SENATE—*Tuesday, November 25, 1980*

(Legislative day of Thursday, November 20, 1980)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

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

It is a good thing to give thanks unto the Lord, and to sing praises unto Thy name, O Most High:

To show forth Thy loving kindness in the morning and Thy faithfulness every night.—Psalms 92: 1, 2.

Let us pray.

O Lord, our God, we thank Thee for the blessings of life in this free land—for the fruits of the soil, the untold resources of the Earth, the opportunities for work and play and healthful living, for freedom of speech and written word, for public education and regard for every person's welfare. As we thank Thee for these and all Thy mercies, we beseech Thee to guide us here in all our actions to complete the work before us to the end that every citizen may have full civil rights, equality under law, and a life with dignity and eternal meaning. Make our Nation great in that greatness which alone is pleasing to Thee, even the righteousness of obeying Thy law and doing Thy holy will. 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 25, 1980.

To the Senate:

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

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

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

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

LET US FIGHT INFLATION AND FORGET ABOUT KEMP-ROTH

Mr. ROBERT C. BYRD. Mr. President, last week Paul Volcker, Chairman of the Board of Governors of the Federal Reserve System, appeared before the House Subcommittee on Domestic Monetary Policy. He used that opportunity to reflect on the Fed's experience with its year-old policy of concentrating on controlling money supply aggregates while allowing interest rates to swing freely.

In his statement, Mr. Volcker consistently returned to the theme that the fight against inflation cannot be left up to the Fed alone. Lack of an effective incomes policy and only moderate success over the past year at reining in Federal spending have placed too great a burden on monetary policy.

Tight money discourages investment. If the Fed is forced to fight inflation with tight money, the entire economy will suffer over the long run from the failure to increase our investment in plant and equipment.

Mr. Volcker makes this point forcefully in his statement:

> The point is sometimes made that, in theory, monetary restraint, sustained strongly enough and long enough, can alone do the job of restoring price stability. Perhaps so—in the long run. But over what period of time and at what unnecessary cost, in recurrent pressures on financial markets, in inhibiting investment and dampening productivity, in lost output and deferred growth?

At what cost indeed. Currently, the automobile industry is staggering from the high cost of inventory financing and consumer credit. The housing industry is also under severe pressures from high mortgage rates.

One can argue that these shocks from restrictive monetary policy will be short-lived since monetary restraint will soon reduce inflationary expectations and thus interest rates.

However, Mr. Volcker, obviously a strong supporter of monetary restraint, recognizes the limitations of monetarism.

> But the world at large—the real world of huge prolonged deficits, of wage bargaining building in rising costs for years ahead, of enormous pressure to protect established competitive positions and living standards even when productivity cannot support them—will not focus on the technicalities of the various M's, the precise targets, or short-run fluctuations about those targets.

I would hope that President-elect Reagan's economic advisers have taken note of Mr. Volcker's warnings. I hope that they will rethink their support for massive, across the board, consumption oriented, personal tax cuts. Thirty percent tax cuts for everyone, when measured against promises to increase defense and hold entitlements harmless, assure large Federal deficits. And large Federal deficits will leave the Fed fighting alone against inflation, on only one front.

I hope that when Mr. Reagan sends up his budget and tax-cutting plan next year, he will heed Mr. Volcker's advice, and abandon the fiscal radicalism that characterized the campaign period. Both tax equity and fiscal responsibility demand a new approach.

The Congress is anxious to work with the President-elect to promote economic growth and halt the corrosive effects of 10 percent inflation.

But Senate Democrats cannot support a fiscal plan, based on campaign promises and utterly unrealistic assumptions, which leaves the entire burden of fighting inflation on monetary policy.

Mr. Volcker put the issue succinctly:

> We need the perception and the reality that essential monetary restraint will be combined with persistent and effective policies in other directions so that monetary restraint can be tolerable and sustainable.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

THE DISASTER IN ITALY

Mr. BAKER. Mr. President, the Italian people, who have never been strangers to the devastation of nature, have suffered yet another tragedy. The earthquake that struck southern Italy in the Provinces of Salerno, Naples, Potenza, and Avellino has left more than 1,000 dead and has rendered many thousands homeless. We do not yet know the extent of this tragedy. We know only that it is immense.

As the fullest extent of this disaster becomes known, Mr. President, we will know better the kinds of assistance that may be required for the injured, the hungry, and the homeless. The United States should and will be quickly forthcoming in its help for the Italian people, for, even in the best of times, we have a special bond of kinship and solidarity with the nation that has contributed so generously to the richness of America. For the moment, we can only join President Carter and other leaders throughout the world in expressing to Prime

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Minister Freloni, his newly established government, and the people of Italy our profound sorrow and willingness to help.

For my part, I offer my own commitment, a commitment that will be shared equally and fully on both sides of the aisle in this Chamber, and that is to assist in moving quickly and expeditiously any special legislation that may be required to provide the assistance needed from the American people. I shall ask the administration to advise the Congress at the earliest possible date of any assistance requiring special legislation and I assure the administration of my fullest cooperation as we attempt to respond to this awful disaster.

For the record, and as an indication of the true nature of this event, I ask unanimous consent that the New York Times article of this morning be printed in the RECORD at this point.

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

TOLL MAY GO HIGHER: HISTORIC AREAS IN RUINS—VICTIMS ARE TRAPPED FOR HOURS IN WRECKAGE

ROME, November 24.—More than 1,000 people were killed and several thousand were injured in the earthquake last night in southern Italy, the Italian Interior Ministry said tonight.

However, reliable casualty figures were still unavailable tonight from several mountain villages and hamlets in the Apennines near Potenza and Avellino, east of Naples. Destroyed bridges and roads, fog and severed telephone lines slowed rescue operations.

Worst hit were the provinces of Naples, Salerno, Potenza and Avellino. The Government said that 97 municipalities suffered serious damage.

9 OF 10 HOUSES DESTROYED

At least 300 dead were reported in the town of Sant'Angelo de' Lombardi, a few miles east of Avellino, where 9 out of 10 houses were reported destroyed.

The plight of the town was not known until midmorning, when a local official succeeded in broadcasting distress calls over a private radio.

In Balvano, a mountain village southwest of Potenza, about a hundred people were killed at Sunday evening mass when the facade of a medieval church crumbled. About 400 people were attending mass.

The historic center of Potenza, the provincial capital, lay in ruins today. Historic quarters, with their ancient buildings, also suffered most in other towns.

The earthquake hit at 7:36 P.M. yesterday, a time when most people in the small towns and villages of southern Italy were seated at dinner tables.

The first tremor measured 6.8 on the Richter scale. Many more tremors—32 in one official report—followed over a period of several hours. The ensuing tremors were less violent than the first shock, but witnesses reported that a large number of people were killed or injured when buildings damaged by the first tremor collapsed under the impact of the subsequent ones.

The Richter scale is a measure of ground motion as recorded by seismographs. An earthquate registering 6 can cause severe damage; one registering 7 is considered "major" and capable of causing widespread damage. The San Francisco earthquake in 1906, which occurred before the Richter scale was devised, has been estimated at 8.3.

The Italian earthquake was felt from the island of Sicily in the south to Trieste in the northeastern corner of the nation. No casualties were reported in the north.

The destruction and the casualties occurred in an area of about 10,000 square miles in southern Italy between Caserta, 16 miles north of Naples, and Potenza, 90 miles east of Naples.

