION FUND**

Amendment No. 38: Appropriates \$3,250,000 instead of \$3,000,000 as proposed by the House and \$3,500,000 as proposed by the Senate.

FISHERMEN'S CONTINGENCY FUND

Amendment No. 39: Appropriates \$500,000 as proposed by the House instead of \$600,000 as proposed by the Senate.

PATENT AND TRADEMARK OFFICE

Salaries and expenses

Amendment No. 40: Appropriates \$112,550,000 instead of \$112,000,000 as proposed by the House and \$113,100,000 as proposed by the Senate.

The conferees are agreed that within the amount provided, a total of \$550,000 is available for installation of computer terminals at Patent Depository libraries and/or improvements to patent search files.

**SCIENCE AND TECHNICAL RESEARCH
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES**

Amendment No. 41: Appropriates \$119,100,000 as proposed by the House instead of \$115,000,000 as proposed by the Senate.

Amendments Nos. 42 and 43: Restore language proposed by the House which would limit funds available for cooperative generic technology centers under productivity, technology, and innovation programs to \$5,200,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

Amendment No. 44: Appropriates \$25,705,000 instead of \$23,705,000 as proposed by the House and \$27,705,000 as proposed by the Senate.

**MARITIME ADMINISTRATION
OPERATIONS AND TRAINING**

Amendment No. 45: Appropriates \$65,550,000 instead of \$66,400,000 as proposed by the House and \$64,720,000 as proposed by the Senate.

The conferees are agreed that within the total amount provided \$850,000 is to be used for payments to the State marine schools for the cost of fuel oil for their training vessels.

TITLE IV—THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Salaries of supporting personnel

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides language that makes the appropriation for Salaries of Supporting Personnel available for pre-trial service officers.

Amendment No. 47: Appropriates \$214,181,000 instead of \$212,000,000 as proposed by the House and \$215,981,000 as proposed by the Senate.

Travel and miscellaneous expenses

Amendment No. 48: Appropriates \$41,827,000 as proposed by the Senate instead of \$41,350,000 as proposed by the House.

Bankruptcy courts, salaries and expenses

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "\$63,094,000 of which \$1,200,000 shall be derived by transfer from the appropriation Speedy Trial Planning."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SPACE AND FACILITIES

Amendment No. 50: Appropriates \$120,000,000 as proposed by the House instead of \$120,672,000 as proposed by the Senate.

GENERAL PROVISIONS—THE JUDICIARY

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that provides that the position of trustee coordinator in bankruptcy courts shall not be limited to persons with formal legal training.

TITLE V—RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

Salaries and expenses

Amendment No. 52: Appropriates \$11,853,000 instead of \$11,988,000 as proposed by the House and \$11,719,000 as proposed by the Senate.

**COMMISSION ON WARTIME RELOCATION AND
INTERMENT OF CIVILIANS**

Salaries and expenses

Amendment No. 53: Appropriates \$1,000,000 as proposed by the Senate.

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

Salaries and expenses

Amendment No. 54: Appropriates \$140,000,000 as proposed by the Senate instead of \$141,454,000 as proposed by the House.

FEDERAL COMMUNICATIONS COMMISSION

Salaries and expenses

Amendment No. 55: Limits the funds available for official reception and representation expenses to \$3,000 as proposed by the House instead of \$9,500 as proposed by the Senate.

Amendment No. 56: Restores language as proposed by the House which provides independent authority for the Federal Communications Commission to rent space in the District of Columbia and elsewhere.

Amendment No. 57: Appropriates \$76,026,000 instead of \$74,000,000 as proposed by the House and \$79,000,000 as proposed by the Senate.

Amendment No. 58: Restores language as proposed by the House which, for purposes of the Communications Act of 1934, expands the boundary of the District of Columbia to include an area within two miles of the present boundary.

INTERNATIONAL COMMUNICATION AGENCY

Salaries and expenses

Amendment No. 59: Appropriates \$419,000,000 as proposed by the Senate instead of \$421,100,000 as proposed by the House.

The conferees expect the ICA to increase the resources devoted to programming for Moslem countries by \$2,100,000 above the amount requested for such programming in the FY 1981 budget estimate. These funds should be added to the FY 1981 budget for the Voice of America.

**CENTER FOR CULTURAL AND TECHNICAL INTER-
CHANGE BETWEEN EAST AND WEST**

Amendment No. 60: Appropriates \$15,760,000 as proposed by the Senate instead of \$15,400,000 as proposed by the House.

INTERNATIONAL TRADE COMMISSION

Salaries and expenses

Amendment No. 61: Appropriates \$16,715,000 as proposed by the House instead of \$16,803,000 as proposed by the Senate.

LEGAL SERVICES CORPORATION

Payment to the Legal Services Corporation

Amendment No. 62: Appropriates \$321,300,000 as proposed by the House instead of \$300,000,000 as proposed by the Senate.

Amendment No. 63: Inserts language which would prohibit this appropriation from being used by the Legal Services Corporation to provide legal assistance for any litigation which seeks to adjudicate the legalization of homosexuality instead of language, proposed by the House, which would prohibit this appropriation from being used by the Legal Services Corporation to provide legal assistance in promoting, defending or protecting homosexuality.

Amendment No. 64: Restores language proposed by the House, that prohibits the appropriation for the Legal Services Corporation from being used to increase funds to programs serving those areas of the country already funded at the minimum access level or to activities administered by the Corporation unless minimum access to civil legal assistance is available or provided in all parts of the country.

MARINE MAMMAL COMMISSION

Salaries and expenses

Amendment No. 65: Appropriates \$734,000 instead of \$634,000 as proposed by the House and \$934,000 as proposed by the Senate.

**OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE**

Salaries and expenses

Amendment No. 66: Appropriates \$9,100,000 as proposed by the House instead of \$9,170,000 as proposed by the Senate.

SECURITIES AND EXCHANGE COMMISSION

Salaries and expenses

Amendment No. 67: Deletes language proposed by the Senate which would have provided the Securities and Exchange Commission with independent authority to rent space in the District of Columbia and elsewhere.

Amendment No. 68: Appropriates \$76,350,000 as proposed by the House instead of \$77,100,000 with a designation of \$750,000 to carry out title V of Public Law 96-477 and section 19(c) of the Securities Act of 1933, as proposed by the Senate.

The conferees are agreed that within the total amount provided not to exceed \$750,000 is available to carry out title V of Public Law 96-477 and section 19(c) of the Securities Act of 1933.

**SELECT COMMISSION ON IMMIGRATION AND
REFUGEE POLICY**

Salaries and expenses

Amendment No. 69: Appropriates \$550,000 as proposed by the Senate instead of \$427,000 as proposed by the House.

Amendment No. 70: Deletes language proposed by the House, which makes the appropriation available until expended.

SMALL BUSINESS ADMINISTRATION

Salaries and expenses

Amendment No. 71: Appropriates \$222,015,000 as proposed by the House instead of \$222,388,000 as proposed by the Senate. The conference agreement includes \$9,500,000 for the Small Business Development Center Program. Currently SBA funds seventeen small business development centers in sixteen states and the District of Columbia. The amount appropriated is sufficient to fund existing centers and such others as may be approved in fiscal year 1981, which meet the statutory requirements set forth in Public Law 90-302.

The conference agreement also provides for various programs of the Small Business Administration as follows:

Procurement assistance.....	\$12,365,000
(technology assistance).....	(1,223,000)
Management assistance.....	22,323,000
Advocacy	5,500,000
Data management.....	9,404,000
(Small Business data base) ..	(1,000,000)
Finance and Investment.....	55,000,000
Inspector General.....	5,514,000
Executive direction.....	21,866,000
All other.....	81,174,000

The conferees concur that more must be done to insure that SBA's programs are responsive to the needs of women entrepreneurs but believes assistance to women can best be delivered through the existing program structures.

BUSINESS LOAN AND INVESTMENT FUND

Amendment No. 72: Appropriates \$609,000,000 instead of \$678,000,000 as proposed by the House and \$588,500,000 as proposed by the Senate. The conference agreement provides the following amounts for the various direct loan programs of the Small Business Administration:

7(a) business loans.....	\$219,000,000
7(h) handicapped assistance..	25,000,000
7(i) economic opportunity....	65,000,000
7(l) energy.....	30,000,000
Development company.....	22,500,000
Investment company	
assistance	42,000,000

Total

The conferees are agreed that the 7(a) loan guarantee program should be carried out at the level of \$4,000,000,000 as authorized by the Small Business Act, as amended.

Amendment No. 73: Provides language, proposed by the Senate, which would limit the amount available for guaranteed loans for the Small Business Administration Sec. 7(l) energy loan program to not more than \$33,000,000.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: "Provided further, That sufficient funding shall be made available from the Business Loan and Investment Fund to allow guarantee authority of up to \$250,000,000 under the section 603 program of the Small Business Investment Act, as amended".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DISASTER LOAN FUND

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

"DISASTER LOAN FUND

"For the purposes of making loans through the "Disaster loan fund", authorized by the Small Business Act, the Small Business Administration may borrow from the Secretary of the Treasury up to \$100,000,000 as authorized by section 4(e) (5) (A) of the Small Business Act: *Provided*, That not more than \$4,000,000 shall be made available for the sole purpose of providing disaster loans under section 7(b) (9) of the Small Business Act to any small business which suffered substantial economic injury due to the cancellation of United States participation in the 1980 summer Olympic games which shall be deemed an economic dislocation."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that approximately \$200,000,000, which is now available in the Disaster Loan Fund as a result of changes made by P.L. 96-302 concerning interest payments to the Treasury, should be used to provide additional disaster loans above the level proposed in the budget for FY 1981.

UNITED STATES METRIC BOARD

Salaries and expenses

Amendment No. 76: Appropriates \$2,708,000 instead of \$2,800,000 as proposed by the House and \$2,616,000 as proposed by the Senate.

The conferees are agreed that the United States Metric Board should submit to the House and Senate Appropriations Committees any plans the Board may have to move from its present quarters before obligating or expending any funds to carry out such plans.

TITLE VI—GENERAL PROVISIONS

Amendment No. 77: Deletes provision in House bill which would have limited spending during the last two months of the fiscal year to no more than 20 percent of the appropriation for any agency under this act.

Amendment No. 78: Deletes provision inserted by the Senate which would have limited spending during the last quarter of the fiscal year to no more than 30 percent of an agency's total budget authority or no more than 15 percent during any month of the last quarter. The Senate amendment also allowed the Director of the Office of Manage-

ment and Budget to waive the proceeding requirements, and would require the Director to make reports to the Committees on Appropriations. Finally, the Senate amendment also prohibited departments and agencies from obligating or expending any contract funds in the last two months of fiscal year 1981 unless the solicitation or notification for the contract is issued at least 60 days before it is awarded.

The conferees are agreed that the departments and agencies in this bill should manage the funds appropriated in the most responsible and efficient manner. The conferees deplore end-of-year buying and the deletion of the above two provisions is in no way to be construed as condoning such procedure. The conferees intend to closely monitor the spending patterns of the departments and agencies in this bill and expect conformance to the maximum extent possible with the spirit of the above provisions.

Amendment No. 79: Deletes language proposed by the Senate which would have provided that nothing in section 607 shall be interpreted to prevent the Justice Department from initiating or participating in litigation to secure remedies except busing for violations of the fifth and fourteenth amendments to the Constitution.

Amendment No. 80: Deletes Senate amendment which would have required that all unresolved audits currently pending for the departments and agencies for which funds are appropriated in this act shall be resolved not later than September 30, 1981. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental Appropriations/Rescission Act, 1980, Public Law 96-304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in Section 304 of that act.

Amendment No. 81: Deletes general provision added by the Senate regarding the collection of overdue debts owed the United States Government. The conferees are agreed that this language is unnecessary because of a similar requirement in the Supplemental Appropriations/Rescission Act, 1980, Public Law 96-304. The conferees expect the departments and agencies in this bill to fully comply with the requirements in Section 305 of that act.

Amendment No. 82: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Sec. 612. Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under this Act for the procurement of consultant services shall be reduced by the following amounts: Department of Commerce, \$1,560,000; International Communication Agency, \$68,000; Department of Justice, \$1,880,000; Department of State, \$284,000; and Small Business Administration, \$1,043,000."

The managers on the part of the Senate will offer a motion to recede and concur in the amendment of the House to the amendment of the Senate.

Amendment No. 83: Deletes language proposed by the Senate which would have restricted travel expenditures of the departments and agencies in this Act to the amounts set forth in the budget estimates except for the Judiciary and law enforcement functions of the Justice Department.

The conferees expect the departments and agencies for which appropriations are provided in this Act to submit a proposal to the House and Senate Appropriations Committees before expending any funds for travel expenses in excess of the amounts in the FY 1981 budget estimates.

Amendment No. 84: Reported in technical

disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which will prohibit the use of funds made available in this Act to give effect to the provisions of the Export Administration Act of 1979 banning the export of western red cedar for contracts entered into before the effective date of the Export Administration Act.

Amendment No. 85: Deletes language proposed by the Senate which prohibited any of the funds provided by this Act from being used to administer any disaster loan program in which participants may receive loans for that portion of those losses which are eligible for compensation through other direct Federal payment programs.

Amendment No. 86: Deletes proposal of the Senate which would have required departments and agencies to furnish various schedules and reports relating to outlays for FY 1981.

Amendment No. 87: Deletes proposal of the Senate which would have prohibited any of the appropriations contained in this Act from being used for the enforcement or implementation of any restrictions heretofore or hereafter imposed by the President on the export or reexport of agricultural commodities to the Soviet Union under the authority of the Export Administration Act of 1979.

Amendment No. 88: Deletes proposal of the Senate which would have reduced by 10 per cent funds available in this Act for advertising or public relations activities.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

TITLE VII—SUPPLEMENTAL APPROPRIATIONS, 1980

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the heading and the enacting clause in the bill for Title VII for certain supplemental appropriations, FY 1980.

DEPARTMENT OF JUSTICE

Amendment No. 91: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

LEGAL ACTIVITIES

Salaries and Expenses, United States Attorneys and Marshals

Amendment No. 92: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which permits \$2,600,000 of appropriations for FY 1980 to remain available until September 30, 1981. These funds will be used to process and detain Cuban nationals who entered the United States during 1980.

IMMIGRATION AND NATURALIZATION SERVICE

Salaries and expenses

Amendment No. 93: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which would permit funds earmarked for in-

vestigation and prosecution of Nazi war criminals from FY 1979 that remain unobligated to be restored for purposes of liquidating obligations chargeable to 1979 and prior years.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services
(Transfer of funds)

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an additional \$9,000,000 for Fees of Jurors and Commissioners to remain available until expended, to be derived by transfer from the following appropriations:

Salaries of Judges.....	\$1,000,000
Salaries of supporting personnel.....	3,000,000
Space and facilities.....	5,000,000

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1981 recommended by the Committee of Conference, with comparisons to the fiscal year 1980 amount, the 1981 budget estimates, and the House and Senate bills for 1981 follow:

New budget (obligational) authority, fiscal year 1980.....	\$11,920,487,554
Budget estimates of new (obligational) authority, fiscal year 1981.....	19,666,387,000
House bill, fiscal year 1981.....	8,719,198,000
Senate bill, fiscal year 1981.....	9,057,718,000
Conference agreement, fiscal year 1981.....	9,131,056,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1980.....	-2,769,431,554
Budget estimates of new (obligational) authority, fiscal year 1981.....	-535,331,000
House bill, fiscal year 1981.....	+411,868,000
Senate bill, fiscal year 1981.....	+73,336,000

* Includes \$807,498,000 of budget estimates not considered by the House.

NEAL SMITH,
BILL ALEXANDER,
JOSEPH D. EARLY,
JACK HIGHTOWER,
W. G. (BILL) HEFNER,
JAMIE L. WHITTEN,
GEORGE M. O'BRIEN,
MARK ANDREWS,
SILVIO O. CONTE,

Managers on the Part of the House.

ERNEST F. HOLLINGS,
WARREN G. MAGNUSON,
DANIEL K. INOUYE,
QUENTIN BURDICK,
DENNIS DECONCINI,
DALE BUMBERS,
LOWELL WEICKER, JR.,
MARK HATFIELD,
TED STEVENS,
JAKE GARN,
MILTON E. YOUNG,

Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for November 20 and 21, 1980, on account of official business.

Mr. LEHMAN of Florida (at the request of Mr. WRIGHT), for November 20, on account of illness.

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 on December 1, 30 minutes on December 2, and 1 hour on December 3.

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

Ms. MIKULSKI, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.

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

Mr. REUSS, for 20 minutes, today.
Mr. LEATH of Texas, for 10 minutes, today.
Mr. FOUNTAIN, for 60 minutes, on December 1.