1976 QUAKE KILLED 997

The epicenter of the quake was halfway between Potenza and Avellino, the two worst-hit provincial capitals. Tiny Pescopagano, the closest town to the center of the quake, was virtually razed but suffered only 19 casualties, according to the Interior Ministry. First reports that more than 70 people had died in the town proved to be unfounded, the ministry said.

The last major earthquake that struck Italy killed 997 people in the northern Friuli region in 1976.

Thousands of soldiers, firemen, carabinieri, forest guards, local policemen and Red Cross volunteers took part today in the rescue operations.

Camera crews for RAI, the national Italian television network, gave distraught residents in the stricken towns a chance to tell friends and relatives in other parts of the country that they had survived. For many this was the only way to communicate with other parts of the country, as telephone lines were down in much of the affected area.

In Rome, the Interior Ministry set up a bank of telephone lines for people to call in with news and questions about relatives. The numbers were announced on television.

CABINET AIDE RUNS RESCUE

In midafternoon, Interior Minister Virginio Rognoni announced that Giuseppe Zamberletti, a Christian Democratic Member of Parliament, was put in charge of the rescue operation. He served in the same role after the Friuli quake.

Army trucks took hundreds of tents and campers to the Potenza-Avellino area. Helicopters flew in blood plasma and other medical supplies. Field hospitals were set up in many towns. Naples, the largest stricken city, served as the logistics center.

As night fell, however, it was clear that thousands of survivors would spend the night without shelter, protected against the damp cold by open fires and borrowed blankets.

In the cities of Potenza and Avellino as well as some of the bigger towns of the region, rescue workers continued their operations into the night, using generator-driven searchlights provided by the army as they dug in the ruins of buildings.

Although hopes of rescuing survivors dwindled, a 9-year-old girl was found alive in the Potenza area around noon today, more than 16 hours after the quake. In Naples, a young girl and her mother were rescued alive after 16 hours under the rubble of a nine-story apartment building that had collapsed.

Mr. BAKER. Mr. President, I yield my remaining time to the control of the majority leader for whatever purpose he may require.

Mr. ROBERT C. BYRD. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished majority leader.

UNITED STATES AND WEST EUROPEAN DISAGREEMENTS OVER THE SOVIET MILITARY THREAT—PART 2

Mr. PROXMIRE. Mr. President, 1 year ago, on October 25, 1979, I gave a speech in the Senate demonstrating the sharp disagreements over military policy between the United States and our NATO allies. I said then that these disagreements were becoming more common and more serious. My conclusion was that the disagreements over military policy are illustrative of the widening differences between the United States and West European perceptions of the Soviet military threat to NATO, and these differences can result in irreparable harm to the alliance.

The major fact that I brought forward in my speech of 1 year ago was that West Germany appeared to be planning increases in its defense budget significantly below the 3-percent rate of increase agreed to by the NATO allies. My analysis of the available figures indicated that while West German defense plans called for a defense budget increase of about 3 percent in 1980, it would only achieve about 2 percent in 1981 and less in the following 2 years. This analysis was based on projections of inflation likely to be experienced in West Germany.

Moreover, I pointed out that other NATO governments, including Denmark and the Netherlands, might also fall substantially below the 3-percent pledge.

The evidence is now undeniable that many, if not most, of our NATO allies are falling behind the 3-percent real growth defense goal. Among the reasons offered by NATO and European spokesmen are inflation, budgetary pressures, and lack of public support for higher defense spending.

An article in the Aviation Week and Space Technology issue of October 27, 1980, reports that real defense spending in West Germany will be below 3 percent in 1980, and that only by manipulating budgetary figures to include questionable items is there an increase close to the pledge. Among the questionable items included in the German defense budget is an arms package for Turkey consisting of old military equipment. The following nations will also probably be unable to meet the 3-percent target in 1981, according to Aviation Week and Space Technology:

The Netherlands has limited its real growth in defense spending to 1.5 percent.

In Denmark a debate is taking place over a proposal to freeze defense spending for the next 4 years.

In Belgium, serious economic problems are forcing cutbacks on military activities.

In Italy an inflation rate of about 18 percent makes it unlikely that the 3-percent target will be met.

No one expects Portugal to come close to the 3-percent target.

Turkey is expecting, at best, a 55-per-

cent inflation rate in 1981 and it is also unlikely that it will meet the target.

A recent news report out of London discloses a battle over the defense budget taking place in the government of Prime Minister Margaret Thatcher. According to press reports, the Treasury Ministry is recommending that defense expenditures be held down over the next 3 years. According to the Washington Post, British defense officials acknowledge that the 3-percent target is unlikely to be met this year. The reason as in several other European countries, appears to be the high rate of inflation.

I might add, that a year ago I made an inquiry to the British Embassy about this question of real defense spending. My calculations indicated that, based on official British figures, their defense spending could increase by 3 percent in real terms only if there was a drastic reduction in their inflation rate. The reply I received was that the British Government expected to meet the 3-percent target. Apparently, those who made the reply did not adequately take into account the problem of inflation.

But those who may feel gloomy over the ability or willingness of NATO allies to live up to their 3-percent spending pledge can take some cheer. Apparently, Luxembourg, that tower of military strength in Western Europe, is expected to reach the 3-percent target in 1981.

It should be obvious by now that there is something about the military threat that does not add up. The impetus for increasing our own military spending comes largely from the perception in Washington of a growing Soviet military threat to NATO, a threat that is aimed at Western Europe. Yet, the nations of Western Europe appear to be either reneging or dragging their feet on the matter of increasing their defense spending. Spokesmen for NATO and others cite economic and budgetary pressures as the main reason for the Europeans falling behind the 3-percent target.

That may be. But does not it tell us something about the way the Europeans view their priorities, their military requirements, and the Soviet military threat? I assume that if the Europeans felt strongly enough about the Soviet threat, they would meet the 3-percent target despite the economic constraints.

If the European countries do not meet the 3-percent target, that ought to be convincing evidence of the need to reassess our own priorities.

The Soviets are undoubtedly building up their military capabilities. The issue is what do American interests require in terms of our own defense spending?

Popular or not, proposals to increase the defense budget need to be carefully scrutinized. And at some point in the deliberations, I would like someone to explain the divergence of views that appear to exist between Washington and most of the capitals of Western Europe with respect to NATO's military requirements.

I ask unanimous consent to have printed in the RECORD the article from Aviation Week and Space Technology, October 27, 1980, entitled "Doubt Cast on NATO's 3-Percent Real Growth Defense Goal," and the article from the Washington Post, October 25, 1980, entitled "Britain Cutting Defense Outlays Despite Promise."

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

BRITAIN CUTTING DEFENSE OUTLAYS DESPITE PROMISE

(By Leonard Downie, Jr.)

LONDON, October 24.—Documents leaked apparently by angry defense officials here show that the British Treasury has proposed substantial cuts in the country's planned military spending over the next three years which would undermine its commitment to meet NATO targets for increased defense outlays.

The documents are diplomatically embarrassing both to Prime Minister Margaret Thatcher, whose government has promised adherence to a 3 percent NATO-wide annual increase, and to the Carter administration, which proposed that goal for the alliance in 1977 and has considered Britain a bulwark of compliance. The British Treasury has put a lid on such defense spending for the rest of this year and has recommended that more than $1 billion be cut from planned increases over the next three years.

Thatcher could still override the Treasury's recommendations, but defense officials have acknowledged that the 3 percent target is unlikely to be met this year.

Earlier, the Thatcher government had trumpeted its commitment to the full 3 percent defense increases as evidence of its strong loyalty to U.S. leadership in the North Atlantic Treaty Organization.

[The White House and the Defense Department refused to comment on the evidence of changes in British military spending.]

American officials have pointed to the example of Britain in trying to prod West Germany and—outside NATO—Japan to raise their defense budgets. Despite sometimes intense pressure from Washington, the smaller NATO nations Denmark, Belgium and Holland are falling short of the proclaimed goal.

Until now, Thatcher has exempted defense from her monetarist economic policy of budgetary cutbacks.

But the recommendations of Treasury, leaked yesterday, could mean that Britain's defense spending would rise by only half the 3 percent NATO target through 1984, although Thatcher's Defense Secretary Francis Pym said today that final decisions have not yet been made.

Defense officials and military commanders are fighting the Treasury's spending restraints in a bureaucratic battle that became public with the leak to Britain's domestic news service, the Press Association, of the secret government documents revealing not only the Treasury's plans but the military's objections. Pym has acknowledged the authenticity of the documents and begun an investigation into their leak, which violates Britain's draconian Official Secrets Act.

In a confidential letter to Pym last month, Thatcher's top budget cutter, Treasury Chief Secretary John Biffen, said defense must now "accept a fair share" of new, across-the-board spending cuts because of the country's "acute economic difficulty." Biffen told Pym that "clearly this would mean that we would not meet the 3 percent target."

Thatcher's pledge to reduce government spending during Britain's economic crisis apparently may now be given precedence over the commitment to meet the NATO target. "A strong defense requires a strong economy," Biffen wrote to Pym in mid-September.

But the Defense Ministry's top civil servant, Permanent Undersecretary Frank Cooper, warned Pym in a secret memo a few weeks later that Britain's military chiefs of staff were "naturally seriously concerned" about the effect the reductions would have on operations and weapons buying.

Even before Biffen sent his letter recommending the new cuts, the military chiefs complained to Cooper at a meeting in August, according to another secret memo, that they were being given too little money for major weapons programs.

Pym then said at another meeting two days later, according to the documents, that he "could not rule out the option of slower progress towards plans to improve manning levels in the Army over the next few years."

Britain's chief of staff, Adm. Terence Lewin, responded that the military chiefs would prefer to review Britain's overall defense commitments instead. Present and former defense officials had previously warned that Britain's participation in NATO deployment might have to be reduced to afford the $12 billion for replacing Britain's multiple-warhead Trident submarine-based nuclear missile system. The recently reduced Trident program remains protected from further cuts in planned defense spending.

Pym has already ordered minor changes in Britain's military deployment, reducing the cruising speed of British ships on NATO duty in the Mediterranean to save fuel, pulling two British frigates out of a NATO exercise and canceling joint exercises with Danish forces, according to the documents.

Cooper warned Pym in a confidential memo two weeks ago of "evidence of more NATO and international awareness of our reduction in activity levels" at a time when the "international situation had deteriorated dangerously" because of the Iraqi-Iranian war.

DOUBT CAST ON NATO'S 3-PERCENT REAL GROWTH DEFENSE GOAL

(By Eugene Kozicharow)

BRUSSELS.—Preliminary forecast indicates that almost every European member nation of the North Atlantic Treaty Organization will fail to meet the alliance's goal of 3 percent real growth in annual defense spending in 1981, according to NATO officials here.

The officials, who have been closely monitoring defense budget projections for the coming year, told AVIATION WEEK & SPACE TECHNOLOGY that, depending on the individual national inflation rates, tiny Luxembourg appears to be the only European alliance member definitely to hit a 3 percent plus growth in real defense spending.

The officials pointed out that the goal of 3 percent real growth in defense spending was a linchpin of U.S. foreign policy in 1977 when President Jimmy Carter convinced the alliance to back increased spending for defense to counter a massive Warsaw Pact military modernization program. They added that it is even possible the U.S. will not meet the required 3 percent real growth figure for Fiscal 1981.

"There are serious concerns about this whole question of 3 percent," one NATO official said.

Acknowledging the problem, NATO Secretary General Joseph Luns recently said all

NATO member nation budgets will come under increasing pressure in the next few years.

"It would appear that the immediate economic future for the NATO allies will be marked by continued high inflation rates, increasing unemployment, low economic growth and prolonged balance of payments problems," he said.

He added that competition for declining government revenues is quite intense, with continuous pressure for greater government spending on economic relief measures, at the sacrifice of other budgetary demands.

"This situation seems hardly propitious for improving upon the current ratio, by which, for example, Western Europe expends seven times more on social welfare than on defense.

"Rather, unless governments can find ways to build broader public support for greater efforts in the defense field, which in the present circumstances I find difficult to forecast with any confidence, many of them will probably be doing well merely to maintain defense expenditures at their present levels," the official said.

Luns said the alliance's defense difficulties are taking place while Soviet defense expenditures rise. "The Soviet defense budget is rising at the rate of 4–5 percent in real terms each year and stands now at the equivalent of about $160 billion."

NATO officials said that already in Fiscal 1980 many alliance members were struggling to meet the 3 percent real growth figure as the price of oil and inflation rates cut into national budgets. West Germany, which is considered a mainstay of European nations in NATO, barely hit the 3 percent real growth figure after approving a supplemental fuel expenditure and by including in its defense budget an arms package of old military equipment that went to Turkey.

The officials said the following nations will probably fail to meet the 3 percent target in 1981:

Holland—The country's $5.5 billion defense budget limits growth in real terms to 1.5 percent.

Denmark—The Danish government is in a serious battle with opposition parties and other NATO nations over its plans to freeze defense spending in real growth for the next four years, 1981–85. The Danish government position prompted a letter from Defense Secretary Harold Brown that expressed doubts the Danish military will be able to perform NATO tasks in the future.

Belgium—With serious economic problems, Belgium's defense forces have been forced to cut back on military exercises, air force training flights and troop movements. Because of a lack of fuel, the Belgian armed forces were forced to use the railroads to move equipment and personnel.

Italy—With an inflation rate of about 18 percent a year, only a major defense appropriation will carry Italian spending over the 3 percent figure. Lack of a stable government and increasing unemployment also will make inroads in efforts to bolster defense spending.

West Germany—Sharp downturn in the West German economy with predictions of only 1 percent in economic growth in the next year, plus rising unemployment, indicates that West Germany's real growth in defense will be below the 3 percent mark. NATO officials predict it will reach about 2.8 percent, but the increasing cost of defense systems in the midst of a major defense modernization program could reduce the figure further.

Portugal—Economically hamstrung in the last several years, Portugal has had to live largely off the aid of other alliance members and no one sees it coming close to a 3 percent figure in real defense increases.

Turkey—Only a major bailout earlier this year prevented the Turkish economy from collapsing and Western military leaders foresee difficult times ahead. Turkish military leaders are predicting a 55 percent inflation rate for 1981, which would be a major achievement, considering that skyrocketing inflation rate this year was almost double.

NATO officials said inflation rates also will determine whether other European alliance members, the United Kingdom, and Norway in particular, will hit the 3 percent real growth target. They noted that both countries are almost self-supporting in oil, but major internal problems have led to high unemployment and expensive social programs that compete directly with defense outlays.

While the government of Margaret Thatcher in England has publicly endorsed a strong defense, an 18 percent inflation rate and massive unemployment are key national issues.

In the case of Norway, one official said, "It is one of the stronger performers in the alliance," with hopes running high that it will achieve the targeted spending. The officials said Luxembourg's defense spending will increase by 4 percent in real terms in 1981, but added that the small nation is only a marginal contributor to the alliance's force structure. Luxembourg's defense budget in 1979 was about $400 million. The NATO officials added that Canada is expected to reach 3 percent in real growth in defense spending in 1981, the country's second year in a row to achieve that figure after falling short in previous years.