EXTENSION OF REMARKS

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

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

Mr. HAMMERSCHMIDT.
Mr. ERLNBORN.
Mr. FINDLEY.
Mr. DERWINSKI in two instances.
Mr. SYMMS.
Mr. MICHEL in two instances.
Mr. DORNAN in two instances.
Mr. GINGRICH.

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

Mr. OTTINGER in two instances.
Mr. FORD of Michigan.
Mr. MATHIS.
Mr. EVANS of Georgia in two instances.
Mr. HOLLAND.
Mr. FLORIO.
Mr. STOKES in two instances.
Mr. STARK.
Mr. WOLPE.
Mr. YATRON.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 1 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, November 21, 1980, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

5660. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-280, "To order the closing of a portion of a public alley abutting on lots 801 and 802 in square 69, bounded by 21st Street, NW., 22d Street,

NW., N Street, NW., and O Street, NW., and to accept the dedication of certain other land in square 69 for public alley purposes (S.O. 78-205) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5660. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-281, "To order the closing of a portion of Maine Avenue between 6th Street, SW., and 7th Street, SW. (S.O. 78-204) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5661. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-282, "To order the closing of the public alleys abutting on lots 84, 85, 86, 87, 88, 809, 810, 805, 804, 846, 803, 862, 861, 860, 80, 802, 801, and 2 in square 183, bounded by I Street, NW., and 16th Street, NW., and to accept the dedication of land in square 183 for alley purposes (S.O. 80-25) (Ward 2)," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5662. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-283, "To amend the District of Columbia Cooperative Housing Association Act to provide for directors of housing cooperative associations appointed by non-profit sponsors and to allow adequate compensation for the organization of the association including promotional, advertising, and legal fees," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5663. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-284, "To repeal that portion of the District of Columbia Alcoholic Beverage Control Act which prohibits the sale of alcoholic beverages on the day of the Presidential election in the District of Columbia during the hours the polls are open, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5664. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-285, "To establish the District of Columbia Civilian Complaint Review Board for the purpose of resolving citizens allegations of misconduct by officers of the Metropolitan Police Department employed by the District of Columbia government," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5665. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-286, "To permit the appointment of administrative law judges to the Section of Hearings of the Office of Consumer Protection, and for other purposes," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5666. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Act 3-287, "To provide for the disposition of unclaimed personal and intangible property in the District of Columbia," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

5667. A letter from the Chairman, President's Commission on Pension Policy, transmitting the Commission's second interim report; jointly, to the Committees on Education and Labor, and Ways and Means.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. YATES: Committee of conference. Conference report on H.R. 7724; (Rept. No. 96-1470). Ordered to be printed.

Mr. ZABLOCKI: Committee of conference report on H.R. 6942 (Rept. No. 96-1471). Ordered to be printed.

Mr. SMITH of Iowa: Committee of conference. Committee report on H.R. 7584 (Rept. No. 96-1472). Ordered to be printed.

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. ERLNBORN:

H.R. 8376. A bill to establish a Department of Health, Education, and Welfare, and for other purposes; to the Committee on Government Operations.

By Mr. D'AMOURS (for himself and Mr. CLEVELAND):

H.R. 8377. A bill to designate the Federal Building in Portsmouth, N.H., the "Thomas J. McIntyre Federal Building," to the Committee on Public Works and Transportation.

By Mr. STANGELAND:

H.J. Res. 633. Joint resolution to provide for the designation of February 8 to 14, 1981, as "National Free Enterprise Week"; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

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

H.R. 1918: Mr. GLICKMAN.

H.R. 7688: Mr. FUQUA.

H.R. 8120: Mr. ROBERT W. DANIEL, JR., Mr. TAUKE, Mr. HANCE, Mr. CHARLES WILSON of Texas, Mr. NEAL, Mr. BROWN of Ohio, Mr. DORNAN, Mr. ROUSSELOT, and Mr. MARIOTT.

H.J. Res. 69: Mr. ATKINSON, Mr. NOWAK, and Mr. KEMP.

H. Con. Res. 445: Mr. YATES, Mr. JOHN L. BURTON, and Mr. OTTINGER.

H. Con. Res. 447: Mr. MURPHY of Pennsylvania, Mr. ROE, and Mr. SIMON.

AMENDMENTS

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

H.R. 6417

By Mr. EDGAR:

—On page 17, strike everything after line 19 up to and including line 10 on page 18, and insert in lieu thereof the following:

"(1) Five per centum shall be apportioned and used under section 18 of this Act.

"(11) Nine per centum shall be apportioned to urbanized areas with populations of less than 200,000, in each fiscal year."

—On page 19, in line 14 strike out "80 per centum" and insert in lieu thereof "85 per centum".

On page 20, in line 9 strike out "20 per centum" and insert in lieu thereof "15 per centum".

—On page 21, in line 2, strike the first period, insert in lieu thereof a comma, and add the following: "except that the provisions of this subparagraph shall not apply in such case as when the portion of the urbanized area within a State which has the larger share of population would receive an allocation reduced by more than \$200,000 if the provisions of this subparagraph were otherwise to apply".

—On page 30, strike everything after line 19 up to and including line 38 on page 4 and insert in lieu thereof the following:

"MASS TRANSPORTATION TO MEET THE SPECIAL NEEDS OF THE HANDICAPPED

"Sec. 223. Notwithstanding any other provision of law, no public transit authority

may be compelled to purchase or install wheelchair lifts or level change mechanisms to comply with section 504 of the Rehabilitation Act of 1973, except in the case where such authority has elected to purchase or install such lifts or level mechanisms, for the period beginning on the date of enactment

of this section and ending on the last day of the second year following the date of enactment of this section."

—On page 37, in line 3, after the semicolon, add the word "and,"

On page 37, strike line 6 up to and including line 17 and insert in lieu thereof "general public."

EXTENSIONS OF REMARKS

BOISE PROSECUTING ATTORNEY
COMMENTS ON THE PRESS AND
RESPONSIBILITY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. SYMMS. Mr. Speaker, on September 4 of this year, Mr. Jim Harris, the prosecuting attorney for Ada County, Idaho, addressed a luncheon meeting of the Idaho Press Club. Mr. Harris pointed out what he saw as some dangerous trends in reporting by certain elements of the press, especially with regard to public policy and the political process. I think that his observations are thoughtful and I would like to take this opportunity to commend the text of Jim Harris' statement to my colleagues in Congress:

SPEECH GIVEN TO THE PRESS CLUB BY JIM C.
HARRIS

Thank you, Julie. I think I scared Julie a little bit a few minutes ago when I mentioned that I wasn't going to say anything about the press or about my office and that I was going to give a speech today on my favorite hobby, that of barbecuing; and I suppose she didn't believe me, but to some degree that is true. I plan to roast the press a little today. Some in a serious note, most in a serious note, and to some, perhaps not so serious.

I want to thank you for the opportunity that you have presented to me to make an appearance before the "lon's den", so to speak, and for giving me an opportunity to exercise my First Amendment freedoms. Now, if you can arrange to cover this speech verbatim on all three national networks and have it covered by three-fourths of the newspapers in the country, we'll be even.

What I want to do is spend a few minutes just making some observations that I have formulated over the last several years of public and semipublic life, as they relate to the press in this country. Then we can open it up to whatever questions or challenges to my lineage you might have.

First of all, let me say that I think the press, regardless of what society or what nation we're talking about, can be an extremely valuable element. That presupposes, however, that that press is going to be acting rationally and objectively in the pursuit of the truth, and the publication, of course, of that truth. The press can also be, and I think in this country is increasingly becoming, a legitimate threat to the continued freedom of this country, and perhaps more directly to the quality of leadership that is attracted to public life in this country. I'll explain that, since that basically is the theme or premise upon which this presentation is going to be based today. History is, I think, replete with examples of yellow journalism, not only in this country obviously, but throughout western civilization. I think that perhaps we are in the midst of one of the "flows" rather than one of the "ebbs" in the tide of yellow journalism and illegitimate use of the press in this country. I think, based upon my observation, that that has been by and large caused by the

advent of the "investigative reporter" concept and as directly flowing from Watergate and Watergate investigations.

The central concept behind this new wave of I think very unobjective press utilization of the public trust, is that any person in public life, or certainly any person holding public office, is a legitimate target for vilification and defamation whenever and wherever possible, and, unfortunately, in many cases this is done as unobjectively as possible. This, of course, is a national trend. It is not what I would call a Boise, Idaho, phenomenon, it's a national concept and a national approach taken increasingly, I think, by more and more press entities. I think that it is important to note that at least arguably every President elected since Dwight Eisenhower was a creature of the press, and I think that more truly and more importantly, every president since John F. Kennedy has been destroyed by the press. Whether or not the Billygate controversy or something else later is going to destroy Jimmy Carter, we'll have to wait and see, but obviously the attempts and the general format is present in this administration as it has been in previous administrations. I am not saying that some of those approaches have not been legitimate, because obviously many of them have. But I think that it is a trend that is worthy of note and supportive of my general theme. Now this approach and this philosophy of taking after public officials in occasionally a very unobjective and emotional way is obviously legal. There is no reason why it can't be done short, of course, of the slander and libel laws which tend to be relatively ineffective as they apply to public officials, and they are also, I suppose, philosophically justifiable, particularly if you happen to work in the press area, and feel that in order to make money, it is necessary to adopt that philosophy. But I think that this philosophy has very dark consequences, again as it relates to the quality of leadership that this country needs from the presidency to the county courthouse. The reason for this rather basic feeling on my part is obvious, and I have experienced it myself and have seen it and observed it on a number of occasions. Why would any qualified candidate, or qualified and intelligent leader, or potential leader, who can do something else and probably make more money at it, be willing to serve himself up on a platter to a press which will not hesitate to impugn his character, his family or his personal life, wherever and whenever necessary to justify the selling of newspapers or an increase in television ratings. It is a very simple and basic reaction that many people that I know have and will continue to reject public life and assuming leadership roles within this community and the nation, based on this irresponsible approach that is becoming more and more common within the press.

I was happy (and I noticed that Rick Ripley was here, I think that he is still here) to notice that Rick Ripley has, at least to some degree I think, adopted my feeling with regard to the need to use discretion in treating a public official's personal life, if his editorial in this morning's Statesman, reflects his feeling. Unfortunately, and this is no criticism of Rick because I don't think he decides what headlines to put in The Statesman or what stories to carry on the front page, but unfortunately I think that the practice of The

Idaho Statesman, and certainly other news agencies around the country, is contrary to that position exemplified by that editorial this morning, and I would like to point out a couple of examples. Some relate to Statesman work and some relate to other people's work that I feel legitimizes my position.

First of all, of course, there is the same issue that was the subject of that editorial this morning, that is the Symms' so-called "womanizing" issue that has been manufactured through such viable and quotable sources a couple of letters to the editor in Southeast Idaho. The meriting of that story on the front page of the Idaho Statesman with major headlines is, I think, inexcusable and I think it is an example of a violation of the very concept that Rick was arguing this morning.

A second example, and one I may feel even more emotional about, is the Dave Leroy "slum lord" expose. It is a classic example, I think, of character assassination of perhaps, one of the most talented and most intelligent public officials in Idaho, and I think it simply was not merited by the facts.

A third example (for some reason I keep keying in on Republicans here), but the third example I have is the Jim Risch "land lease" article which appeared a couple of months ago, which I think is a classic example of the press making something out of absolutely nothing for the purpose of assassinating the character of again a very honest, hard-working public official, whom I'm sure that most of you don't agree with but whom I suggest very few of you would criticize as not being a very competent legislator.

A fourth example is one that strikes a little closer to home and that, of course, relates to the riot at the Idaho State Penitentiary. I don't criticize the Statesman or any other news agency for their objections or their philosophical position with regard to the riot or the subsequent search of KBCI, although I doubt the objectivity of some of those reports. I think the example here that I want to point out as being again exemplary of my concept, is the story that appeared a couple of days after the riot and a couple of days after the search, where one of the reporters for the Statesman happen to be able to dig up an ex-con who expressed the belief that Jim Harris was really, by and large, responsible for the riot at the State Penitentiary because he wants to keep those psychopaths in the pen for too long. I think that that article exemplifies what was, to my mind, the worst attempt at illegitimate and irresponsible reporting as has ever affected me and I think according to the reactions I get from the people, which may or may not be very broad, that the Statesman appeared to be pretty ridiculous in the way that story was written and the nature of the article as a major news story on the day in question, and again, I think exemplifies some irrationality, and perhaps a violation of some of the concepts that Rick Ripley pointed out today.

Now, although I like to defend Rick Ripley for the article today, I want to take this opportunity. I wouldn't if you weren't here, Rick, but since you are, to express another frustration that I have, and this is only because I took a lot of literature courses in college. News people are very prone to use the book "1984" as a classic example of governmental harassment of the press, and I think anyone who has read

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

"1984" has to admit that it was the press in that book who controlled the masses, not the government, and that in fact George Orwell is probably rolling over in his grave because of the constant use and reflection of that book as being an exemplification of public officials picking on the press because if anything, I think the exact opposite was intended in that book.

I don't think we're going to have a 1984 in the United States and the reason for that is that I think the press in this country is becoming its own worst enemy. The press, through an adoption of the concepts which I've related to you, that of being very, very unobjective when it comes to a lot of public official reporting, has, I think, conditioned the public against believing or accepting many news items as trustworthy. This is very true I think lately, particularly as exemplified by the Idaho Statesman, in such approaches to the U.S. Senate race as it has taken over the last several months. I think that there is a conditioning process going on among the public that is raising a suspicion in the public's mind that if it's reported in the press, particularly the Statesman, it must not be true. That is good to some degree, but that is bad in some degree; and I think that the best example of that being true will be the Senatorial election in November when Steve Symms, regardless of the bad publicity he has received, will be elected to the U.S. Senate. That is good I suppose for the politicians who are victimized unfairly by the press, but the situation is bad as it relates to this conditioning because obviously when a report is proper, true and material and deserves to be disclosed in a legitimate press function, people are going to be less prone to believe those disclosures than they would be if the press was a little more legitimate and a little more objective on other occasions. So obviously the validity of the First Amendment freedoms which the press uses and takes advantage of properly, will be hindered overall because of the fact that the public is beginning to realize, I think, that the press is using its power illegitimately in many circumstances, and for that reason the public will not be quite as motivated to believe press reports in the future, regardless of their truth. That bothers me because I think the legitimate interests of the public is harmed by that conditioning process. Obviously when that does happen I think on a broad scale, any claims that the press has to legitimate First Amendment freedoms, for instance protection of sources, probably goes out the window because when the public refuses to believe the press and press reports, then obviously at that point in time there is no legitimate interest exercised by that press pursuant to constitutional law, at least philosophically.

I think that the occasional hypocrisy of the press is something that is adding to the influence that I have mentioned: the public's conditioning against believing the press in this country, and I would point to another example of this. I think that the Idaho Statesman's censoring of an "Anybody But Church" ad appearing approximately a month ago because it bothered to make reference to the "eastern base" of the Idaho Statesman is a little absurd when approximately a week later the Idaho Statesman was criticizing Jim Harris for violating the First Amendment rights in censoring the rights of KBCI television, even though I don't think those First Amendment rights or freedoms were ever defined in that situation. I think that raises questions in the public's mind, certainly in my mind, as to the true interest of the press as they relate to defending those First Amendment freedoms.

In closing, I will simply put this on a level related to my own political future. Obviously, I have to consider the viability, as does any person seeking public office or deciding whether to stay in public office, whether or not I am willing to suffer the pains and probability of future humiliation by the press because of the trends that I have just described, and I think particularly I may be in a situation to be a little more worried than others because I have dared to rub the noses of the press into its own sanctimonious refusal, and for that reason have garnered some potential prejudices that some public officials, and certainly the other forty-three prosecutors in the State of Idaho, haven't. To this point, however, I will simply quote one of my many heroes, that being Winston Churchill when he said, "I've gotten a lot more out of the press than the press has ever gotten out of me." I think that basically summarizes my position with regard to the press, but I think that the press ought to do some self-analysis, ought to do some ethical enforcements within its only bailiwick, if it expects to be considered the legitimate force in society that it has been in the past, because I see the public's view of the press as deteriorating in nature, and as I say that may be good for me the next time you take after me; it may be good for Symms the next time you take after Symms, but the next time that you legitimately find out something that the public should know, it is not going to serve the interest of the press or the public well. With that I would open it up to questions or comments or anything else you might have. ●

OVERLOOKED ELECTION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. MICHEL. Mr. Speaker, at the beginning of the Carter administration, one of the President's appointees, Sam Brown, head of the ACTION Agency, was very vocal in his praise of Jamaica's Michael Manley, the left-wing politician and close friend and admirer of Cuban Dictator Fidel Castro. If memory serves there was even a plan in the ACTION Agency to send underprivileged American youth to Jamaica in order to benefit from close association with Manley's Socialist government. That scheme proved to be abortive but Brown's admiration of the Manley regime continued throughout the Carter years.

I mention this because just days before our own election, over 80 percent of the electorate in Jamaica turned out in an election that brought about a dramatic change in the Jamaican Government. Manley and his Socialist experiment were thrown out and Edward Seaga, a believer in the free-market economy was elected. The Jamaican people, showing more sense than left-wing American admirers of Manley's Socialist schemes, demonstrated that they want freedom and a better economy.

The Register Mail of Galesburg, Ill., recently published an editorial about this overlooked election. At this time I wish to insert in the RECORD, "Over-

looked Election" from the Register Mail, Wednesday, November 12, 1980.

OVERLOOKED ELECTION

(By Norma Cunningham)

In all the reams of copy and dozens of banner headlines that have been churned out on last week's election, very little notice has been given to another election which may offer some encouragement for democracy.

Just days before the U.S. election, citizens of Jamaica went to the polls to elect Edward Seaga as prime minister and turn out Michael Manley, who had been one of Fidel Castro's closest friends in the Caribbean.

While elections in this country can get a little hot and heavy in the rhetoric department, Jamaica's politicking took a more serious turn. There were more than 500 persons killed in the violence that accompanied the pre-election campaigning, but in spite of that, 80 percent of the island's eligible voters—nearly half the population of two million—went to the polls to cast ballots for a change in government. That could serve as a lesson to a system that hedges its election turn-out predictions on the weather forecast.

In voting to turn the Manley government out and seat Seaga, Jamaicans voted pocket-book issues every bit as much as did voters in this country. By their vote, they were in effect choosing capitalism over socialism. The previous government had nationalized industries, stepped up welfare programs, and brought the economy of the island almost to a standstill.

Sugar refining plants developed in the late 1960s stood idle, technology missing and equipment obsolete. Bauxite production slowed almost to a standstill, and countries which had imported the material found other sources because orders from Jamaica either went unfilled or delivery dates were undependable. Plantations were taken over by the government, but ancient farming methods and tools held back the development of what might have been a boost to the island's economy. Tourism is a major contributor to the economy, but that, too, fell off as major travel firms withdrew in the face of the political turmoil and individual travelers chose other destinations.

Markets had more bare spots than goods, and finding food at an affordable price offered a real challenge to Jamaican citizens. Items such as salt and soap which had to be imported were all but nonexistent, and long lines formed when the word spread that there had been a shipment received.

Manley was recognized as a Castro ally, and "Communism Now" was repeatedly spray-painted on streets and walls during the campaign. More than one outside observer predicted that the island would become a Cuban satellite and form one more link in the Caribbean chain of communism, but the people decided otherwise. In giving Seaga and his Jamaican Labor Party the reins of government, they chose to work toward a goal of putting Jamaica's economy on its feet and accepted all the personal sacrifices that go with such an effort.

Seaga has said he will go to Western sources for the loans and assistance that will be needed to turn his nation's economy around. The U.S. once provided technology and equipment, and if Jamaica seeks such help again, it should prove a good investment. We have poured countless billions into nations with less inclination to democracy and self-help.

The Jamaican people have proved their tenacity and their willingness to sacrifice for a system that will allow them more free-

dom and a chance to better their lives. The example is worth noting.●

ROMANIAN COMMUNIST HARASSMENT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DORNAN. Mr. Speaker, the Madrid Review Conference of the Conference on Security and Cooperation in Europe is now meeting to discuss, among other things, the compliance of the human rights and self-determination provisions of the Helsinki accords adopted by the signatory states.

The Kolozsvar Chapter of the Transylvanian World Federation in Washington, D.C., has brought to my attention another telling example of Romanian Communist harassment and persecution of Hungarian dissidents in Transylvania. I would like to share with my colleagues the facts of the case in order to expose continued Romanian Communist violations of the human rights of the 2.5 million Hungarians in Romania.

OPPRESSION OF HUNGARIANS IN ROMANIA

The harassment of Hungarians by police terror and psychological means in Transylvania (Romania) is increasing day by day.

Romanian authorities relentlessly persecute the Hungarians, trying to silence them by all possible means, and force their assimilation into Romanian nationality.

Among the few who still have the courage to protest this policy is Sandor Zolcsak, a Hungarian artist. Mr. Zolcsak is a friend of Mr. Karoly Kiraly, a well-known champion of the rights of the Hungarians, former Vice President of the National Council of Hungarian Workers, and former member of the Central Committee of the Romanian Communist Party.

Mr. Zolcsak is under permanent police surveillance, his telephone is tapped; he is frequently intimidated by having to appear at the Securitate (the dreaded Romanian secret police) where he undergoes long interrogations and receives violent threats.

Zolcsak was visited in Tirgu Mures (Marosvasarhely) by Dr. Felix Ermacora, a member of the Austrian Parliament, the European Organization for Human Rights, and the U.N. Commission on Human Rights. Dr. Ermacora is an internationally known expert on minority rights and self-determination issues. He has been seeking data and information from Msrs. Kiraly and Zolcsak for the Madrid Conference.

Zolcsak was called into the Secret Police headquarters and threatened with reprisals. His meeting with human rights investigators was considered by the police as an "activity against the State." In addition, the physical well-being of his children was threatened, unless he stopped all of his work for the preservation of the rights of the Hungarians of Transylvania. These events occurred only a few months before the Signatory States of the Helsinki Accords were preparing to convene in Madrid to examine the record of the European states on human rights issues.

Last year, 128 Congressmen voted disapproval on the most favored nation tariff status of Romania because of the dismal human rights record of that country, which

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is one of the most deplorable and oppressive among the Signatory States.

One aspect of that record is the brutal treatment of the nationalities in Romania, among them about three million Hungarians and about one million others, mostly Germans, Bulgarians, Jews and Serbians. They are all subject to a relentless campaign of discrimination, cultural repression and forced assimilation.

Despite this government campaign, a courageous act against national oppression occurred in the protest letters of Karoly Kiraly. Mr. Kiraly sacrificed his high positions, and Mr. Zolcsak is now exposing the well-being of his family in order to speak out against the oppression of his fellow Hungarians and other nationalities living in Romania. As a result, they are subjected to vicious charges and have to live under constant police surveillance.

In February, 1980, Mr. Kiraly sent another extraordinary protest letter to Romania's Prime Minister, Ilie Vordeț. The communication reveals the promises he received from the Romanian leadership in 1977 in an attempt to silence him after his first protest letters.

All of these promises were broken and the campaign to achieve cultural genocide of the nationalities continues unabated.

The official chicaneries against Sandor Zolcsak are well reflected in his May 1979 experiences. At that time, a Jewish couple traveled as tourists to Romania and arrived at Tirgu Mures (Marosvasarhely), Mr. Zolcsak's home town. The next day, they telephoned him in the early morning and told him that they had to leave for another place in ten minutes, but that they would like to transmit to him the greetings of his Brazilian relatives.

Zolcsak told them that he would arrive with his wife to meet them in front of their hotel. When he and his wife came on the scene ten minutes later, the little park in front of the hotel was swarming with uniformed and plainclothes Romanian police.

The police proceeded to take photographs of the meeting between the Jewish couple and the Zolcsaks. The police must have intercepted the telephone conversation.

Sandor Zolcsak, visibly afraid, was simply told that the police were present because the Jewish couple were foreign, and that he had to endure constant police surveillance because he was a friend of Kiraly. The tourists and the Zolcsaks were so intimidated that they could not even say good-bye to one another in the usual manner.

After continuing their journey, the tourists' car was followed by the police for the next few days. At all crossroads and turn-offs, they noted that they were followed, their license plate number was written down, and policemen reported their whereabouts to headquarters.

When they were leaving Romania for Yugoslavia, the customs guards literally took their car apart and searched everything—all their papers, letters, address-books, visiting cards—and made copies of them all. The searches lasted two hours. When they could not find anything incriminating in the couple's possession, a Romanian colonel apologized to them stating that he had acted only on orders from his superiors.

In January, 1980, the Honorable Richard Schulze (R, Pa.) visited Romania intending to meet with Mr. Kiraly on the problems of the Hungarians of Transylvania. However, Romanian authorities denied him this opportunity on flimsy pretexts.

Such is the situation of the Hungarian nationality in Romania, reflected through the experience of one family of outspoken dissidents.●

November 20, 1980

EDWARD J. PATTEN; A LIFETIME OF SERVICE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FUQUA. Mr. Speaker, a valued colleague and a good friend, EDWARD J. PATTEN, will be retiring from this House at the conclusion of this session and I want to share my feelings on his impending departure.

EDDIE PATTEN and I came to Congress together in 1963 and have been close friends since our earliest days in this esteemed body.

Creating a friendship with EDDIE PATTEN was among the easiest things I have ever done because his amiable manner and enlightened insights are of the type that naturally draw others to him.

His work on the Committee on Science and Astronautics, an assignment we shared in the early sixties, and his outstanding performance on the Committee on Appropriations have won the respect of all who know him.

His intimate familiarity with local government, garnered through a lifetime of public service ranging from mayor of Perth Amboy to Middlesex county clerk and New Jersey secretary of state, have provided his colleagues with valuable guidance on issues which many of us have never had the opportunity to gain firsthand.

Though he has tirelessly contributed to the betterment of his fellow man through nearly five decades of elective public service, he also never hesitated to volunteer time to community projects which sought his wisdom and judgment.

These wide-ranging voluntary activities included serving as president of his local bar association, president of the Salvation Army Board, party leadership posts, president of the Raritan Area United Fund, a director of the New Jersey State League of Municipalities and scores of other activities.

His balanced judgments and commonsense approach will be missed by all of us in this House who have come to depend on them.●

VOYAGER-SATURN: THE MORAL IMPERATIVE TO BE CURIOUS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BROWN of California. Mr. Speaker, the National Aeronautics and Space Administration is to be congratulated for demonstrating—through the visit of its Voyager spacecraft to Saturn—what we can accomplish when we follow the moral imperative to be curious. Columnist George Will is to be congratulated for

the excellently written piece in the Washington Post which drew the lesson from the NASA demonstration. I am inserting Mr. Will's editorial in the Record to make its wisdom even more widely available.

Mr. Will illustrates the unity and symmetry—perhaps even the poetry—of science by connecting the Voyager mission with the writing of the biologist Lewis Thomas who says, "The only solid piece of scientific truth about which I feel totally confident is that we are profoundly ignorant about nature." Voyager presented us with a great deal of information and at the same time even more questions, such as what causes the newly discovered braided rings? So, even at this height of our accomplishment we are humbled by being forced to recognize how much we still do not know.

The editorial follows:
(From the Washington Post, Nov. 20, 1980)

KEEPING IN TOUCH WITH TITAN

Pottering along at 38,000 miles per hour, gazing this way and that, a satellite launched three years ago has hiccupped back to Earth enough wondrous signals to help rehabilitate the reputations of two things much in need of such rehabilitation: technology and government.

Until now, the most stunning pictures sent to Earth from space have been of Earth. Lewis Thomas, scientist and writer, says that viewed from the moon's bone-dry surface the Earth, alive beneath the "moist, gleaming membrane of bright blue sky," is "the only exuberant thing in this part of the cosmos."

But Saturn has some exuberance: braided rings, and a ring composed of giant snowballs. How fun; how festive. The day God created Saturn, He must have been feeling on top of the world, so to speak.

The dazzlingly precise flight of Voyager 1—just 12 miles off course after a billion miles—is a smashingly successful government program. Voyager 1 has increased immeasurably—literally, immeasurably—knowledge about our relatively close neighbor, Saturn. Even more important, it has increased immeasurably our sense of ignorance. Nothing, not even great discovery, is more exciting than what great discovery generally involves: a stunning sense of how infinitesimal is human knowledge when measured against what there is to be known. Great discoveries should diminish mankind's sense of learnedness. Thomas says:

"The only solid piece of scientific truth about which I feel totally confident is that we are profoundly ignorant about nature." Revealing the scope of our ignorance is "the most significant contribution of 20th-century science to the human intellect."

Traveling at the speed of light (186,000 miles per second), radio signals took 85 minutes to reach Earth, but the wait was worth it. If one glance by one satellite can so increase knowledge, think how much increasing there is to be done. "You can measure the quality of work by the intensity of astonishment," Thomas says. Voyager 1 did high-quality work.

An astonishing and dismaying fact is that various things—including the prodigies of science—have depleted mankind's capacity for astonishment. This, in spite of the fact that, in a sense, mankind is not even at the toddling stage. Thomas, again: "Any species capable of producing, at this earliest juvenile stage of its development—almost instantly after emerging on Earth, by any evo-

lutionary standard—the music of Johann Sebastian Bach cannot be all bad."

There always have been Philistine utilitarians who cannot see beyond the narrowest practicalities. Thomas suspects that even before mankind mastered fire, cave-man committees argued that "thumbs might be taking us too far, that we'd be better off with simply another finger of the usual sort." Today, such damp spirits should spare a thought for Titan, Saturn's largest moon.

It has an atmosphere something like Earth's may have been a few billion years ago. If, as some scientists suspect, all life on Earth descended from a single cell that was transformed by a fortuitous bolt of lightning as Earth cooled, then perhaps all Titan needs is a fortuitous bolt to get things going. Then, in the fullness of time, Titan can hope to have Bach, and even, at a still higher stage of development, baseball.

It is only neighborly for us to keep in touch with Titan, lest its evolving life makes mistakes we have made and now repent of. I am thinking, bitterly, for example, of baseball's designated hitter rule. But more than neighborliness should impel a renewed commitment to space exploration.

There is a danger, says Thomas, that we will "try to pretend that we are another kind of animal, that we do not need to satisfy our curiosity, that we can get along somehow without inquiry and exploration and experimentation, and that the human mind can rise above its ignorance by simply asserting that there are things that it has no need to know."

The history of science suggests—no, demonstrates—the impracticality, not to mention the deep moral impropriety, of that attitude. Extraordinarily useful discoveries have flowed from the fanciful, playful, serendipitous elements of scientific research, from the pure pleasure of discovery pursued without a thought to practicality. It is the height—or depth—of hubris to imagine that we know what it is that we need to know, or to imagine that we can imagine all that we are capable of imagining.

That hubris involves a violation of natural right—of the duty to live in the manner that is right for our natures. There is a categorical moral imperative to be curious.●

EDDIE PATTEN, NEW JERSEY'S MAVERICK

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. MATHIS. Mr. Speaker, this body will sorely miss EDDIE PATTEN of New Jersey, the maverick from Perth Amboy, who leaves an indelible mark on Capitol Hill. He minces few words, and never hesitates to shoot from the hip. His candor and honesty will be lacking when the 97th Congress convenes in January. He spoke his mind whether he was with close friends or foreign dignitaries.

EDDIE's political history is long and notable. His star began to rise in 1934 when he became mayor of his hometown of Perth Amboy. He was later Middlesex County, N.J., clerk for 14 years and acted as campaign manager for former New Jersey Gov. Robert B. Meyner in 1953 and 1957. EDDIE defi-

nately learned the political ropes and proved it when he was elected to represent the State's newly carved 15th District in the 88th Congress in 1962. EDDIE, a lawyer and a former schoolteacher, was returned to Congress every 2 years and he would have won a resounding victory this November had he chosen to seek another term.

His honors and awards are too numerous to list. I hope you will join me in wishing EDDIE PATTEN a full and active retirement in January.●

IN MEMORY OF THE HONORABLE RICHARD S. HENDEY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. OTTINGER. Mr. Speaker, on this past election day, the city of White Plains, N.Y., was saddened by the passing of its longtime former mayor, the Honorable Richard S. Hendey.

Mayor Hendey was a legendary leader of White Plains whose foresight and dedication helped bring about the revitalization of that city's downtown area. Although in a neighboring district during the 1960's, I had the privilege and pleasure of working with the mayor during the years of the city's transition. I was always impressed by the dedication and commitment he gave "his" city throughout his long career of service. He took the risks necessary to bring about change and made decisions which will leave their mark on White Plains and the county of Westchester for years to come.

At this time, I share with my colleagues two articles which appeared in the White Plains Reporter Dispatch following the mayor's death:

HENDEY DIES; FORMER WHITE PLAINS MAYOR
(By Peter Johnson and Milena Jovanovitch)

Richard S. Hendey, an eight-term mayor of White Plains who gave 28 years of his life to city government, died on Election Day morning at his home in White Plains. He was 73.

Mayor Hendey, known to his friends as "Dick," has been in failing health for some months. He was remembered by friends and political colleagues as a competent, no-nonsense, yet caring man who had boasted of missing only two of the approximately 400 Common Council meetings held during his years as a city councilman and mayor.

Richard Stephen Hendey had cleaned out his desk and slipped into political retirement at age 68, on Jan. 7, 1974. The hefty, easy-smiling, but tough-minded Republican had served as a full-time mayor in a part-time job, picking up a \$16,000 annual paycheck for most of his 16 years at the city's helm.