A bright spot in Western European spending is France's 1981 budget, which forecasts a 18 percent increase in defense spending (see p. 63). Although no longer a military member of the alliance, France's real spending for defense, discounting a 10.5-13 percent inflation rate, is seen as a positive step in a rather bleak year by NATO officials. With most European NATO allies slipping below the real growth amount required by NATO, officials are looking to Washington for leadership to insure that NATO's defense posture does not erode because of a lack of funds.

Officials point to election campaign statements by both President Carter and Republican Party nominee Ronald Reagan firmly committing the U.S. to an increase in defense spending. Some officials, however, are leery of President Carter's sudden efforts to make a strong defense budget a major campaign issue. They point to Carter's performance in 1978 when only a last-minute change of U.S. policy prevented the U.S. from failing to meet the 3 percent commitment. Also, it was supplemental funding and strong congressional action in 1979 that pulled the U.S. defense budget over the 3 percent target, they claim.

While both Gen. Bernard Rogers, Supreme Allied Commander-Europe, and top Defense Dept. official Robert Komer have pressed European government leaders to fall in line to meet the spending goal, internal national problems have forced most NATO nations to forego the target. Burgeoning military system costs also have seriously crimped national defense budgets with many nations forced to defer or suspend certain acquisition programs, other officials asserted (AW&ST Oct. 20, p. 113). One official said Gen. Rogers has repeatedly warned European allies that the 1980s is a very critical period and a failure of NATO to match Soviet spending will lead to serious consequences. "If the West doesn't meet the challenge, we will be in for a very rough time. U.S. representatives are insisting that the allies must carry their share," he said.

Other officials assert President Carter's own paring of the U.S. defense budget, with major cutbacks in Navy and Army programs, have given European governments a way out in cutting back on their own spending. They claimed the Office of Management and Budget cutbacks in operations and maintenance funding for all the services had reduced military readiness.

While some NATO officials maintain that the 3 percent goal is hard to quantify because of many economic factors, including inflation and specific national policy concerning strong currency, others say it has become a symbol of strong alliance. Failure to meet that goal, however, indicates a decision on the part of national governments to divert funds for other programs subsequently decreasing maintenance of NATO strength, one official said.

U.S. firmness in meeting the 3 percent goal is a key element in getting the other allies to make a similar effort, he said. "The U.S. must stand up and be counted."

RESIGNATION OF JAY JANIS

Mr. PROXMIRE. Mr. President, yesterday Jay Janis, the Chairman of the Federal Home Loan Bank Board, announced his resignation effective on December 15. The Home Loan Bank Board is a relatively obscure agency but it affects the lives of millions of Americans. It supervises the savings and loan industry which has been the principal source of mortgage credit for the American family. And it plays a key role in designing programs and policies to maintain a steady and even flow of mortgage credit.

Jay Janis has been one of the ablest and most dedicated Chairmen the Bank Board has ever had and his leadership will be sorely missed. The most impressive quality about Jay Janis is his deep understanding of housing and housing finance. He served as a top assistant to Housing Secretary Robert Weaver in the Johnson administration. He then became a highly successful home builder in Florida. He served as the Under Secretary of HUD in the Carter administration. And, for the last year and a half he has been at the helm of the Home Loan Bank Board during the most perilous period of the history of the savings and loan industry. Wracked by double digit inflation and the most severe earnings squeeze in its history, the savings and loan industry was most fortunate to have a regulator of Mr. Janis' calibre on the job.

Jay Janis also did a superb job in leading the industry toward a more enlightened lending policy in older, urban neighborhoods. Today the savings and loan industry, more than ever before, has become active in helping to revitalize hundreds of older neighborhoods and much of the credit for this belongs to Jay Janis.

Also, Mr. President, Jay Janis, perhaps more than anyone in Washington, appreciates the unique and vital role played by the savings and loan industry

in our housing finance system. At a time when the Congress was acting on the most substantial financial restructuring legislation since the early days of the New Deal, Jay's counsel and advice was indispensable.

Mr. President, Jay Janis has served his country well and his departure from the Bank Board comes as a great disappointment. We in the Congress and the country at large owe him a great debt.

Mr. MORGAN. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. MORGAN. Mr. President, I did not know of the resignation of Mr. Jay Janis, Chairman of the Federal Home Loan Bank Board, until my distinguished colleague from Wisconsin pointed it out.

I want to join in the comments the Senator has made with regard to Mr. Janis.

I do not know of any man who has served in that position at a more difficult time, especially during a more difficult transition period, and with great dignity and ability, than Mr. Jay Janis.

I think he has a particular understanding of the role of the savings and loan industry, the role it has played in home building throughout America for decades now.

He has shown extreme courage in working with the new Deregulation Committee that was created by this Congress earlier.

I, too, regret that he is leaving. I understand, of course, his reasons for leaving.

But I join in the praise of my distinguished colleague from Wisconsin because I think he certainly deserves those comments. He has rendered the Nation a real service.

I thank the Chair.

THE HOLOCAUST SURVIVORS—THE ONGOING TRAGEDY OF GENOCIDE

Mr. PROXMIRE. Mr. President, 35 years ago, the world witnessed the most horrible genocide known to mankind. As Allied forces liberated the Nazi concentration camps in 1945, the dreadful realization of Nazi atrocities became apparent. I have spoken out many times in the past about the 6 million Jews who were killed by the Nazis. I will continue to speak about them, for they must never be forgotten. However, today, I would like to speak about the few brave survivors of the holocaust.

A new and imprtant work has just been published, "The Faith and Doubt of Holocaust Survivors" by Reeve Robert Brenner. Through interviews with holocaust survivors, the book examines the underlying meaning of their experiences. The personal testimonies of the survivors are sad and tragic, but must be heard if one is to have a true understanding of the terror of the holocaust.

Brenner maintains that "thousands of survivors dispersed in all the world remain living victims and witnesses" of the dreadful acts of the Nazis. Victims of brutality unprecedented in modern times. Witnesses who demand that we do everything possible to insure that genocide never happen again.

But can this be insured? I think not. The nature of man is such that there never can be guarantees. However, we can move one step closer to preventing another holocaust by ratifying the Genocide Convention. I urge my colleagues to pass the genocide treaty in a show of support for human rights and dignity.

In Brenner's books, one survivor of a Nazi concentration camp believes that man was to blame for the holocaust. Man made the holocaust, but man also could have prevented it. Man can now help prevent another genocide from occurring. In the words of this survivor, "God gave man free will. God did not create man a robot, but rather capable of making decisions and free choices."

Mr. President, it is time we heed the advice of a man whose mental and physical scars will be with him forever. It is time that we act and ratify the Genocide Convention.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. 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 (Mr. MELCHER). Without objection, it is so ordered.

MOTION TO PROCEED TO CONSIDER THE NOMINATION OF STEPHEN G. BREYER TO BE U.S. CIRCUIT JUDGE

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate proceed in executive session to consider the nomination of Stephen Breyer.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Mr. President, I have raised the question of whether the nomination is properly before the Senate because it was reported in violation of Senate rule XXVI 7(a)(1) in that it was not reported by a majority of the members of the Judiciary Committee physically present at the time.

Mr. HUMPHREY. Mr. President, I wish to avail myself of the opportunity to discuss this matter.

The PRESIDING OFFICER. It is not a debatable question.

Mr. BAKER. Mr. President, parliamentary inquiry. Is the Chair ruling that a point of order is not debatable?

The PRESIDING OFFICER. The motion is not debatable. The underlying motion is not debatable. On the question of a point of order it is at the sufferance of the Chair.

Mr. BAKER. Mr. President, I appeal the ruling of the Chair on that point.

The PRESIDING OFFICER. The appeal, of course, is debatable.

Mr. ROBERT C. BYRD. Mr. President, how can an appeal be lodged? The Chair has not issued any ruling.

The PRESIDING OFFICER. The appeal ordinarily would be debatable. It is not debatable at this point because of the underlying question which is not debatable.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BAKER. Mr. President, I ask for the yeas and nays on the appeal.

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

The yeas and nays were ordered. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I move to lay the appeal on the table.

Mr. BAKER. I ask for the yeas and nays on the motion to table.

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 West Virginia to lay on the table the appeal from the ruling of the Chair. The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Georgia (Mr. NUNN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from

Wyoming (Mr. WALLOP) are necessarily absent.

Mr. ROBERT C. BYRD. Regular order, Mr. President.

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

The result was announced—yeas 40, nays 37, as follows:

[Rollcall Vote No. 485 Leg.]

YEAS—40

Baucus	Ford	Moynihan
Boren	Glenn	Nelson
Bradley	Heflin	Proxmire
Bumpers	Hollings	Pryor
Burdick	Huddleston	Randolph
Byrd,	Jackson	Riegle
Harry F., Jr.	Johnston	Sarbanes
Byrd, Robert C.	Leahy	Sasser
Chiles	Levin	Stennis
Cranston	Long	Stevenson
Culver	McGovern	Stewart
DeConcini	Melcher	Talmadge
Eagleton	Metzenbaum	Williams
Exon	Mitchell	

NAYS—37

Armstrong	Hatfield	Schmitt
Baker	Heinz	Schweiker
Bellmon	Helms	Simpson
Boschwitz	Humphrey	Stafford
Chafee	Inouye	Stevens
Cochran	Jepsen	Thurmond
Cohen	Kassebaum	Tower
Danforth	Laxalt	Warner
Dole	Lugar	Weicker
Domenici	McClure	Young
Durenberger	Morgan	Zorinsky
Goldwater	Pressler	
Hatch	Roth	

NOT VOTING—23

Bayh	Hart	Packwood
Bentsen	Hayakawa	Pell
Biden	Javits	Percy
Cannon	Kennedy	Ribicoff
Church	Magnuson	Stone
Durkin	Mathias	Tsongas
Garn	Matsunaga	Wallop
Gravel	Nunn	

So the motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair is now ready to rule——

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

Mr. ROBERT C. BYRD. Mr. President, that is not in order. We have just had a rollcall. It shows a quorum is present. No business has intervened.

The PRESIDING OFFICER. The Senator from West Virginia is correct. There has been no intervening business since the rollcall. To determine the question of order, the Chair will have to ask a representative of the committee, since the chairman is not here, if there was an actual majority of the committee present when the nomination was reported.

Mr. DECONCINI. Mr. President, I am a member of the Committee on the Judiciary. There was not an executive session when the vote on Mr. Breyer was taken up. There was not a physical majority there.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order so we can hear the Senator from Arizona. This is an important statement we all should hear.

Mr. DECONCINI. Mr. President, I am a member of the Judiciary Committee and there was not a physical majority present when voting this nomination out.

The PRESIDING OFFICER. The Chair then asks, how was the nomination reported out?

Mr. DECONCINI. It was polled out by a written poll circulated to all the members.

Mr. HUMPHREY. Mr. President, I move to recess.

Mr. ROBERT C. BYRD. Mr. President, the Senator can make the motion, but I hope the Chair will rule as soon as possible.

Mr. DECONCINI addressed the Chair.

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

The PRESIDING OFFICER. Is the Senator's motion to recess made according to the resolution relative to the recess for today?

Mr. HUMPHREY. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion.

CALL OF THE ROLL

Mr. HUMPHREY. 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. 35 Leg.]

Armstrong	Glenn	Moynihan
Baker	Goldwater	Nelson
Baucus	Hatch	Nunn
Bayh	Hatfield	Pressler
Bellmon	Hayakawa	Proxmire
Boren	Heflin	Pryor
Boschwitz	Heinz	Randolph
Bradley	Helms	Riegle
Bumpers	Hollings	Roth
Burdick	Huddleston	Sarbanes
Byrd,	Humphrey	Sasser
Harry F., Jr.	Inouye	Schmitt
Byrd, Robert C.	Jackson	Schweiker
Chafee	Jepsen	Simpson
Chiles	Johnston	Stafford
Cochran	Kassebaum	Stennis
Cohen	Laxalt	Stevens
Cranston	Leahy	Stevenson
Culver	Levin	Stewart
Danforth	Long	Talmadge
DeConcini	Lugar	Thurmond
Dole	McClure	Tower
Domenici	McGovern	Warner
Durkin	Melcher	Weicker
Eagleton	Metzenbaum	Williams
Exon	Mitchell	Young
Ford	Morgan	Zorinsky

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the motion to recess.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to recess. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. BAKER. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. GARN), the Senator from New York (Mr. JAVITS), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 21, nays 57, as follows:

[Rollcall Vote No. 486 Leg.]

YEAS—21

Armstrong	Hayakawa	Pressler
Baker	Heinz	Roth
Boschwitz	Helms	Schmitt
Cohen	Jepsen	Schweiker
Danforth	Laxalt	Simpson
Dole	Lugar	Tower
Hatfield	McClure	Warner

NAYS—57

Baucus	Ford	Moynihan
Bayh	Glenn	Nelson
Bellmon	Goldwater	Nunn
Boren	Hatch	Proxmire
Bradley	Heflin	Pryor
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd,	Humphrey	Sarbanes
Harry F., Jr.	Inouye	Sasser
Byrd, Robert C.	Jackson	Stafford
Chafee	Johnston	Stevenson
Chiles	Kassebaum	Stewart
Cochran	Leahy	Talmadge
Cranston	Levin	Thurmond
Culver	Long	Weicker
DeConcini	McGovern	Williams
Domenici	Melcher	Young
Durkin	Metzenbaum	Zorinsky
Eagleton	Mitchell	
Exon	Morgan	

NOT VOTING—22

Bentsen	Javits	Ribicoff
Biden	Kennedy	Stennis
Cannon	Magnuson	Stevens
Church	Mathias	Stone
Durenberger	Matsunaga	Tsongas
Garn	Packwood	Wallop
Gravel	Pell	
Hart	Percy	

So the motion to recess was rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the motion was rejected, if I am qualified to do so, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is qualified.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator will not continue in his futile effort to delay the inevitable.

The Chair is going to rule at some point during the day, and the Senate will then proceed to take up the Agriculture appropriation bill. I hope we will finish the bill today and take care of the Senate's business so that the Senators might go home at a reasonable hour. The Senator may be delaying the reasonable hour when Senators may be able to go home.

In any event, the adjournment resolution for next Friday a week has not yet been enacted, and the Senate will complete its business before it goes home on Friday, December 5; and all these hours that are ticking away now may be very valuable hours when that point arrives.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the motion to recess was rejected. 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 20, nays 62, as follows:

[Rollcall Vote No. 487 Leg.]