After playing centerfield for the White Plains Republican Club's baseball team, Mayor Hendey was traded to City Hall as a councilman in 1945. Twelve years later he belted his way into the mayor's office with more than 18,000 votes—62.7 percent of all the ballots cast, the highest-ever winning margin in White Plains.

Mayor Hendey—who reportedly knew the location of every manhole in the city—was

born on April Fool's Day, 1907, in Pittsburgh. City Democrats never let him forget his birthday and, on at least one occasion at annual budget time, one councilman quipped, "For his birthday, Mayor Hendey is giving the city an April Fool's Day budget."

When he was seven months old, his family moved to White Plains and lived in part of a double house that once stood on downtown Mamaroneck Avenue.

After graduating in 1930 from Princeton—where he won four letters for baseball and football—Mayor Hendey was a member of a semi-professional baseball team. He spent two years on a geological survey in Oklahoma before he joined the sales staff of the General Drug Co.

In 1938, he established the R.S. Hendey sporting-goods store on Mamaroneck Avenue next to city Republican headquarters and, in 1940, became president of his father's firm, Hendey Chemical Co. in New York City.

Mayor Hendey was first urged to run for the city's top post in 1957 by the late Harvey Turnure, then the city's Republican leader. He had served as a councilman for six terms when he was elected mayor, succeeding Edwin Michaelian, who went on to become county executive. His eight-term tenure as mayor was unprecedented.

The mayor's style was low-key: "He was very soft-spoken. He had a big smile and a handshake. You took to him right away. He was very modest and shy. You'd never know he was the mayor," said Basil Filardi, chairman of the White Plains Republican Party.

Despite his unassuming manner, Mayor Hendey earned a reputation for getting things done. "He would not be intimidated by anyone or anything," recalled Mayor Alfred Del Vecchio.

When the going got rough at City Hall, Mayor Hendey often retreated to the 30-member Daniel Gray Fishing Club in Armonk. There, he could—and often did—cook dozens of steaks at a time on an outdoor grill.

According to Filardi, one of Mayor Hendey's toughest political battles was in persuading the city to build the Schuyler House on DeKalb Avenue, a low-income housing project. "He put it through because he thought it was a good thing for the low-income people of White Plains, despite the great opposition," Filardi said.

He also pushed through a 2 percent sales tax in 1973 over the heated objections of the city's Democrats.

Although the groundwork for the city's ambitious downtown Urban Renewal project had been laid before Mayor Hendey took office, Michaelian credits him with "picking up the ball and bringing it to fruition."

During his tenure as mayor, he appointed the city's first Urban Renewal Agency. He has served as a member of the agency for the past four years, and on Monday, the day before his death, he was unanimously re-elected chairman of the agency.

CITY BIDS FAREWELL TO HENDEY (By Milena Jovanovitch)

More than 300 people came to St. Bartholomew's Church in White Plains on Saturday to pay their last respects to Richard S. Hendey, the city's eight-term mayor and native son who is credited with paving the way for the city's downtown renaissance.

"In the years to come, White Plains will have Dick Hendey's mark: his tradition of honest government, his pride in White Plains, and his concern for those yet to come," said the Rev. J. Norman Hall in his eulogy.

EXTENSIONS OF REMARKS

He described Mayor Hendey as possessing a low-key style and a tremendous amount of personal modesty.

"Thus, in a quiet way, he set a standard for others to follow," he said.

"He was a big man physically, with a capacity for friendship to match."

He spoke of how the mayor made friends easily and joined dozens of organizations to enjoy his friends' company while serving his community.

"And how they loved him his humor, his obvious concern for them," he said.

Many city officials, including those who had served during his administration, attended the funeral at the church on Prospect Street.

The Rev. Barber L. Waters joined the Rev. Hall in eulogizing the mayor.

"He was part of the cutting edge of our history," the Rev. Waters said. His energy infused everyone. His death brings to a close a segment of the history of White Plains that is rich in growth.

"Who will ever forget that all-engulfing handclasp?" he asked. "His sincerity, gentleness and good humor made the big man even bigger."

He remembered the mayor as a man who took pride in every member of his family, a man with a deep joy of living.

Mayor Hendey died Election Day morning at the age of 73.

Born in 1907 in Pittsburgh, Pa., Hendey moved with his family to White Plains when he was 7 months old, and later attended a one-room schoolhouse on Gedney Farms.

A star athlete at Princeton University, he returned to White Plains several years after graduating and established the R. S. Hendey Sporting Goods Store on Mamaroneck Avenue next to city Republican headquarters.

The Republican mayor's 28-year political career began in 1945 when he was elected to the Common Council. Twelve years later, he ran for mayor, winning with 62.7 percent of all the ballots cast, the highest-ever winning margin in White Plains. He left office in January 1974.

As mayor, he appointed the city's first Urban Renewal Agency. He oversaw the relocation of thousands of families from the downtown section during the Urban Renewal redevelopment. Under his direction, the bulldozers cleared dozens of city blocks.

An advocate of the poor, he faced one of his toughest political battles in persuading the city to build the Schuyler House on DeKalb Avenue for low-income families.

His colleagues remember him as a tireless worker who would call meetings as often as five nights a week to bring the project to fruition. But perhaps more important, he was able to establish the value of the project to the thousands of people who were displaced from their homes and businesses.

"He was a great persuader," recalled Roy Flint, the city's parking commissioner who also served as planning commissioner under Mayor Hendey.

He was instrumental in the development of the White Plains Mall. He set up the Parking Authority and saw the construction of the city's first parking garage at Main and Martine streets.

During his term, Westchester County built a courthouse and office complex, and Sears Roebuck and Co. developed the Sears plaza. Saks Fifth Avenue and Bloomingdale's opened branch stores in White Plains during his tenure as mayor, firmly establishing the city as a major shopping district.

Three months before his death, Mayor Hendey saw the Galleria shopping center, the showcase of the city's Urban Renewal project, open its doors for the first time, as his successor, Mayor Alfred Del Vecchio continued where Hendey had left off.

November 20, 1980

The day before he died, Mayor Hendey was re-elected chairman of the city's Urban Renewal Agency.

He was buried following Saturday's funeral in the White Plains Rural Cemetery on North Broadway.●

IN RECOGNITION OF JEROME A. AMBRO

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. FLORIO. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: As we approach the close of the 96th Congress, it is appropriate to recognize those colleagues who have dedicated their legislative efforts to protecting the Nation's public health and welfare. As chairman of the Science and Technology Subcommittee on Natural Resources and Environment, JEROME A. AMBRO has made several important contributions to this laudable goal.

The improper management of solid and hazardous wastes and its impact on groundwater became a matter of national concern over the past 2 years. JEROME AMBRO recognized this problem and sought to strengthen the U.S. Environmental Protection Agency's capability of responding. In his capacity as chairman of the subcommittee with jurisdiction over research and development, JEROME AMBRO more than doubled the R. & D. programs for both hazardous waste and groundwater research. By placing greater emphasis on R. & D., the EPA will increase its ability to develop an effective, enforceable hazardous waste management program and groundwater strategy.

The quality of groundwater and drinking water is, however, a matter of State concern and responsibility, too. JEROME AMBRO recognized the important role that the States must play in this area. For this reason, he introduced the Groundwater Research Act which provides financial assistance to States to assess groundwater quality. This approach to groundwater assessment is both appropriate and timely given the rate at which our Nation's drinking water supply is being diminished through toxic contamination.

Concern for public health, welfare, and the environment extended to the issue of ocean dumping practices, as well. The dumping of dredge spoil and sludge presents a serious threat to both the human food chain and the marine environment if the presence of heavy metals and toxic organic chemicals exceed acceptable levels.

In response to this concern, JEROME AMBRO offered an amendment to the Ocean Dumping Act reauthorization bill requiring that dredge spoil be tested prior to dumping to insure that acceptable standards are met. The AMBRO amendment, and the bill, re-

ceived overwhelming approval on the floor of the House of Representatives.

Clearly, JEROME AMBRO has made an important contribution to strengthening the Federal and State effort to protect public health and the environment. The record shall show that this effort has not gone without recognition and admiration by his colleagues of the 96th Congress. ●

THE EDUCATION
REORGANIZATION ACT OF 1980

HON. JOHN N. ERLBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ERLBORN. Mr. Speaker, it is with pleasure that I introduce today legislation to abolish the Department of Education and help protect our schools from further encroachments by the Federal Government.

In light of the voter's mandate to get Government off people's backs, I cannot imagine a more appropriate first step than ridding ourselves of an obtrusive education bureaucracy whose creation had just one purpose; securing the National Education Association's support for President Carter's reelection campaign.

The Department of Education represents bad education policy, bad Government management policy, and a debauchery of the Cabinet. Those of us who opposed the Department's creation warned it would set the stage for a further erosion of local control over schools, that language in the bill purportedly protective of local school boards was totally meaningless. We were ignored. Now some of these same people who belittled our arguments are surprised that the Department has proposed bilingual education regulations which require non-English-speaking children to be taught English in Washington's way; surprised the Department would even seriously consider school discipline regulations; and surprised that but a few months after creation the Department would ignore four resolutions of disapproval of regulations adopted by Congress pursuant to provisions of the General Education Provision Act.

Well, I am normally not one to say "I told you so"; but I cannot resist repeating this adage: "Those who sell their souls to the Devil should not be surprised when he tries to collect." In short, the Department has fast become precisely what opponents feared; a Federal School Board.

The Department of Education was created contrary to long-standing Government management philosophy and the recommendations of every Presidential government reorganization panel since and including the 1949 Hoover Commission. In fact, as early as 1939, in creating the Federal Security Agency to administer social security, public health, and Federal educa-

tion programs, Congress recognized the managerial advantages of confining the Federal Government's major social service programs to one organization. These tenets were reiterated by the Second Hoover Commission in 1955, the Heineman Commission in 1967, and the Ash Council in 1971. Their thrust was to reduce Cabinet departments. As the Heineman Commission stated:

We do not believe that either the Nation or the President can afford today or in the future to waste the President's major line deputies in the running of interference or errands for narrow groups . . . We recommend that the President resist proposals to create additional departments likely to be dominated by narrow specialized interests or professional clientele such as health or education.

Implicit in their managerial recommendations, however, was the belief that the Federal Government should not develop a Federal education policy in the same sense as it has enunciated policies relative to civil rights, labor, veterans, antipoverty, national security, and so on. Yet, the creation of the Department does bespeak a Federal policy for education, for Cabinet departments are unnecessary to fulfill merely supportive roles—they are created to enunciate an overriding national responsibility. Even the NEA admits the fundamental change wrought by creating a Department of Education:

Making education the defining element of a Cabinet-level Department is essentially to authorize the creation of a Federal policy for education itself.

The consequences for a "Federal policy for education itself" is a further shift of responsibility for education decisionmaking away from States and localities toward Federal bureaucrats. This centralization of education policymaking in ministries of education in other countries, noted George Washington University President Lloyd Elliott, has gradually, relentlessly smothered change, innovation, and diversity in education.

This suffocation of diversity has already begun with the new Department of Education. Where would be the latitude for innovation in teaching non-English-speaking children English if the Department's proposed bilingual regulations were promulgated?

My point is that such a naked, arrogant grab for power over our public schools' curriculum is no accident. Given a bureaucracy whose very existence signifies the enunciation of a Federal policy for education and, thus, the greater involvement of the Federal Government in education decision-making, the bilingual rules were entirely predictable. The Department simply cannot deny its very nature any more than an individual can alter his own personality. In the same fashion, legislators cannot rely on mere words expressing Congress intent any more than an alcoholic can pronounce himself cured merely by stating he will no longer drink. If the intent is

truly to streamline bureaucracy, legislators must adopt affirmative strategies to reduce regulation. The impulse to regulate is not reduced by failing to make fundamental changes in the nature of the Federal response and compounding this failure by removing institutional mechanisms which discourage the unfettered impulse to regulate.

In approving the Department of Education, Congress assented to a continuation of the time-worn categorical grant approach with the accompanying myriad of eligibility criteria, matching fund requirements and, thus regulations. Congress assented because it established a bureaucracy whose sole purpose is management of categorical grant programs; and no bureaucracy will foster the diminution of its authority. In effect, the Department's creation has prejudged funding alternatives such as tuition tax credits, block grants, and education revenue sharing, all of which would require considerably less guidance from Washington.

Furthermore, separating education from a larger social service bureaucracy—HEW—has resulted in a Department with a more limited social agenda and a more narrowly defined constituency of public school interests, unrestrained by a political and managerial filtering of policy initiatives. This is a strategy for more, not less, regulation.

Abolishing the Department of Education and recreating the Department of Health, Education, and Welfare is merely a first step: We remove the foundation of a perpetual regulation machine. In other words, we reduce incentives to regulate by forcing the educational bureaucracy to answer to a manager of other social services.

The second step which must be addressed in separate legislation is a reevaluation of the categorical aid approach with a view toward block grants and education revenue sharing, or other strategies intended to reduce regulation. This bill does not itself perform that task, but it makes performance of the task possible.

By approving this bill, Congress can repeat what it so wisely did over 100 years ago. The first Department of Education, a non-Cabinet agency, was reluctantly approved in 1867. Much like the present Department, it immediately alienated key legislators, and in 1868 was reduced to a bureau within the Department of the Interior, where its vast schemes were quietly put to rest. ●

EDDIE PATTEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. PICKLE. Mr. Speaker, if there is a single character more loved than

any other and respected as a strong individual, it is EDDIE PATTEN. At first brush, you may think EDDIE is a high voiced mayor from New Jersey. But let me tell you—he is one of the most thoughtful and courageous men in this Chamber. I also know him as a loyal member of the 88th Club.

If EDDIE PATTEN tells you he is on your side or will support you, you do not have to keep a searchlight on his voting card. He will be there when the time comes.

It should be noted that the Members not only like him because of his leadership, but they like having EDDIE PATTEN around, just for advice and comfort. They take EDDIE in confidence and he knows how to handle it. He has been as loyal as anyone to our leadership and he has done it without a lot of fanfare or speechmaking.

EDDIE does not often go to the well to make a speech. But when he does, you can hear him from Washington to Perth Amboy, and you do not need the microphone, either.

The membership not only hears EDDIE, but they listen and respond to him.

EDDIE and his constant companion, his lovable wife, Annie, are two of my favorites. In my part of the country, we measure people in frontier terms. He is the kind of person you can "walk to the river with." EDDIE PATTEN is that kind of man. He is willing to walk to the river with you and through the river and let the arrows or rocks or the shots be damned.

EDDIE PATTEN has enriched our lives. We love him and his dear wife, Annie, and wish them the best.●

DRUG FAIR'S STRAIGHT TALK ON DRUGS PROGRAM

HON. LESTER WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. WOLFF. Mr. Speaker, last September, as chairman of the Narcotics Select Committee, I had the pleasure of chairing a press conference consisting of representatives from the Federal Government, a major retail drugstore, and concerned parents to announce the first drug abuse prevention program sponsored jointly by the Federal Government and the private sector. Drug Fair, Inc., a 170 retail drugstore chain serving five States: Maryland, Virginia, Delaware, Pennsylvania, West Virginia, and the District of Columbia, conceived, implemented, and funded a drug prevention program entitled, "Straight Talk on Drugs," that is designed to inform parents, youngsters, and the community on the dangers of drug abuse. The National Institute on Drug Abuse (NIDA) and the White House drug policy staff provided the technical assistance to help launch Drug Fair's straight talk program.

"Straight Talk on Drugs" consists of a series of pamphlets on drug abuse, five 1-hour radio talk shows, a 1-hour television special entitled, "Your Children, My Children: A Parent's Guide to Drugs," that was viewed on September 13, 1980, and newspaper and radio public service ads.

To insure that the information in Drug Fair's pamphlets and radio messages is factually correct, an advisory panel of professionals in the drug abuse field has been assembled. The following individuals are members of the advisory panel:

MEMBERS OF THE ADVISORY PANEL

Lee Dogoloff, Associate Director for Drug Policy on the White House Domestic Policy Staff;

Dr. Robert Dupont, former Director of the National Institute on Drug Abuse and currently President of the American Council on Marihuana;

Dr. Jack Durrell, Acting Director of the Resource Development Division of the National Institute on Drug Abuse;

Robert Kramer, Coordinator of the Drug and Alcohol Program in Anne Arundel County, Maryland;

Susan Miller, Director of Substance Abuse in Alexandria, Virginia;

Dr. Robert Jardin, Chief of Alternative Counseling in Silver Spring, Maryland;

Robert Keyes, Acting Administrator of the District of Columbia Alcohol and Drug Abuse Services Administration; and,

Dr. Ileana Horrell, Foreign Student Admissions Officer with the Montgomery County School System.

Milton L. Elsberg, president of Drug Fair; Myron D. Gerber, chairman of the board of Drug Fair; and William Barton, president of the National Federal of Parents for Drug Free Youth also participated in the press conference.