YEAS—20

Armstrong	Helms	Pressler
Baker	Humphrey	Roth
Boschwitz	Jepsen	Schmitt
Cohen	Laxalt	Simpson
Durenberger	Lugar	Stevens
Hatfield	McClure	Warner
Heinz	Morgan	

NAYS—62

Baucus	Exon	Moynihan
Bayh	Ford	Nelson
Bellmon	Glenn	Nunn
Boren	Goldwater	Proxmire
Bradley	Hatch	Pryor
Bumpers	Hayakawa	Randolph
Burdick	Heflin	Riegle
Byrd, Harry F., Jr.	Hollings	Sarbanes
	Huddleston	Sasser
Byrd, Robert C.	Inouye	Schweiker
Chafee	Jackson	Stafford
Chiles	Javits	Stennis
Cochran	Johnston	Stevenson
Cranston	Kassebaum	Stewart
Culver	Leahy	Talmadge
Danforth	Levin	Thurmond
DeConcini	Long	Tower
Dole	McGovern	Weicker
Domenici	Melcher	Williams
Durkin	Metzenbaum	Young
Eagleton	Mitchell	Zorinsky

NOT VOTING—18

Bentsen	Hart	Pell
Biden	Kennedy	Percy
Cannon	Magnuson	Ribicoff
Church	Mathias	Stone
Garn	Matsunaga	Tsongas
Gravel	Packwood	Wallop

So the motion to reconsider vote No. 486 was rejected.

The PRESIDING OFFICER. The question of order is well taken.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The nomination having been reported in the absence of an actual majority of the committee present——

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (continuing). The reporting thereof is void, and the nomination is sent back to the committee.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO RECESS UNTIL 3 P.M.

Mr. HUMPHREY. I move to recess until 3 p.m. and I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, he cannot move and suggest the absence of a quorum. When he moves, he loses the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Hampshire to recess.

Mr. HUMPHREY. 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 clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Florida (Mr. STONE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

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

The result was announced—yeas 21, nays 59, as follows:

[Rollcall Vote No. 488 Leg.]

YEAS—21

Armstrong	Domenici	McClure
Baker	Hatfield	Pressler
Boschwitz	Heinz	Roth
Cochran	Humphrey	Schmitt
Cohen	Jepsen	Schweiker
Danforth	Laxalt	Simpson
Dole	Lugar	Warner

NAYS—59

Baucus	Goldwater	Moynihan
Bayh	Hatch	Nelson
Bellmon	Hayakawa	Nunn
Boren	Heflin	Proxmire
Bradley	Helms	Pryor
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd, Harry F., Jr.	Inouye	Sarbanes
	Jackson	Sasser
Byrd, Robert C.	Javits	Stafford
Chafee	Johnston	Stennis
Chiles	Kassebaum	Stevens
Cranston	Leahy	Stevenson
Culver	Levin	Stewart
DeConcini	Long	Talmadge
Durenberger	McGovern	Thurmond
Eagleton	Melcher	Weicker
Exon	Metzenbaum	Williams
Ford	Mitchell	Young
Glenn	Morgan	Zorinsky

NOT VOTING—20

Bentsen	Hart	Percy
Biden	Kennedy	Ribicoff
Cannon	Magnuson	Stone
Church	Mathias	Tower
Durkin	Matsunaga	Tsongas
Garn	Packwood	Wallop
Gravel	Pell	

So the motion to recess until 3 p.m. was rejected.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The PRESIDING OFFICER. The clerk will state H.R. 7591 by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7591) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1981, and for other purposes.

The Senate proceeded to consider the bill.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. COHEN may proceed for not to exceed 3 minutes on another matter.

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

DEPARTMENT OF ENERGY NATIONAL DEFENSE PROGRAMS AUTHORIZATION ACT

Mr. COHEN. Mr. President, I ask the Chair to lay before the Senate a message

from the House of Representatives on S. 3074.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, and for other purposes.

(The amendment of the House is printed in the RECORD of November 20, 1980 beginning at page 30399.)

UP AMENDMENT NO. 1794

Mr. COHEN. Mr. President, I move that the Senate agree to the amendment of the House to S. 3074 with an amendment.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, Mr. JACKSON has approved the request by the distinguished Senator from Maine (Mr. COHEN).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. COHEN) proposes an unprinted amendment numbered 1794.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

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, $141,775,000, 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, $15,700,000.

(D) For supporting research and experiments, $17,000,000, 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, $1,836,823,000, to be allocated as follows:

(A) For research and development, $501,064,000.

(B) For weapons testing, $318,000,000.

(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, $709,255,000, to be allocated as follows:

(A) For production reactor expenses, $226,907,000.

(B) For the processing of defense nuclear materials, $104,419,000.

(C) For supporting services, $93,739,000, 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, $75,500,000, 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, $36,750,300.

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, $3,320,000.

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, various locations, $28,900,000.

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, $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-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-120, control of effluents and pollutants, Y-12 Plant, Oak Ridge, Tennessee, $3,000,000.

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-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 and byproducts management:

Project 81-D-123, general plant projects, various locations, $14,600,000.

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-126, pollution abatement facilities, Richland, Washington, $1,000,000.

Project 81-D-128, restoration of production capabilities, various locations, $35,000,000.

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, hangers 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, $49,000,000.

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, $20,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $10,000,000.

Project 81-T-106, transuranic waste treatment facility, Idaho National Engineering Laboratory, Idaho, $10,000,000 (AE only).

Project 77-13-f, waste isolation pilot plant, Delaware Basin, southeast New Mexico, an additional sum of $29,000,000, for a total project authorization of $119,000,000.

(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, $75,507,000 of which $53,000,000 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

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 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 authorized by this Act, 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 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 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)(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 $2,000,000.

(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 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.

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.

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.

ENHANCED RADIATION WARHEADS

SEC. 212. 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 W79-1 warheads to an enhanced radiation capability.

URANIUM MILL TAILINGS PLAN

SEC. 213. 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 Armed Services Committees of the Congress not later than October 1, 1981.

Mr. COHEN. Mr. President, Chairman JACKSON and I have worked closely together on S. 3074, an original bill author-

izing the national defense program directed by the Department of Energy. S. 3074 as originally enacted by the Senate contained within it significant initiatives in the area of nuclear weapons and special nuclear materials production. The bill also authorized important programs in defense nuclear waste management, naval nuclear reactors, inertial confinement fusion, and arms control verification technologies.

S. 3074 as amended by the House contains complementary intiatives guided by the same spirit which resulted in Senate action. The amendment proposed by Senator JACKSON and myself to the House version of our bill is designed to reconcile House and Senate differences in a manner which I believe will be mutually acceptable to both Houses and which reflects later more accurate DOE estimates of funding requirements.

The justification for enacting S. 3074 and the amendments remains the same. If corrective action is not taken soon serious shortages in nuclear material for strategic and theater weapons will limit our nuclear forces modernization efforts and options. To prevent this, action must be taken to promote the conversion and upgrading of the N-reactor at Richland, Wash., the Purex fuel processing plant at Richland, and the L-reactor at Savannah River, S.C.

Material production facilities, as well as weapon production facilities and assembly facilities must be refurbished. Today the facilities which are so important to our national security are in a sad state of repair. The nuclear weapons complex has, according to the Carter administration, a restoration backlog of $674 million and the material production facilities will require an additional $414 million over the next 5 years.

In S. 3074 the Senate has attempted to mitigate the harmful effects of inflation and price rises in nonnuclear materials, such as gold, which are used in defense programs. Also, we have again taken steps to insure that defense nuclear waste management will proceed without delay so that defense programs will not suffer in the future because of failure to deal with this problem. In that regard, I should point out that our amendment would accept from the House bill language directing that defense nuclear production and by-product management programs be administered by the Assistant Secretary of Energy for defense programs rather than the Assistant Secretary for Nuclear Power. This organizational change will insure that nuclear waste management will receive the additional support it deserves.

For the testing of nuclear weapons the proposed amendment will contain $318 million. This is less than the $335 million authorized in the Senate bill but reflects revised estimates of costs provided by DOE and for which a supplement appropriation request is being prepared. The amendment also contains section 212 which states that "The Secretary of Energy shall produce and stockpile the nuclear materials and warhead components necessary to enable the rapid conversion of W70-3 and the W79-1 warheads to enhance radiation capability." This action is entirely consistent with U.S. policy and was of course already contained in the original Senate bill.

In summary, Mr. President, this is important legislation which I hope can be enacted as soon as possible. I would like to commend the Senate leadership and my other colleagues who have helped expedite this legislation.

Mr. JACKSON. Mr. President, on September 30, 1980, the Senate passed S. 3074, the fiscal year 1981 Department of Energy defense programs authorization bill. The full House acted on the companion bill, H.R. 7265, on November 20, 1980.

In most respects the two bills—S. 3074 as passed by the Senate and the House amendment to S. 3074, which is now before the Senate—are quite similar. However, there are some differences and little time remains to reconcile those differences. In an effort to expedite matters, Senator COHEN and I have drafted a comprehensive amendment which we intend to offer as a substitute to the House amendment. This amendment has been gone over by our counterparts in the House—Chairman MEL PRICE and Representative BOB WILSON—who have indicated that the amendment is acceptable to them. This amendment has also been concurred in by other members of the Armed Services Committee who are involved in these nuclear weapons programs.

As I said, there are some differences between the two bills. Rather than try to go over each one, I ask unanimous consent that a table be inserted in the RECORD at the conclusion of my remarks which is a detailed accounting of every difference and shows the compromise that is reflected in the Cohen-Jackson amendment.

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

(See exhibit 1.)

Mr. JACKSON. Generally, we are talking about "fact-of-life" changes—changes as a result of differing amounts that appear in the already enacted Energy and Water Development Appropriations Act, changes resulting from pending and anticipated supplementals, and so forth. I would be pleased to go into any particular item if there are questions.

Summarizing the dollar differences, S. 3074 as passed by the Senate authorized appropriations of $4,024,582,000. The House amendment authorized $3,629,650,000. The Cohen-Jackson amendment totals $3,973,225,000—over $50 million less than the original Senate-passed bill.

Mr. President, this is an important annual authorization bill that must be enacted this session. Nothing is more important to our national security than the credibility of our strategic deterrent, and this bill is the cornerstone of our strategic programs.

EXHIBIT 1

DEPARTMENT OF ENERGY—TITLE I: NATIONAL SECURITY PROGRAMS FISCAL YEAR 1981

[Dollar amounts in millions]

Item	Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
Inertial confinement fusion	$236.150	$209.600	$213.650	$236.150	$218.425
Naval reactors	398.350	303.350	308.350	398.350	398.350
Weapons Activities	2,187.623	2,068.723	2,157.323	2,208.192	2,203.923
Verification and control technology	93.391	39.391	39.391	41.391	39.391
Defense nuclear materials—Production management	549.500	553.700	572.470	706.435	407.500
Defense nuclear materials—Byproducts management	330.660	300.160	291.262	383.660	361.932
Nuclear materials security and safeguards	46.704	46.704	46.704	50.404	47.604
Total	3,788.378	[1] 3,521.628	3,629.650	4,024.532	3,973.225
Total, operating expenses	2,895.123	2,890.623	2,914.123	3,061.727	3,020.098
Total, plant and capital equipment	893.255	600.005	715.527	962.855	953.127
Total, DOE defense programs authorization	3,788.378	3,490.628	3,629.650	4,024.582	3,973.225

[1] Less $31,000,000 for fiscal year 1980 deferrals per House Appropriations Conference Report 96-1366.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—OPERATING EXPENSES, FISCAL YEAR 1981

[Dollar amounts in millions]

Item No.	Item	Amended request	Appropriation Act Public Law 96-367	House bill H.R. 7265	Senate bill S. 3074	Cohen-Jackson substitute amendment
	Defense intertial confinement fusion:					
1	Glass laser experiments	$52.800	$68.525	[1] $69.800	$52.000	$69.800
2	Gas laser experiments	41.000	38.000	[1] 38.000	41.000	38.000
3	Particle beam experiments	15.000	15.700	[1] 15.400	15.000	15.700
4	Supporting research and experiments	50.225	17.000	[1] 12.525	50.225	17.000
5	Program direction	1.275	1.275	[1] 1.275	1.275	1.275
6	Total	159.500	140.500	[1] 137.000	[1] 159.500	141.775
	Weapons activities:					
7	Research and development	501.064	501.064	501.064	499.225	501.064
8	Weapons testing	241.000	261.000	[1] 286.000	335.000	318.000
9	Production and surveillance	980.100	980.100	980.100	944.888	980.100
10	Program direction	37.659	37.659	[1] 37.659	37.659	37.659
11	Total	1,759.823	1,779.823	1,804.823	[1] 1,816.692	1,836.823
12	Verification and control technology	36.826	36.826	36.826	38.826	36.826
13	Program direction	1.765	1.765	[1] 1.765	1.765	1.765
14	Total	38.591	38.591	[1] 38.591	[1] 40.591	38.591
	Defense nuclear materials—production and byproducts management:					
15	Production reactor operations	200.907	200.907	[1] 200.907	240.088	226.907
16	Processing of nuclear materials	92.019	92.019	[1] 92.019	111.996	104.419
17	Supporting services	65.939	80.939	[1] 80.939	95.771	93.739
	Purex startup		(15.000)	[1] (15.000)		(15.000)
18	Florinel processing	26.890	26.890	[1] 26.890	27.935	26.890
19	Special isoptopes separation research	4.815	9.815	[1] 14.815	4.815	14.815
20	Program direction, production	1.330	1.330	[1] 1.330	1.330	1.330
21	Total, production	391.900	411.900	416.900	[1] 481.935	468.100
22	Decontamination and decommissioning	6.000	4.000	[1] 4.000	6.000	4.000
23	Interim waste management	139.940	135.940	[1] 149.940	149.940	149.940
24	Long-term waste management	99.000	75.500	[1] 62.500	99.000	75.500
25	Terminal storage (WIPP)	0	5.000	[1] 5.000	9.000	5.000
26	Transportation research and development	5.000	5.000	[1] 5.000	0	5.000
27	Program direction, byproducts	1.715	1.715	[1] 1.715	1.715	1.715
28	Total, byproducts	251.655	277.155	223.155	[1] 265.655	241.155
29	Total, defense nuclear materials, production and byproducts management	643.555	639.055	[1] 640.055	740.590	709.255
30	Nuclear materials security and safeguards	39.509	39.509	39.509	43.209	39.509
31	Program direction	3.795	3.795	[1] 3.795	3.795	3.795
31	Program direction	3.795	3.795	[1] 3.795	3.795	3.795
32	Total	43.304	43.304	[1] 43.304	[1] 47.004	43.304