Drug Fair, NIDA, and the White House are to be commended for their efforts in helping to raise the consciousness of the public on the dangers of drug abuse. This joint undertaking between the Federal Government and the private sector is testimony of what can be accomplished when concerned citizens and their Government decide to wage war on drug abuse. But this effort is just the beginning. More cooperative efforts in the field of drug abuse prevention and control is urgently needed if the war is to be won.

Mr. Speaker, in an effort to inform my colleagues on the details of Drug Fair's straight talk drug program, I am inserting at this point in the Record the complete text of a paper I recently received entitled, "Explanation of 'Straight Talk on Drugs'." I urge other drugstores to join Drug Fair and the Federal Government in helping to inform our citizens on the dangers of drug abuse.

The text of the paper follows:

EXPLANATION OF "STRAIGHT TALK ON DRUGS"

While there are a large number of individual programs designed to combat drug use, "Straight Talk on Drugs" is the first comprehensive attack on drug abuse that is aimed at helping parents keep their children from getting on drugs in the first

place. Since Drugfair has many years of experience communicating to families through advertising and through their pharmacists, they decided to try to alert parents to the fact that they are the most important factor in keeping their children away from drugs.

"Straight Talk" was developed and financed by Drugfair. No government funds were sought or granted for this program.

As Drugfair President Elsberg said at the news conference, "When we started our business back in 1938, drugs . . . were a blessing that helped cure disease and alleviated suffering. Today, drugs are increasingly viewed as an enemy, primarily because of the havoc they have wreaked on the lives of countless thousands of our children.

As a purveyor of beneficial medication—that is nevertheless sometimes abused by adults and children alike . . . as a community center for Healthcare, we feel a strong sense of responsibility to help mount an effective attack on drug and alcohol abuse—one of the most troublesome and most intractable of our nation's problems."

The specific purposes of Straight Talk are:

To educate parents about the alarmingly widespread use of illicit drugs by young people.

To reaffirm to parents their rights and responsibilities in curbing their children's involvement with drugs.

To teach parents how to detect and resolve a drug abuse problem in their own household.

To alert young people to the dangers of drugs, including even the "soft" drug, marijuana.

To direct both parents and young people to where they can go in their community for additional information, counseling or treatment.

PROGRAM ELEMENTS

The "Straight Talk on Drugs Program" consists of the following elements; a series of parent-oriented pamphlets on drug abuse developed by and available exclusively from Drugfair; a hard-hitting series of public service radio announcements on drug abuse; a television special on drug abuse; five one-hour radio call-in programs on drug abuse; newspaper advertisements; a Consumers Guide to Prescription Drugs, available for consumers to consult at all Drugfair prescription departments; and an outreach program to schools and parent groups, involving Drugfair pharmacists.

STRAIGHT TALK PAMPHLETS

Drug abuse: Why worry

This pamphlet gives statistics on the drug problem among youth; defines "drug abuse"; differentiates between experimenters, occasional users and continual users; tells which are the major drugs of abuse; and defines physical and psychological dependence on drugs.

Drug abuse: How to spot it and what to do about it

This pamphlet alerts parents to the warning signs of drug abuse; gives guidance on how to approach a child suspected of drug use and how to use discipline to get the child off of drugs; and informs them that it's possible to obtain medical help for a drug problem without getting into trouble with the law.

Preventing drug abuse

This pamphlet defines drug abuse "prevention", outlines suggested actions for preventing drug abuse; and shows how parents can work with other parents in the community to stop drug abuse more effectively.

What parents should know about drugs

This pamphlet focuses attention on the number one drug problem—alcohol; tells how alcohol is especially dangerous to young people; explains why marijuana isn't the "harmless weed" many think it to be; and provides a chart listing the street names, symptoms and hazards of the major abused drugs.

Drug jargon

This pamphlet is an illustrated dictionary of the paraphernalia used in taking drugs and the slang language of the drug culture.

Where to go for help

There are four versions of this pamphlet, one for Metropolitan Washington, Central and Southern Virginia, Maryland, and Pennsylvania/Delaware. Each version lists the names, addresses and telephone numbers of facilities that provide professional treatment for alcohol and drug abuse problems. All of the facilities contained in these pamphlets treat adolescents. Whether or not parental consent is required for adolescents to be treated is indicated in the facility description.

RADIO SPOTS

Drugfair arranged a four-hour "rap session" with former teenage drug abusers to produce a new series of radio spots. These spots will be aired on both adult and rock radio stations. The spots aired on adult stations will carry the messages contained in the pamphlets described above and will invite listeners to visit their neighborhood Drugfair to pick up copies of the pamphlets. The spots aired on rock stations will give young people "Straight Talk" on the unglamorous and dangerous side to taking drugs.

RADIO TALK SHOWS

Drugfair is sponsoring five one-hour talk shows on radio station WRC-AM in Washington. These are of the "call-in" type, where listeners can phone in their questions and comments. All the talk shows will deal in some way with the subject of illegal drug use. The first program, the popular Bernie McCain show, aired on the evening of September 12, just prior to the television special. It featured leaders of the national Parent Power Against Drugs movement. There were split discussions between the guests and callers, some of whom called to support the use of marijuana. During the program, callers repeatedly praised Drugfair for taking the lead in the community's fight against drugs.

NEWSPAPER ADVERTISING

The Straight Talk on Drugs Program was launched with a powerful full-page ad in Washington newspapers, headlined "Most Parents Wouldn't Know A Drug Pusher If They Saw One. There is an appealing photo of a pre-teen girl, and the ad begins with, this is Karen. She's twelve. She plays guard on her junior high school basketball team. She might be your kid's best friend. She's a drug pusher. . ."

An abbreviated version of the Karen ad appeared in Drugfair ads in all localities, followed with others that describe the subjects that are included in the Straight Talk pamphlets. A series of half-page Straight Talk ads will appear each week in Washington newspapers until December.

TELEVISION SPECIAL

On September 12, Drugfair sponsored a one-hour, prime time television special on drug abuse prevention on WRC-TV, Washington, D.C. This special, entitled, "Your Children, My Children, A Parent's Guide to Drugs", was narrated by Bob McGrath of Sesame Street fame. It consisted of 15 real-

life scenarios of parents coping with their child's drug problems.

The program has received wide acclaim from every segment. A typical comment: "Your Children, My Children" was one of the most skillfully crafted presentations I have ever seen on television. Its message—that we must educate both our children and ourselves as a deterrent to the menace of drug abuse—was very well stated."

The in-studio and home audiences were asked to test their judgment on handling the situations through multiple choice questions. The test questions were made available to viewers before the show in full-page newspaper ads and through bag stuffers at Drugfair stores. Viewers have been asked to return their completed test forms to Drugfair prescription departments so that they may be used by the National Institute on Drug Abuse in a study of public awareness of drug abuse. Instead of airing any commercials, Drugfair used the available time to describe the Straight Talk Program to viewers. Board Chairman Myron D. Gerber and Dr. Durrell of NIDA covered all aspects of Straight Talk, and viewers were given the telephone number of the WACADA Hot Line to call for advice on immediate drug problems (WACADA is the Washington Area Council on Alcohol and Drug Abuse).

COMMUNITY OUTREACH PROGRAMS

One of the purposes of the Straight Talk program is to gain well-deserved recognition for Drugfair pharmacists as key members of the community health team. Straight Talk provides an overall umbrella for professional outreach by Drugfair pharmacists, affording increased opportunity for meaningful contact with consumers, as well as a chance to work with community groups in meaningful health-related projects.

Drugfair pharmacists are being encouraged to work with their local schools and parent groups to combat drug abuse.●

CONGRESSIONAL TEXTILE CAUCUS STATEMENT**HON. KEN HOLLAND**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HOLLAND. Mr. Speaker, the steering committee of the Congressional Textile Caucus has had the opportunity to review the quarterly financial statement for the period ending September 1980.

I am, therefore, taking this opportunity to submit the statement for insertion in the CONGRESSIONAL RECORD so that all Members of Congress may review it.

The statement follows:

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS: QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE FOR THE PERIOD ENDING SEPT. 30, 1980

Statement of expenses:	
Telephone.....	\$6.39
	81.24
	15.94
	67.65
Total.....	171.22
House office supply.....	56.75
Miscellaneous: Vince Finigan Associates.....	17.50
Total expenditures.....	245.51
Fund balance June 30, 1980.....	12,532.14
Total dues deposited this quarter.....	100.00
Interest on account.....	169.11
Total balance before expenses.....	12,801.25

FINANCIAL REPORT OF THE CONGRESSIONAL TEXTILE CAUCUS: QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE FOR THE PERIOD ENDING SEPT. 30, 1980—Continued

Less expenses.....	245.51
Balance as of Sept. 30, 1980.....	12,555.74●

THE WORLD—ITS POVERTY AND ITS WEAPONS**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. CONYERS. Mr. Speaker, as of 1980, 50,000 nuclear weapons were deployed in 24 countries. The nations of the world now spend in excess of \$50 billion annually on weapons and armies. Twenty-five million people populate the regular armies of the world, and another approximately 50 million serve in paramilitary and reservist forces. Despite the astronomical expenditures and the numbers of people involved, the global arms race has lessened rather than increased security in the world.

The arms race has raised the dangers of nuclear war. It drains hundreds of billions of dollars each year from the struggle against hunger, disease, and illiteracy, weakens national economies, and heightens the inequality among nations.

"World Military and Social Expenditures, 1980," authored by Ruth Leger Sivard, spells out in the starkest terms the cost of the global arms race to the nations of the world and the unmet human and social needs that are the consequence of military spending. Supported by leading research organizations, this publication provides an up-to-date survey of national and world priorities, and their implications for life on this planet. This publication should be read by all citizens who assert world peace and economic development as a top priority.

Excerpts from the study follow:

WORLD MILITARY AND SOCIAL EXPENDITURES, 1980

In a year marked by internal social and economic turbulence, governments took refuge in building stronger military defenses against external enemies. The extension of military power dominated world priorities. For the eighth year in a row, world military expenditures increased faster than the rate of inflation.

No indicator more graphically shows the incredible destructive power that is loose in the world than the spread and numbers of nuclear weapons, now over 50,000 of them. They steadily increase in speed, reach, accuracy, and ability to destroy civilization.

While military budgets went up, living standards declined. Worldwide, prices rose faster, energy supplies were tighter, more people were unemployed, more lived without adequate food, clean water, the minimum essentials of civilized living.

The object lesson of the year was the limitation and inutility of military power. Hostages, civil violence, and a growing tide of

refugees were nagging reminders of neglected human needs that have no military solutions.

PRIORITIES 1980

In an oil-short world, the newest military tanks will consume 1.9 gallons of gas per mile.

The training of military personnel in the U.S. alone costs twice as much per year as the education budget for the 300,000,000 school-age children in South Asia.

Research on new weapons receives eight times as much public money as research on new sources of energy.

With a stockpile of nuclear weapons 1,000,000 times the destructive power of the Hiroshima bomb, the two superpowers are still investing well over \$100,000,000 per day to upgrade their nuclear arsenals.

In the richer countries the average life is 30 years longer than in the poorer countries.

Two governments in three spend more to guard their citizens against military attack than against all the enemies of good health.

In the U.S. 20 times as much public research money goes for transportation into space as for mass transit on earth.

The number of people held hostage to the threat of nuclear catastrophe has reached 4,500,000,000. A few men, perhaps one, can determine whether they die in nuclear war.

MILITARY TRENDS

The expansion of military force is continuing at an accelerated pace. A world-wide phenomenon, it spurs the actions of the superpowers and is stimulated by them. There is nothing in past history to compare with the present build-up of destructive power in the world, and with the threat to humanity that it poses. Extravagant militarism has already contributed on economic deterioration and increasing social unrest. In the name of national defense, it is also moving the world closer to the ultimate disaster of nuclear war.

There are features in the modern arms race which have given it a peculiar ability to perpetuate itself. In reviewing the situation in mid-1980, it will be useful to search out some of these characteristics. They may lead to a better understanding of what must be done to bring the war machine under control.

EXPENDITURES

Steadily rising expenditures, which are now above \$600 billion a year, give a quick fix on the scope of the global arms competition and the relentless push to still higher levels of intensity. World outlays appear to have exceeded \$460 billion in 1979, compared with a yearly average in the 1960's and 1970's of \$370 billion (at 1979 prices). In the 1980's, if present trends continue, world military outlays promise to go higher than \$600 billion a year, even under the unreal assumption that price inflation will be checked.

Yet it is a sign of the times, and the military mystique that dominates them, that such numbers no longer shock. The links between this enormous drain on world resources and global economic and social tensions are not clearly visible. Seldom does the political leadership allude to them. The simplistic identification of external enemies is seen to be politically more profitable than attacking problems at home.

Official military budgets do, however, play a key role in setting public priorities and in stimulating the competition. Where public support is necessary, national budget comparisons are used to dramatize the foreign threat. They also signal the national response, setting the target for a higher level of military effort. Few mechanisms are

so effective in ensuring a perpetually rising level of action-reaction.

At the heart of this competition is the U.S.-U.S.S.R. military rivalry. Since 1980 these two nations alone have accounted for a majority share—58 per cent—of the world military outlays; with their alliances, for 80 per cent of the total.

The factors, real and irrational, underlying the animosity between these two civilized countries need more probing than they have had. While complex causes are beyond the scope of this study, the role of military expenditures in exacerbating the competition is not. Soviet secrecy about their military outlays and the elaborate U.S. effort to provide the missing numbers have together served to intensify the arms race. Despite the uncertainties in estimates of Soviet military spending, this measure has become an important political tool, used without reservations to define the "threat," stir fear, and drive the military competition to new heights.

PERSONNEL

There are now an estimated 25 million people in the world's regular forces, 7 million more than in 1960. Paramilitary and reservist forces are at least twice as numerous as the regulars. Civilians directly employed by the military, and those working on weapons research, production, or related activities, bring to over 100 million the number of people paid directly or indirectly by defense ministries.

In a world in which employment opportunities are shrinking in relation to a burgeoning work force, it is unrealistic to contemplate a reduction of defense employment unless corresponding opportunities are made available elsewhere. However, even in the industrialized nations no government machinery is yet in place to provide civilian employment alternative specifically geared to the skills of defense workers.

ARMS TRADE

The ever-rising flood of arms in international trade reflects two of the most dangerous aspects of recent military trends: the movement of sophisticated weapons and technology throughout the developing world and the role of governments in the industrialized nations in aiding and abetting the proliferation.

The latest estimates from U.S. Government sources put world arms trade at \$21 billion in 1978, over two-thirds of it going to developing nations. Published CIA estimates show exports still heavily concentrated in the big supplier countries, with the U.S. dominating the market. The competition for sales has heightened, however, as more countries, including developing, enter the market with major weapons systems to sell. Importing states are interested in diversifying sources of supply as a buffer against political domination.

RESEARCH

Research and development outlays to produce more accurate, more lethal, more exotic, and more expensive weapons are still on the rise. Between 1970 and 1978 government budgets for military research in the U.S. and Western Europe increased by 75 per cent. With the addition of space research, which has military applications, the total spent in these countries alone exceeded \$21 billion in 1978.

The combined budgets for defense and space absorbed half of all publicly-supported research funds, diverting as much research effort to new weapons as to all civilian research combined, for health care, adequate nutrition, new energy sources, and the vast array of unmet needs of humanity. Individual western countries varied in the

emphasis given military versus civilian programs. The relatively largest military share was spent by the U.S.-Soviet R&D, an area for which estimates are particularly shaky, is generally considered closer to the U.S. pattern and may exceed it in its emphasis on military research.

WEAPONS

This open-ended drive toward new technology has revolutionized the art of warfare in a mere decade or two, increasing its destructive capability and radically extending its reach so that neither distance nor oceans can any longer guarantee sanctuary for non-combatants.

While producer prices generally average six times higher than the levels of World War II, prices for weapon systems in the U.S. have jumped as much as 200 times. Even if some of the price escalation can be attributed to the cost-plus liberality of military procurement, much of it results from technological change. The new weapons are of a sophistication undreamed of in World War II.

The army tank is one example of the kinds of costly modifications which have occurred even in the types of arms called conventional. The World War II tank, a lumbering giant with relatively simple equipment, sold for about \$50,000 each. Today's XM1 tank, a heavily-armored, 59-ton monster, loaded with electronic gear, infrared devices, and automatic controls as complicated as a jet plane, will cost over \$1,500,000 each. The complexity of the modern tank, like much of modern military equipment, gives it a high breakdown rate. In operational tests, the XM1 averaged 145 miles between failures of its major components, two hours of maintenance for every hour of operation.

Unfortunately, in the post-war family of weapons of mass destruction, the defense has not been able to keep up with kill-power. In remaking the art of war, modern science has created an imbalance of unprecedented proportions. On the one hand is a limitless power to destroy. On the other, unprotected humanity. For, despite the massive "defense" establishments that have been built, the painful truth is that there is no defense at all against an attack with nuclear weapons. Nor can populations be adequately protected against mass destruction weapons already used in wars, such weapons as lethal gases, crop-destroying chemicals, and napalm incendiary bombs. Nor against such other nonnuclear possibilities as weather warfare or the concentrated beams of light in laser weapons that promise to revolutionize the state of military art once again.

ECONOMIC—SOCIAL TRENDS

Developments in the past year have heightened the contrasts between the flourishing military sector and a wilting civilian economy. The signs of economic depression are more widespread. The expansion of the world's economic base no longer keeps pace with the increase in population. Among poor countries, and the poorest in all countries, serious threats to world security are growing out of misery and desperation.

INFLATION

Runaway prices are the most visible signs of the troubled economic situation today. In 1979 consumer prices were up an average of 12 per cent in the IMF world index. Since 1973, when the first large jump in oil prices occurred, consumer prices have doubled on average.

Inflation is a close partner of militarization. Military spending fuels the inflationary fires in a number of ways. It overheats the civilian economy by generating more

spendable income than goods and services to absorb it. It has a depressing effect on investment, which in turn thwarts economic growth and prolongs inflationary pressures.

Military buying also creates a distinct government-dependent sector which in itself has inflation-prone characteristics: rapid obsolescence and product change, unstable markets, the excessive waste endemic to large bureaucracies beyond public control, cost-plus pricing, and with it, reduced pressures for management efficiency. Pass-through costs associated with defense contracts assure that they will have first claim on scarce labor and other resources, but few economies can prevent this demand from having a spill-over effect on prices in the rest of the market.

UNEMPLOYMENT

Unemployment rates are high and rising throughout the world economy. A sample of 50 countries for which records are available since 1980 indicates that there are now more people unemployed than at any time in the past two decades. In industrial countries the unemployment rate in 1980 averages more than twice what it was at the end of the 1960's. OECD reports that there are 20 million persons out of work in developed countries, ILO estimates 455 million jobless or underemployed in developing countries (not including China or other centrally-planned in Asia). Compared with the numbers able to work, this means that only three in five are fully employed.

Employment opportunities are linked to the expansion of capital stock, of industrial and agricultural production, and a multitude of service and supporting industries. Recent developments have not been favorable to this expansion. Economic growth has slowed in the past two years and it now seems likely that no increase at all will be registered in industrial nations in 1980.

Military budgets are dead-end expenditures. They do not foster growth. Through their inflation-inducing effects and the economic uncertainties to which they contribute, they inhibit the capital investment essential for development. Through their drain on research funds and talent, they restrain the productivity gains which could open markets and ensure more jobs across the board.

Military expenditures are in competition with other government budgets which do a considerably better job of creating employment opportunities. Non-defense needs tend to be less capital-intensive, more labor-oriented. Official calculations for the US economy indicate that, for the same expenditure of funds, up to twice as many people can be employed in schools, health services, building homes and transit systems, as through military budgets. As an increasing number of developing societies have also found, defense spending is the least efficient road to nation-building and the job opportunities needed for rapidly growing populations.

INCREASING INEQUALITY

The economic progress of two decades has left the income gap between the developed and developing parts of the world wider than ever. A few developing nations have successfully moved out of poverty into a dynamic pattern of growth based in part on rapid industrialization. Some of the oil-producing states have soared to exceptional levels of wealth. The average gain in income in developing nations, however, has been too small in absolute terms, the growth of population too great, to begin to close the wide gulf between rich and poor. GNP per capita in North America, where incomes are highest, averages about 60 times that in South Asia, the region where it is lowest.

In the developing world in particular, income extremes within countries also appear to have spread. It is not uncommon for the richest fifth of the nation to command 60 percent or more of the national income, while the poorest fifth has 3 to 5 percent of it.

The increased military presence contributes to these inequalities within countries. In many developing countries a strong military elite has tended to reinforce feudal structures. With the land-owning and business classes, military regimes have established first claim on economic gains. As a consequence, few of the dividends of growth have trickled down to landless peasants and the urban poor.

UNMET HUMAN NEEDS

Poverty.—One person in five is trapped in degrading poverty, malnourished, illiterate, surviving at a level below human decency. This is the world of 1980.

Education.—In the poorest countries, 95 per cent of the people are illiterate; in the richest, 1 per cent.

Nearly two out of three illiterates in the world are women; in most developing countries, fewer girls than boys have a chance to attend school.

For the same number of school-age children, there is one teacher in the poorest countries as compared with 20-25 in rich countries.

Health.—Lives are 30 years shorter on average in Africa than in Europe.

Relative to births, six times as many infants die in developing countries as in developed.

In the Third World not one person in three ever sees a doctor.

Among children under 15, annual deaths from diseases which could be prevented by immunization are over 12 million.

Jobs.—Two out of five people who want to work are less than fully employed, or have no job at all.

Food.—At least 450 million people in the world—perhaps as many as one billion now as a result of the droughts and wars of 1979-80—suffer from malnutrition and hunger.

In Latin America, children under 5 years of age die of illnesses related to food deficiency at a rate eight times that of North America.

With food prices skyrocketing, hunger is on the rise even in developed countries. An estimated 300,000 elderly people are undernourished in New York City, the richest city in the world.

Water.—Two billion people in the world, most of them in developing nations, do not have access to a dependable, sanitary supply of water.

Women, who are the traditional carriers of the family water supply in the Third World, often must walk up to 15 miles a day to get it.

Only one-third of the people in developing countries have adequate sanitation facilities.

Water-related diseases kill approximately 10 million people every year; these diseases are the leading killers of children.

Housing.—In cities of the Third World, 250 million people live in slums or squatter settlements, without adequate access to clean water or minimum health facilities.

Three-fourths of the urban poor cannot afford even the cheapest housing available through public agencies.

LOOKING AHEAD

Like the mushroom atomic cloud, the population chart opposite signals a new age. It took more than one million years for the earth's population to reach two billion, 45 years for it to double. In the relatively brief

span of the next 20 years, two billion people will be added to the present global population. At least 90 per cent of the additional population will be in the developing parts of the world. By the year 2000, the poorer countries will have about 5.0 billion of the world's population of 6.4 billion.

The spectacular growth in numbers is only one of the several far-reaching changes which have already revolutionized life in the 20th century. Among them the most striking in global impact is the development of transportation and communication. Planes can now travel at three times the speed of sound. Travelers can cross oceans in three hours. Communication by telephone across the world is virtually instantaneous. An event in Asia can be seen on television screens in North America as it is happening. The remotest corners of the earth are part of one vast network of information and exchange, a network which has vitally affected knowledge of the rest of the world, and individuals' and nations' aspirations for the future.

No less dramatic than the technological changes are the world-wide bonds forged by economic development. As population growth has put increasing pressure on natural resources, nations have had to go far beyond their own borders for the raw materials needed for production and transportation and to sustain life itself. Jobs in one area of the world are tied to markets on the other side of the globe. The safety of the air we breathe depends on environmental effects which may be created thousands of miles away.

All of these changes have operated to create a more interdependent world, vastly larger in numbers of people, more complex in the problems to be solved, more tightly linked in a community of shared interests and concerns. ●

FLEETWOOD TIGERS WIN STATE CHAMPIONSHIP

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. YATRON. Mr. Speaker, I know my colleagues will join me in congratulating the members and coaches of the Fleetwood Tigers soccer team on winning their second Pennsylvania State Soccer Championship in the last 3 years.

On Saturday, November 15, this outstanding team defeated the Radnor Red Raiders by a 2 to 1 victory and captured the State championship. The Fleetwood team finished their season with an amazing 179 goals. The winning goal in the championship game was scored by all-stater Jerry Moyer, who holds the national record for assists and scored 37 goals this year. The first goal for the Tigers was scored by freshman Troy Snyder, who scored his 40th goal of the year just 98 seconds into the game. Goalies Russ Neider and Randy Kline needed only five saves between them to insure victory for the Tigers. The Tigers are coached by Ray Buss, who has led his team with only one loss last year, since September of 1978.

The Fleetwood Tigers soccer team has consistently shown their dedica-

tion to excellence, good sportsmanship and team loyalty. They deserve our utmost admiration and most certainly our congratulations. The people of Berks County are very proud of our team. I commend their record to the attention of my colleagues and wish these fine young athletes continued future success.●

REAGAN SOCIAL SECURITY PROPOSALS REQUIRE DETAILED SCRUTINY BY CONGRESS AND THE AMERICAN PEOPLE

HON. MARIO BIAGGI

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. BIAGGI. Mr. Speaker, in recent days, much attention has been focused on some proposed policy recommendations involving the social security system advanced by President-elect Reagan's special social security task force. Included among these ideas are raising the social security retirement age from 65 to 68 and recalculating annual cost-of-living increases on the basis of wage increases not price increases.

As an original member of the House Select Committee on Aging, I consider it absolutely essential that all of these proposals be subjected to the closest possible scrutiny before they are advanced as legislation. I believe a national dialog involving the new administration, the Congress and the American people, especially the elderly, must be started to realistically discuss the future of the social security system.

I am somewhat concerned over the general direction which the task force recommendations seem to be taking. The concern about the future financial viability of the system is something which I share. However, I believe that achieving savings solely by reducing or delaying earned benefits is not sound policy.

If we are to realistically discuss the future funding of the social security system, we must include in these discussions proposals to provide for partial general revenue financing of the system. In the next Congress I will sponsor legislation, once authored by our distinguished former colleague James Burke, to provide that social security be financed one-third employer, one-third employee, and one-third general revenue.

As we consider different options for the future, we must remember that almost 30 percent of older Americans rely on social security as their source of income. For more than 40 years, social security has represented a covenant between millions of Americans and their Government, a covenant based on mutual participation and trust. The worker contributes to the system thus helping to provide benefits for eligible recipients and ulti-

mately their own retirement. The Government's responsibility is to insure and protect the system so that benefits earned by workers can be benefits drawn by retirees.

The world of 1980 is far different than it was when social security went into effect. Dramatic demographic shifts have occurred to the point today that in this century that rate of growth among persons 60 and over is four times that of people under 60. In 1980, for the first time in our history, the number of persons over 60 exceeds the number of persons under 10. This shift in population is felt more in the social security system than in many other programs. The system's ability to provide benefits is directly tied to the number of younger workers contributing into the system, and their numbers are on the decline while the number of recipients is on the rise.

I applaud the interest being shown by the President-elect in the future of the social security system and hope to work closely with him in the months ahead.●

EDDIE PATTEN

HON. EDWIN B. FORSYTHE

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 19, 1980

● Mr. FORSYTHE. Mr. Speaker, it was with regret that I learned of Ed PATTEN's decision to retire from the House at the end of this season of Congress. While Ed and I have been on different sides of the aisle, I have long admired and respected the manner in which he has approached his work as a legislator.

When I first came to Congress in 1970, my office was located in Longworth Building, right next door to Ed PATTEN. Ed, as we all know, has a marvelous sense of humor and a unmatched Irish enthusiasm. At this point in my congressional career, however, I was unaware of this. Well, Ed wasted little time in introducing himself to me and my staff members.

One day, while I was on the House floor, Ed strolled into my office and triumphantly announced to my staff, "I just talked to your boss and he told me to tell you that he's giving you the rest of the day off." Needless to say, my staff members came to love Ed PATTEN.

Since that time, I have come to know Ed PATTEN as a wonderful, thoughtful and hardworking individual. In all my years in Washington, I have never known him to be reserved or retiring. He approaches each day with a renewed eagerness and enthusiasm which bubbles over and affects everyone in this Chamber.

As the only member of the New Jersey delegation on the House Appropriations Committee, Ed was successful in procuring the necessary outlays

to save Fort Dix in 1975. He has been instrumental in bringing needed revenue to Rutgers, the State University, and has always supported legislation aiding veterans, small businessmen and the working force of the State.

It is difficult to envision the House without Ed PATTEN. No one will ever replace his presence here. His outstanding contribution and undying enthusiasm will be sorely missed. I know all members of the delegation join me in wishing Ed and his wonderful wife, Ann, the best of everything.●

OSHA: TOO MUCH POWER?

HON. NEWT GINGRICH

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. GINGRICH. Mr. Speaker, we often hear complaints about how agencies abuse their regulatory powers. Sometimes when we read these incidents in the newspaper, or hear about them on television, we simply cannot believe just how absurd these regulations are. But these incidents of overregulation just keep occurring.

It is time this abuse was put to a stop.

Recently, one of the folks from back home in Atlanta sent me a copy of a commentary by Neal Boortz. Mr. Boortz works at WLTA-FM in Atlanta, and is well known for his commentaries on the state of our Government. I would like to share his remarks with you.

THE NEAL BOORTZ COMMENTARY

How many of you have said, after one of my attacks on the incompetency in Government, "Oh, there goes ole Neal again, just piling the bad words on our Government. Nobody, not even a bureaucrat, could be that simple minded."

Wait a minute—try this story on for size. At a California construction site last week there was a cave in . . . One man was trapped and his life in danger. The fire department was called to dig him out, and they did. It took over 2 hours, with the firemen literally standing on their heads at times. The man's life was saved. Well, did the firemen return to a heroes welcome? Not quite. An OSHA inspector read the story of the rescue in the paper, hurried over to the site, investigated the details of the operation, and promptly filed charges against the firemen for conducting the rescue in an unsafe and unapproved manner. Now, do I need the rest of my time to make this point? According to OSHA, heroism can be harmful to your health and you need a bureaucrat to protect you from it. Well, there was some unpleasant publicity in the local press and I'm happy to report, an OSHA superior decided to withdraw the charges—but even he defended the inspector's diligence in filing the charges in the first place.

Now—I know I don't need the rest of my time to drill this point home.●

COMBATING SOVIET ANTISEMITISM AND HUMAN RIGHTS VIOLATIONS
HON. RICHARD L. OTTINGER

 OF NEW YORK
 IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. OTTINGER. Mr. Speaker, I rise to protest two incidents of official Soviet antisemitism which undermine the current Madrid Conference and contradict the very human rights pledges the Soviets made as part of the Helsinki Accords.

On October 10, a Soviet newspaper with a circulation of about 10 million schoolchildren attacked Zionism and Judaism interchangeably as "modern day Fascism" and "the main enemy of peace on earth." The article claims that the purpose of "Jewish bankers" is to damage Soviet-American relations. Clearly, far greater damage to Soviet-American relations is being inflicted by official Soviet antisemitism.

One day, some of these children will make decisions affecting world peace—decisions based on dangerous illusions formed by this type of vicious propaganda. We must use the forum at the Madrid Conference to express our outrage.

I also wish to condemn the arrest and imprisonment last week of Viktor Brallovsky, a leading figure in the Jewish emigration movement in the U.S.S.R., on charges of "defaming the Soviet state and the public order." Mr. Brallovsky has acted as a contact point for information on emigration from Russia and has edited an underground journal, "Jews in the U.S.S.R.," which ceased publication in 1979. His arrest was the only way Soviet authorities could control his indefatigable commitment to the plight of tens of thousands of Jews who wish to leave the Soviet Union.

These incidents are not the exception, but rather the rule today in the Soviet Union. Since 1977, the Soviets have continually reneged on their human rights pledges. Hundreds of human rights advocates have been imprisoned, thousands of visas have been denied. Indeed, the Commission on Security and Cooperation in Europe, in its report to Congress, notes that in 1979, Soviet authorities began the most massive campaign against human rights activism in the last decade, if not since Stalin's death.

I urge the U.S. delegation to the Madrid Conference to stand firm in its fundamental commitment to human rights as the cornerstone of U.S. foreign policy. Negotiations should cover all human rights abuses, and we must demand prompt action by the Soviets. I urge all my colleagues to join me in insuring our continued vigilance against Soviet human rights violations and antisemitism. ●

EXTENSIONS OF REMARKS
COMMONSENSE ABOUT DEFENSE
HON. ROBERT H. MICHEL

 OF ILLINOIS
 IN THE HOUSE OF REPRESENTATIVES
Thursday, November 20, 1980

● Mr. MICHEL. Mr. Speaker, former Secretary of Defense Melvin Laird, who served for 16 years on the Defense Appropriations Committee of the House, is recognized as a leading expert in the field of national security and defense.

He recently wrote of a major problem confronting the next Congress and the new administration: Given the fact that our recent national defense budgets have not provided for our national security needs, what is the best way to go about rebuilding our defenses?

Mr. Laird rejects the idea that we can have a "quick fix" by suddenly and dramatically increasing defense funding. What he envisions is a planned, orderly, consistent, gradual rise in defense spending.

I suggest that our former colleague's advice be given careful consideration as we approach the defense problems of this dangerous decade. At this point I insert in the Record "Not a Binge, But a Buildup" by Melvin Laird, Washington Post, November 19, 1980:

NOT A BINGE, BUT A BUILDUP

Of all the decisions facing the new president, none will be more important than those he makes in connection with the defense budget. Not only do budgetary decisions create defense policy, but they also send signals abroad about American resolve and impact heavily on economic conditions here at home.

There is no doubt our armed forces are in poor shape. Our present conventional force structure, with its personnel deficiencies, is too small, too immobile and lacks both readiness and sustainability. Moreover, in both the strategic and theater nuclear arena, the balance has deteriorated to such an extent that we can no longer use, or threaten to use, these forces to cover our conventional deficiencies.

The primary reason for this current sad state of affairs has been the fact that for almost two decades we have not spent enough money on national security. During the war in Southeast Asia, the size of the total defense budget was kept artificially low by such practices as diverting investment funds and supplies from Europe into the war effort. In the postwar period, when the nation demanded a peace dividend, the Department of Defense was forced to absorb astronomically higher personnel and operating costs within a budget that was declining in real terms.

Although this decline was halted in fiscal year 1976, the increases over the past four fiscal years have been more apparent than real. Funds available for investment in the fiscal year 1980 defense budget were still more than 30 percent less in real terms than they were in the last pre-Vietnam budget. To compound the problems of our defense establishment, the Soviet Union has embarked on a military buildup unprecedented in peacetime, and the international situation has become chaotic.

Thus, it is not surprising that within the past year a strong consensus has developed within the American political system that

defense spending must be increased substantially. Opinion polls now show that nearly 70 percent of the people favor such an increase. Moreover, the recent election clearly demonstrated that those who were on record as consistently favoring larger defense expenditures did significantly better at the polls.

The question now before the new administration is by how much and how quickly the budget should be increased and to what areas the increment should be applied. What is needed now is a defense budget that not only will help us deal with our deficiencies in a prudent manner, but is also so economically feasible and politically supportable that it can be sustained over the long haul. Two decades of neglect cannot be undone in five years.

The worst thing that can happen is for the nation to go on a defense spending binge that will create economic havoc at home and confusion abroad and that cannot be dealt with wisely by the Pentagon.

For example, a 12-percent-a-year real increase in the defense budget over the next five years will result in a \$400 billion defense budget by fiscal year 1986. Such an increase could clearly undo the consensus that has developed and harm national defense.

For fiscal year 1981 the Department of Defense will spend about \$154 billion. This represents about 5.5 percent of the GNP and 24 percent of the appropriated federal budget. Although the defense portion of the GNP and the federal budget is still smaller than it was from 1950 through 1975, it will be higher than it was in fiscal year 1980. In the fiscal year just completed, defense took only 5.3 percent of the GNP and somewhat less than 23 percent of the federal budget. What I would like to see is defense build its share to about 6 percent of the GNP and then assume that it remain at that level until our depleted military capability is restored.

Based upon current government optimistic inflation projections, defense expenditures can reach the 6 percent plateau in an orderly fashion by fiscal year 1984. This would mean that three years from now defense would receive about \$240 billion or 25 percent of the total budget. To accomplish this, defense spending authority would have to rise from its present level of \$168 billion to \$265 billion over the fiscal year 1981-84 period. The real increase under this program, compared with fiscal year 1980, would be about 6 percent per year in authority and 5 percent per year in outlays. Keeping defense at 6 percent of the GNP through fiscal year 1986 would result in defense outlays of about \$267 billion five years from now. This would mean that by fiscal year 1986 defense authority would have to grow to about \$300 billion, and about 26 percent of the federal budget would have to be allocated to defense.

Such a program would add an average of about \$10 billion per year over and above inflation to the defense budget each year for the next five years. Military personnel needs must command the first budget priority. Then for the first few years, the vast majority of the increment should be spent on improving the readiness and sustainability of the current force. Once that is accomplished, priority can be switched to future investment.

This type of program not only would increase our military capability and send a clear and reassuring signal to our allies and adversaries but, more important, can be sustained and supported both economically and politically. It is the type of approach used

by the last two-term president, Dwight Eisenhower.

FALLOUT FROM THE PEOPLE'S REPUBLIC OF CHINA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DRINAN. Mr. Speaker, Jerome Grossman has written a characteristically thoughtful article for the Boston Globe on the fallout from atmospheric nuclear explosions conducted by the People's Republic of China.

As president of the Council for a Livable World, Jerome Grossman spoke at the Democratic National Convention last August in order to bring much needed attention to the frightening dangers of nuclear proliferation and unchecked military spending. His article points again to the need for a continuous commitment to the cause of a truly livable world.

I commend to my colleagues in the Congress the following article, and second its call for completion and ratification of the Comprehensive Nuclear Test Ban Treaty.

The article follows:

**POISON FROM THE AIR: ENDING CHINESE
ATMOSPHERIC TESTING**
(By Jerome Grossman)

Our new friends, the Peoples Republic of China, exploded a nuclear bomb in the atmosphere on Oct. 17 at a desert testing range in northwest China. This blast caused the formation of clouds carrying poisonous radioactive material that dropped over many sections of the United States, including New England.

Some friends,

China is the only nation still exploding nuclear weapons in the atmosphere. It is the only country sending clouds of radioactive dust around the world to fall on grazing lands where cows and other animals ingest the dangerous material and pass it on to human beings.

Australia, Japan and other Pacific nations have protested vehemently. The China desk of the US State Department has expressed deep concern and has sent a formal protest citing the dangers to its inhabitants and to the safety of international aviation.

This is not the first time the United States has made such a protest. After the last Chinese nuclear test in December 1978, Vice-Premier Deng Xiaoping visited the United States. Nuclear testing by China was discussed with him by President Carter. US Rep. Jonathan Bingham of New York organized a petition signed by a number of congressmen urging the Chinese to join the 106 signatories to the Limited Test Ban Treaty or at least to forswear further atmospheric tests as intolerable acts of aggression against present and future generations. Sen. Robert Dole of Kansas and other congressmen confronted Deng in person with the problem.

Deng's response to all was the same:

1. Chinese nuclear weapons tests amount to only a small fraction of the tests in the atmosphere conducted in past years by the United States and the Soviet Union.

2. The Chinese are far behind the two superpowers in nuclear weapons and feel that they must catch up in order to be safe from attack.

EXTENSIONS OF REMARKS

3. The Chinese would like to stop testing in the atmosphere and shift underground, but do not have the technology and the know-how to do so.

4. If the Americans would teach the Chinese how to test underground and give them the technology, the Chinese would end atmospheric testing.

National Security Adviser Zbigniew Brzezinski and his deputy, David Aaron, have said that the United States has no intention of facilitating Chinese development of nuclear weapons by helping them with the technology for nuclear underground testing.

In July 1979, I confronted high officials of the Chinese government in Peking on their nuclear testing and received the same answers as those given by Deng.

Clearly the time has come to marshal the full force of world opinion against these arrogant and irresponsible acts which threaten the health of all humans, particularly those who live in the Northern Hemisphere. At the very least the United Nations ought to consider and condemn the Chinese tests. Or perhaps an action should be brought before the International Court of Justice seeking injunctive relief or damages for radioactive aggression.

Perhaps the best way to put pressure on China would be for the other nuclear powers—the United States and the Soviet Union in particular—to complete and sign the Comprehensive Test Ban Treaty (CTB) (now 90 percent complete), which would close for all nations the present loophole of underground testing. (Most underground tests also vent radioactive debris into the air.) Most important, the treaty would undercut the Chinese excuses and concentrate world pressure upon the Peoples Republic to stop poisoning us.●

FRAC GUILTY OF WORKFARE INTERVENTION

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. FINDLEY. Mr. Speaker, a year ago I was joined by 19 other Members of Congress in requesting the General Accounting Office to determine whether the Food Research and Action Center (FRAC) was using Federal funds to interfere with the implementation of workfare pilot projects authorized under section 17(b)(2) of the Food Stamp Act of 1977.

The GAO has determined recently that 5 of the 10 FRAC mailings we submitted for review contained material that could be construed as lobbying, and that on at least two occasions, FRAC publications violated grant terms and conditions and CSA regulations that must be consistent with anti-lobbying restrictions imposed by the appropriate Appropriation Acts.

Further, GAO has requested CSA to recover the improper expenditures from FRAC, to review its internal anti-lobbying regulations to insure that they are consistent with our (GAO) decisions on this subject, and to provide notice to grantees of this prohibition.

By way of background, the workfare pilot projects are federally mandated, duly passed by Congress, and signed

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by the President despite the ardent opposition expressed by FRAC and other antihunger groups during the legislative process surrounding the 1977 Food Stamp Act. Simply stated, under the workfare concept, any person who is subject to the work registration requirements of the Food Stamp Act and is a member of a household that does not have earned income equal to or exceeding the allotment to which the household is otherwise entitled, would be required to work off his allotment at public service employment if not offered a job in the private sector during the 30-day period following the initial registration for employment.

The concept is being tested in a number of pilot project sites around the country and offers a way to assist welfare recipients in transferring from the welfare roles to jobs in the private sector. In some cases, those not interested in transferring off the welfare rolls into public employment, and though technically eligible, not totally dependent on the benefit anyway, have opted off the food stamp program rather than perform the public service employment. In many cases where the recipient is performing the public service employment, he or she is receiving valuable on-the-job training and acquiring skills necessary for employment.

Obviously, workfare is not viewed favorably by some in the welfare establishment who believe that Government owes everyone a living and that it is demeaning to have able-bodied recipients work for the public assistance they receive. Representative of this point of view is FRAC, a private nonprofit corporation supported primarily by the Community Services Administration (CSA) under its community food and nutrition program. FRAC has a long history of being on record in opposition to the concept of work in return for benefits. Unable to prevent the inclusion of the workfare concept in the Food Stamp Act, FRAC then began to try to thwart the implementation of these projects. It instructed its field staff to hassle and block the projects.

Though the CSA Director, when confronted with the FRAC action, termed such interventionist action intolerable and requested that FRAC refrain from giving this kind of advice in the future, FRAC appeared unrepentant. In fact, the then-FRAC director termed the congressional complaint a political attack. It is unfortunate that firmer corrective action was not taken prior to the determination by the GAO of the impropriety of the FRAC activity.

I cite this unfortunate episode not so much because of its impact on workfare implementation, for workfare is a sound concept and will survive regardless of the harassments of certain special interest groups like FRAC. Rather, I cite the episode because it points to the question of logic, if not

the legality, of the Government's funding two opposing objectives and implicitly acquiescing in, if not encouraging, one federally funded group to bring suit against another's (in this case, a State agency's) good faith efforts to carry out Federal law.

Congressional commitment to food stamps (and other feeding programs for that matter) can hardly be questioned when the program is growing at the rate of several billion dollars a year and when 1 American in 10 is participating. This being the case, what in heaven's name, then, would be the purpose of CSA grant funds to FRAC to implement legal strategies to improve the responsiveness of Federal food programs or to insure that food stamp programs provide low-income persons with benefits that meet their needs? It is small wonder that when the Federal Government has two diametrically opposing forces focusing on the implementation of a program, that confusion and public dissatisfaction ensue and that money is spent unsoundly. In the case of food stamps Congress determines the benefit structure, and the Food and Nutrition Service has a quality control system to measure the effectiveness of the States in administering the food stamp program, and, in fact, has a monetary sanction system to impose on the States if program administration is inadequate.

There is an old saying that "there is a lot of money in poverty if one is on the right side of the issue." This is a classic example of that unfortunate offshoot of this country's massive welfare relief effort. This country has a long and admirable record of assisting those so unfortunate as to be unable to help themselves, but our people do not share the beliefs of a small cadre of welfare "reformers" who support benefit distribution beyond the bounds of the "needy" definition and who do not believe that a strong work ethic should be incorporated into the welfare structure. The fringe groups simply do not represent the mainstream of American thought, in my opinion.

If one agency of the Federal Government is knowingly or unknowingly funding activities of organizations such as FRAC to oppose or disrupt duly authorized Federal pilot projects (or any other authorized activity), the end result, it appears, is that Federal laws are either being subverted or violated, and logic is being stood on its head; not to mention the fact that tax dollars are being wasted. If there is no Federal law in effect prohibiting or limiting actions such as these, it appears that such laws should be enacted or existing law should be clarified and agencies should scrutinize grant objectives much more carefully. ●

EXTENSIONS OF REMARKS

OLDEST VETERAN DIES AT HARRISON

HON. JOHN HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. HAMMERSCHMIDT. Mr. Speaker, last Monday, it was my sad duty to relay to the House of Representatives the passing of our Nation's oldest veteran, William Joseph Moore, who resided in my hometown of Harrison, Ark.

Today, I would like to share with my colleagues an excellent article which appeared in the Arkansas Gazette as a lasting tribute to this great Arkansan. The text of this article follows:

OLDEST VETERAN DIES AT HARRISON—
W. J. MOORE, 108

WAS PHONE PIONEER

HARRISON.—William Joseph Moore, aged 108, the country's oldest living war veteran, the world's oldest Mason and a pioneer in the Boone County telephone industry, died Sunday after a brief illness.

An almost lifelong Boone County resident whose work saw vast changes in Ozark communications, Mr. Moore's long career saw two major accomplishments: He was the county's first rural mail carrier, a position he had almost 20 years, and he was the predominant force in expanding its telephone system. For 52 years, until his retirement at 100, Mr. Moore was president and general manager of the Boone County Telephone Company, now a part of the Allied Telephone Company.

But it was his longevity that brought him national attention. He was recognized in 1971 as probably the oldest active telephone industrialist in America and March 17, his 108th birthday, he was honored by the Veterans Administration as the oldest of 30 million living veterans in the United States.

ENLISTED IN 1898

Mr. Moore enlisted in 1898 as 26-year-old private during the Spanish American War. He joined Company K of the Arkansas Infantry, which "marched" by farm wagons for two days before reaching the nearest railhead at Eureka Springs. From there he traveled by train to Little Rock and training camp at Chickamauga, Ga., where he became a bugler. He was stationed at Little Rock for a year and never saw action.

Mr. Moore was born in 1872 in Newton County, the seventh of 14 children. His sister was the mother of Supreme Court Justice Frank Holt and Municipal Judge Jack Holt Sr.

Soon after his birth, the large Moore family moved to Boone County, and there Mr. Moore lived, was schooled and worked nearly all his life. He attended rural Boone County schools and was a school teacher in Boone and Newton Counties before he studied at a high school. He attended Valley Springs Academy when he was 19.

A year after his graduation in 1895, Mr. Moore became the rural mail carrier, delivering mail by horse-drawn buggy through 24 miles of rural Boone County. With money saved from this pioneering work and veteran's benefits, Mr. Moore began purchasing stock in the county phone company in 1914. By 1915, he was a majority stockholder and in 1919, he became president.

He sold the company in 1970 to Allied with the promise that he remain president and general manager until he turned 100.

When he retired, the family had grown from six employees to 99. "I still feel like they are my brothers and sisters," he said in March.

Mr. Moore attributed his long life to a divine "partner," a happy home life and a positive outlook on life. After his retirement, he spent most of his time at home. He used a walker and his eyesight and hearing deteriorated, but he nonetheless was alert. According to his wife, he loved to have visitors to speak with about the changes he had seen in Boone County.

Mr. Moore was active in a number of organizations until his death. He was a deacon at Harrison First Baptist Church for 52 years and was the church's oldest member. He was a former member of the Harrison City Council and the Harrison Board of Education. He also belonged to the Scottish Rite, Rotary Club, the Sons of the American Revolution, Gideon's International and was a Royal Arch Mason.

For his work in telephone industry, he was named a life member of the Telephone Association-Telephone Pioneers of America and was inducted into the Hall of Fame of Independent Telephone Pioneers.

He is survived by his wife, Mrs. Lena Allbright Moore; a son, Dr. Marvin G. Moore of Springdale; two grandchildren and a great-grandchild. His funeral will be at 2 p.m. Tuesday at First Baptist Church and the burial will be at Rose Hill Cemetery by Holt Memorial Chapel. ●

CONGRESSIONAL SALUTE TO HON. ALICE BAROWITZ OF NEW JERSEY, DISTINGUISHED CITI- ZEN, COMMUNITY LEADER, AND GREAT LADY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. ROE. Mr. Speaker, on Saturday, November 22, the residents of the city of Passaic, my congressional district and State of New Jersey will gather in testimony to a distinguished citizen, outstanding community leader, and good friend, Hon. Alice Barowitz, whose personal commitment and exemplary service dedicated to the quality of life for God's special people has earned her the highly esteemed "Woman of the Year" award of the Bergen-Passaic Unit of the Association for Retarded Citizens and the prestigious honor of having Saturday, November 22, proclaimed as Alice Barowitz day by the mayor and citizens of the city of Passaic.

With your permission, Mr. Speaker, I insert at this point in our historic journal of Congress the city of Passaic's proclamation issued by the most distinguished mayor, Hon. Robert C. Hare, in tribute to Alice's lifetime of dedicated service in developing, enhancing, and improving the standards of living and way of life for our retarded citizens which have truly enriched our community, State, and Nation. The proclamation reads as follows:

PROCLAMATION

Whereas Alice Barowitz has been designated "Woman of the Year" by the Bergen-Passaic Unit for Retarded Citizens; and

Whereas Alice Barowitz has for many years been an involved citizen in secular and religious philanthropic activities in the City of Passaic, and is a founding member of the Bergen-Passaic Unit for Retarded Citizens;

Whereas for the past 33 years, Alice Barowitz has been the community chairman of fund-raising for this worthy group;

Whereas the Bergen-Passaic Unit for Retarded Citizens began in 1947 with a handful of parents and has grown into a national organization;

Whereas this organization has been instrumental in improving the situation of retarded citizens within and without institutions and had developed schools, sheltered workshops, recreation and legislative programs to improve the quality of life for retarded persons.

Now, therefore, I, Robert C. Hare, Mayor of the City of Passaic, do hereby proclaim Saturday, November 22, 1980, as Alice Barowitz Day in the City of Passaic in recognition of the civic-minded and dedicated lady and call upon all of her friends and fellow citizens to join in paying tribute to this honorable woman.

Mr. Speaker, Mrs. Barowitz, a member and volunteer of the Bergen-Passaic Unit of the Association for Retarded Citizens since its inception 33 years ago, has given her endless energies and devotion as chairman of the Passaic fund-raising campaigns and the benevolent projects for the State institutions for the retarded.

She has served and is presently serving on many appointive projects. She has been on the historical commission since its inception in Passaic and was active in the family service serving as a board member for many years.

She continues her work in many community activities, including cancer drives, volunteer for Leukemia Society and is involved in the UJA and Israel bonds and other religious and nonsectarian projects. She has also served as president of the women's division of her synagogue and has been a recipient of a number of citations for her work.

Mr. Speaker, I appreciate the opportunity to commend Mrs. Barowitz to you and our colleagues here in the Congress and seek this national recognition of the richness of her standards of excellence, sincerity of purpose, and quality leadership which has enabled her to achieve this high honor of respect and esteem from the people of the city of Passaic and the Bergen-Passaic Unit of the Association for Retarded Citizens. We do indeed salute a great lady, distinguished citizen, and community leader—Hon. Alice Barowitz. ●

PRESIDENT REAGAN, JUDICIAL POWER AND THE ADMINISTRATIVE STATE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 20, 1980

● Mr. DORNAN. Mr. Speaker, when

President Ronald Reagan takes the oath of office on January 20, 1981, political commentators, news analysts, and members of the political community will remark upon the great changes Americans can expect and for which they enthusiastically voted. President-elect Reagan promised the American people he would get "the Government off of our backs." It was the theme underlying his campaign.

Our new President will have to grapple with an octopus that every well-intentioned President has failed to disarm: The Federal bureaucracy and its regulatory apparatus. The new President will select 2,600 individuals to fill key slots in the Federal system; but this is only a tiny fraction of the almost 3 million civilian employees who are on the Federal payroll and carry out the day-to-day functions of the executive and regulatory agencies of the Federal Government. And it is this bureaucratic empire that is growing rapidly and, in the view of the authors of the July 1980 report by the Advisory Commission on Intergovernmental Relations, out of effective democratic control.

Mr. Speaker, the prestigious Washington Legal Foundation has recently undertaken a study of the Nation's top regulatory agencies. Out of the 16 top regulatory agencies, 67 of the 90 commissioners are appointees of the Carter administration. Naturally, the overwhelming majority of these appointees are liberal Democrats hostile to the changes initiated by a conservative President. Inasmuch as the term of service for these regulatory commissioners is anywhere from 5 to 7 years, few of them could be removed by a Reagan administration during the first term.

Mr. Speaker, beyond the appointment of the heads of the Federal regulatory agencies, there are President Carter's judicial appointments, a total of 268 Federal judges or roughly one-half of the entire Federal bench. Needless to say, the distinguishing characteristic of the Carter judicial appointees is that they are, as a group, overwhelmingly liberal in political persuasion. Electoral losses have intensified the determination of opponents of the new conservative tide to seek power through unelected avenues of Government: Regulatory agencies and the Federal judiciary. If there is any doubt about this, I would ask my colleagues to consider a remark made by a representative of Ralph Nader's Congress Watch: "The future of the public interest movement is in the Courts. There will be no progressive legislation in the 97th Congress." Translated: We cannot win the people to our conception of the public interest through the ballot box, so we will do an endrun around representative government and enforce our vision of what is good and proper for the public through an activist, politically unaccountable Federal judiciary.

The political struggle that will emerge during President Reagan's

first term will not be a struggle between this House and a more conservative Senate, between Republicans and Democrats, or even between liberals and conservatives. It will be a struggle between the elected and the unelected agencies of Federal power, between a more conservative Congress, and a more liberal judiciary. That will be one front. The other front in this struggle will be between this Congress and the Federal regulatory beast that has yet to be chained down by the legislative powers of this Congress.

From the standpoint of preserving representative government, regulatory reform has now become a moral imperative. This Congress owes the American people, who conscientiously voted for significant political and economic changes in the 1980 election, a strong reassertion of its own constitutional authority to curb not only the powers of the regulatory agencies, but also a judiciary that sees itself more and more as an elite legislative agency rather than an independent authority dispensing justice in the cases and controversies brought before it.

SUMMARY OF THE COMPOSITION OF KEY FEDERAL INDEPENDENT REGULATORY AGENCIES

The following table compiled by the Washington Legal Foundation, represents a summary of the composition of key federal regulatory agencies comprising the unelected fourth branch of the Federal Government. It is designed to show that despite a change in the administration, the regulatory commissions and agencies, which have a significant impact on our economy and society, remain controlled for the most part by past administration appointees.

Agency	No. of members	Term in years	Carter appointees
Consumer Product Safety Commission (CPSC).....	5	7	5
Equal Employment Opportunity Commission (EEOC).....	5	5	5
Securities Exchange Commission (SEC).....	5	5	5
Federal Trade Commission (FTC).....	5	5	5
Nuclear Regulatory Commission (NRC).....	3	6	3
Federal Communications Commission (FCC).....	5	5	5
National Labor Relations Board (NLRB).....	5	5	5
Occupational Safety and Health Review Commission (OSHRC).....	3	4	3
Federal Election Commission (FEC).....	6	6	4
Federal Energy Regulatory Commission (FERC).....	5	4	5
Commodity Futures Trading Commission (CFTC).....	5	5	5
Civil Aeronautics Board (CAB).....	5	5	5
International Trade Commission (ITC).....	7	7	4
Interstate Commerce Commission (ICC).....	6	7	4
Federal Reserve Board.....	7	14	5
Administrative Conference of the United States (ACUS).....	10	3	9

JUDICIAL SYSTEM

Federal judges

Total Federal judgeships, 678.
Carter appointees, 264.
Carter has thus appointed approximately 40 percent of all Federal judges to the bench for life.

Administrative law judges

The Federal Government currently employs 1,146 administrative law judges, Federal bureaucrats promoted to positions of quasi-judicial authority and allowed to adjudicate significant controversies between private citizens, businesses and the Federal regulatory agencies. As is the case in the Federal judiciary, the number of administrative law judges has increased substantially under the Carter administration.

COMPOSITION OF KEY FEDERAL INDEPENDENT REGULATORY AGENCIES

Agency: Consumer Product Safety Commission.
 Number of members or Commissioners: 5.
 Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Susan King (Chairman) (D)	October 26, 1984	Carter
R. David Pitke (D)	October 1982	Nixon
		Reapp. — Carter
Edith Sloan (D)	October 1983	Carter
Samuel Zagoria (R)	October 1985	Carter
Stuart M. Staller (R)	October 1986	Carter

Statute: 15 U.S.C. 2051.

Agency: Securities and Exchange Commission.
 Number of members or Commissioners: 5.
 Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
Harold Williams (Chairman) (D)	June 5, 1982	Carter
Philip A. Loomis (R)	June 5, 1984	Nixon
		Reapp. — Carter
John R. Evans (R)	June 5, 1983	Carter
Steven J. Freedman (D)	June 5, 1981	Carter
Barbara Thomas (D)	June 5, 1985	Carter

Statute: 15 U.S.C. 78a.

Agency: Federal Trade Commission.
 Number of members or Commissioners: 6.
 Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Patricia Bailey (R)	October 1986	Carter
Paul Rand Dixon (D)	September 1981	Ford
Robert Pitofsky (D)	September 1982	Carter
Michael Pertschuk (D) (Chairman)	September 1984	Carter
David Clanton (R)	September 1983	Ford

Statute: 15 U.S.C. 41, 52, 1451, 1601; 15 U.S.C. 12; 15 U.S.C. 1311; 15 U.S.C. 2301-12, 45-58.

Agency: Federal Communications Commission.
 Number of members or Commissioners: 7.
 Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Charles Ferris (D) (Chairman)	October 1984	Carter
Robert Lee (R)	October 1981	Nixon
James Quello (D)	October 1980	Nixon (reapp. pending)
Abbot Washburn (R)	October 1982	Ford
Joseph Fogarty (D)	June 1983	Ford
Lyrene Brown (D)	June 1984	Carter
Aune Jones (R)	June 1986	Carter

Statute: 47 U.S.C. 35, 161, 701.

Agency: National Labor Relations Board, General Counsel.
 Number of members or commissioners: 5
 Length of term: 5 years for board members; 4 years for general counsel.

Name of Commissioners	Term expires	Appointed by
John F. Haning (D)	Dec. 16, 1982	Carter
Howard Jenkins, Jr. (R)	Aug. 27, 1983	Kennedy/Johnson, Nixon/Carter
John A. Penello (D)	Aug. 16, 1981	Nixon/Ford
John C. Truesdale (D) (renominated Oct. 23, 1980, but not yet confirmed by Senate)	Aug. 27, 1980	Carter
Don A. Zimmerman (I)	December 1984	Carter
William Lubbers, General Counsel	December 1983	Carter

Statute: 29 U.S.C. § 151.

Agency: Equal Employment Opportunity Commission.
 Number of members or commissioners: 5
 Length of term: 5 years for commissioners; 4 years for general counsel.

Name of Commissioners	Term expires	Appointed by
Eleanor Holmes Norton, Chairman (D)	July 1, 1981	Carter
Armando W. Rodriguez (D)	July 1, 1982	Carter
J. Clay Smith, Jr. (R)	July 1, 1982	Carter
Daniel Leach (D)	July 1, 1984	Carter
Elhel Walsh (R) (has been nominated but not yet confirmed by Senate)	July 1, 1980	Nixon/Carter
Leoy Clark, General Counsel	July 1, 1983	Carter

Statute: 42 U.S.C. 2000a.

Agency: Occupational Safety and Health Review Commission.
 Number of members or commissioners: 3.
 Length of term: 4 years.

Name of Commissioners	Term expires	Appointed by
Timothy F. O'Keary (Chairman) (D)	Apr. 27, 1985	Carter
Frank R. Barabko (R)	Apr. 27, 1981	Carter
Bertram R. Colline (D)	Apr. 27, 1983	Carter

Statute: 29 U.S.C. 651-678; 41 U.S.C. 35.

Agency: Commodity Futures Trading Commission.
 Number of members or commissioners: 5.
 Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
James M. Stone (D) (Chairman)	April 1985	Carter
Roed P. Dunn (D)	April 1980	Ford
Robert L. Martin (R)	April 1981	Ford
David G. Garber (D)	April 1983	Carter
Vacancy—No appointment pending		

Statute: 7 U.S.C. 4a.

Agency: Interstate Commerce Commission.
 Number of Members or Commissioners: 11 only 6 appointed.
 Length of term: 7 years.

Name of Commissioners	Term expires	Appointed by
Darius W. Gastkins (Chairman) (D)	December 1984	Carter
Robert Gresham (R)	December 1981	Nixon
Charles L. Clapp (R)	December 1980	Ford
Thomas A. Tranum (R)	December 1985	Carter
Marcus A. Alexis (D)	December 1983	Carter
Reginald E. Gilliam (D)	December 1982	Carter

Statute: 49 U.S.C. Subtitle IV.

Agency: Nuclear Regulatory Commission.
 Number of members or Commissioners: 5.
 Length of term: 5 years.

Name of Commissioners	Term expires	Appointed by
John Ahearne (Chairman) (D)	June 30, 1983	Carter
Joseph H. Hendrie (D)	June 30, 1981	Ford
Peter Bradford (D)	June 30, 1982	Carter
Victor Ginsky (D)	June 30, 1984	Carter
Albert Carnesale (I)—nomination pending		

Statute: 42 U.S.C. 2011; 42 U.S.C. 5841.

Agency: Federal Election Commission.
 Number of members or Commissioners: 6.
 Length of term: 6 years.

Name of Commissioners	Term expires	Appointed by
Max L. Friedersdorf (R)	Apr. 30, 1983	Carter
John McGarry (D)	Apr. 30, 1983	Carter
Joan Atkins (R)	Apr. 30, 1981	Carter
Thomas E. Harris (D)	Apr. 30, 1985	Carter
Frank Reiche (R)	Apr. 30, 1985	Carter
Robert Tierman (D)	Apr. 30, 1981	Carter

Agency: U.S. International Trade Commission.
 Number of members or Commissioners: 6.
 Length of term: 9 years.

Name of Commissioners	Term expires	Appointed by
Bill Alberger (Chairman) (D)	December 1985	Carter
Michael J. Calhoun (I)	December 1988	Carter
Paula Stern (D)	December 1987	Carter

Name of Commissioners	Term expires	Appointed by
George M. Moore (R)	June 1982	Nixon
Calvin Eckel (R)	June 1981	Nixon
Vacancy—Gardner Peterson has been nominated but not yet confirmed.	June 1981	

Statutes: 19 U.S.C. 160; 7 U.S.C. 601; 19 U.S.C. 1202; 19 U.S.C. 2101; 19 U.S.C. 1801; 19 U.S.C. 2101.

Agency: Civil Aeronautics Board.
 Number of members or commissioners: 5.
 Length of term: 6 years.

Name of Commissioners	Term expires	Appointed by
Elizabeth E. Baily (R)	Dec. 31, 1983	Carter
Gloria Schaffer (D)	Dec. 31, 1984	Carter
Marvin S. Cohen (Chairman) (D)	Dec. 31, 1985	Carter
George A. Dailly (D)	Dec. 31, 1982	Carter
James R. Smith (I)	Dec. 31, 1986	Carter

Statute: 49 U.S.C. 1301.

Agency: Federal Reserve Board.
 Number of members or commissioners: 7.
 Length of term: 14 years.

Name of Commissioners	Term expires	Appointed by
J. Charles Partee	January 1986	Ford
Nancy Hays Teeters	January 1984	Carter
Henry C. Wallach	January 1988	Nixon
Paul Volcker (Chairman)	January 1992	Carter
Lyle E. Gramley	January 1994	Carter
Emmit J. Rice	January 1980	Carter
Friedrich H. Schulz	January 1982	Carter

Party affiliations not available.
 Statutes: 12 U.S.C. 221; 12 U.S.C. 227; 12 U.S.C. 228.

Agency: Administrative Conference of the United States.
 Number of members or commissioners: 10.
 Length of term: 3 years.

Name of Commissioners	Term expires	Appointed by
Rubin R. Robertson (Chairman)	October 1985	Carter
Robert Pitofsky (also on FTC)	October 1983	Carter
Joan Bernstein	September 1981	Carter
Walter Gellhorn	1979—open	Ford
Ronald B. Lewis	June 1983	Carter
Ira M. Winston	January 1981	Carter
Edward E. Schmall	January 1980—open	Carter
Franklin M. Schultz	June 1983	Carter
Otis M. Smith	September 1981	Carter
Richard C. VanDusen	1980—open	Carter

Statute: 5 U.S.C. 573.

Agency: Federal Energy Regulatory Commission.
 Number of members or commissioners: 5.
 Length of term: 4 years.

Name of Commissioners	Term expires	Appointed by
Charles B. Curtis (I)	October 1983	Carter
George R. Hall (D)	October 1980	Carter (not reappointed)
Matthew Holden, Jr. (D)	October 1981	Carter
Georgiana Sheldon (R)	October 1980	Carter (not reappointed)
John Davis Hughes (D)	August 1983	Carter

Statute: 15 U.S.C. 717; 16 U.S.C. 791.

FEDERAL JUDGES

Carter has appointed 264 Federal Judges out of a total of 878 authorized federal judgeships. The percentage of all judges appointed by Carter is approximately 40 percent. The judges are appointed for life.

ADMINISTRATIVE LAW JUDGES

There are currently 1,146 administrative law judges (ALJs) who serve in important quasi-judicial proceedings of Federal agencies including rulemaking, ratemaking, and adjudication. A substantial number of these ALJs have been selected by the agencies during the Carter administration. They are appointed for life.●