DOE NATIONAL SECURITY PROGRAMS—MONEY DIFFERENCES—PLANT AND CAPITAL EQUIPMENT, FISCAL YEAR 1981

	Naval reactors development:					
33	Project 81-T-112, modifications and additions to prototype facilities, various locations	103.000	10.000	13.000	103.000	103.000
	Weapons activities:					
34	Project 81-D-103, plant engineering and design, various locations	4.600	4.000	4.600	10.000	4.600
35	Project 81-D-108, reactor support facilities, Sandia National Labs, N. Mex	0	2.000	2.000	9.000	9.000
36	Project 81-D-112, tritium-handling facility, Los Alamos, N. Mex	0	0	0	4.100	4.100
37	Project 81-D-114 exhaust plenum modifications, Rocky Flats Plant, Colo	10.500	0	0	10.500	0
38	Project 81-D-116, utilities and equipment restoration, replacement, and upgrade, phase II various locations (weapons complex)	115.000	25.000	75.000	115.000	75.000
39	Project 81-D-120, control of effluents and pollutants, Y-12 plant, Tenn	6.400	3.000	0	6.400	3.000
40	Project 81-D-133, earthquake damage restoration, Lawrence Livermore National Lab, Calif	0	2.000	3.000	0	3.000
41	Project 81-D-134, earthquake damage restoration, Sandia National Lab at Livermore, Calif	0	1.000	2.000	0	2.000
42	Project 80-AE-6, utilities and equipment restoration, replacement, and upgrade, various locations	29.900	25.300	29.900	0	29.900
43	Project 79-7-e, production and assembly facilities, Pantex, Tex	13.000	1.300	13.000	13.000	13.000
	Defense nuclear materials—Production and by products management:					
44	Project 81-D-123, general plant projects, various locations	14.600	12.500	15.600	14.600	14.600
45	Project 81-D-126, pollution abatement facilities, Richland, Wash	0	0	0	1.000	1.000
46	Project 81-D-128, restoration of production capabilities, various locations	34.100	9.000	34.100	68.400	35.000
47	Project 81-D-141, hangers for N-reactor, Richland, Wash	0	5.000	0	5.000	5.000
48	Project 81-D-142, steam transfer header, Savannah River, S.C	0	0	0	7.000	7.000
49	Project 81-D-143, L-reactor restart, Savannah River, S.C	0	0	0	18.000	49.000
50	Project 81-T-102, plant engineering and design, various locations	9.865	14.865	5.130	9.865	5.130
51	Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Lab, Tenn	20.000	5.000	5.000	20.000	20.000
52	Project 81-T-105, defense waste processing facility, Savannah River, S.C	0	0	10.000	0	10.000
53	Project 81-T-106, transuranic waste treatment facility, Idaho (AE only)	0	0	0	10.000	10.000
54	Project 77-13-f, waste isolation pilot plant, N. Mex	0	15.000	0	29.000	29.000
	Capital equipment not related to construction:					
55	Defense nuclear materials, production management	35.100	35.100	35.400	38.700	53.000
56	Defense nuclear materials, byproducts management	25.000	17.500	22.507	25.000	22.507

[1] Denotes number appearing in the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. COHEN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum until Senators who will manage the appropriations bill arrive in the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AGRICULTURE, RURAL DEVELOPOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill.

Mr. EAGLETON. Mr. President, the bill reported by the committee would provide $21.6 billion in new budget authority, $248 million less than the House bill, and some $381.3 million below the budget. I must caution that only $9.7 billion is included in the bill for food stamps—essentially the presently authorized ceiling on appropriations. It is a virtual certainty that additional funds will be required for the food stamp program in fiscal year 1981. In addition, I must caution that these figures include a reduction of over $300 million for the child nutrition programs, based on the estimated savings which will result from final action on reconciliation now pending in conference. These cuts were not assumed in either the President's budget or the House-passed bill.

I would like to highlight a few key amendments to the House bill:

Net increase in research programs of $61.4 million, including $7 million for Hatch Act grants, $25 million for competitive grants. The House bill was about $22.6 million below the budget for research.

Increase of $11.1 million for extension—otherwise called Smith-Lever—grants.

Increase of $16.1 million for pest and disease control programs.

Increase of $44.2 million for the programs of the Soil Conservation Service.

Mr. President, the bill as reported by the committee addresses the needs of U.S. agriculture, in my opinion. The substantial increases provided for the important research and conservation programs of the Department of Agriculture illustrate the concern of the Appropriations Committee over the future productive capacity of our farms. Without a continued strong research program, the productivity which sets U.S. agriculture apart in the world will begin to wane. Likewise, if we neglect the conservation of our soil, our productive capacity is bound to decline.

Mr. President, I ask unanimous consent that the section on pages 6 through 8 of the committee report which summarizes the major changes recommended to the House bill and other pertinent material summarizing the bill be included in the record at this point.

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

SUMMARY OF THE BILL

HIGHLIGHTS OF MAJOR CHANGES RECOMMENDED TO HOUSE BILL

Highlights of major recommendations and changes to the House bill are:

Office of the Secretary, Departmental Administration, Governmental and Public Affairs and Office of the Inspector General, and Office of the General Counsel.—Accepts House recommendations but restores $375,000 for Inspector General and deletes $202,000 for information dissemination requirements that were not justified.

Federal Grain Inspection Service.—Restores $2,500,000 reduced by House based on revised estimate of impact of hiring freeze. The agency has an exemption.

Science and Education Administration.—Agricultural research: Net increase of $23,160,000 over House bill. Also includes transfer of $10,800,000 for biomass energy research from Department of Energy to USDA, and funds a corrective plan for Plum Island ($10,100,000).

Cooperative research: Provides for 11.4-percent increase for formula grants (Hatch Act and cooperative forestry), adjusts special research grants to eliminate multiple year "pyramiding," provides $7,500,000 for section 1433 formula grants for animal health and disease research and $5,000,000 for section 1434 regional animal health and disease grants. Also, funds budget request of $25,000,000 for competitive grants.

Extension: Provides for 11.4-percent increase for Smith-Lever formula grants, funds Bankhead-Jones Act at $11,500,000, and provides $5,000,000 for renewable resources extension, a new program.

Animal and Plant Health Inspection Service.—Makes minor adjustments in smaller programs based on USDA appeal. Provides $5,500,000 for imported fire ant. Adds $7,159,000 for brucellosis to provide for 10-year eradication effort. Restores House cut based on hiring freeze since APHIS has been granted an exemption.

Food Safety and Quality Service.—Restores $1,000,000 of House cut for hiring freeze since agency has an exemption for meat and poultry inspection.

Economics and Statistics Service.—Makes small adjustments in program increase where funds were not justified. Transfers $4,700,000 to a new appropriation, Agricultural Cooperatives Service, to reflect its recent establishment.

World Food and Agricultural Outlook and Situation Board.—Accepts House bill.

Agricultural Marketing Service.—Accepts House bill, but directs a travel reduction sufficient to continue market news service without closing any field offices, and adds field representatives for transportation office to implement railroad deregulation bill.

Agricultural Stabilization and Conservation Service.—Accepts House bill for salaries and expenses and new $1,500,000 beekeeper indemnity program, but limits payments to each individual participant to $20,000 per year as recommended by the Inspector General.

Federal Crop Insurance Corporation.—Provides direct appropriations of $29,558,000 and eliminates the limitation language, as required by the 1980 Federal Crop Insurance Act.

Commodity Credit Corporation.—Accepts House bill.

Farmers Home Administration.—Rural housing insurance fund: Deletes $100,000,000 for section 515 rental housing because of recent IG reports of continuing abuses. Adds $100,000,000 for above-moderate-income guaranteed loans, and $20,000,000 for rural rental assistance in lieu of a similar number of units (850) proposed for the home ownership assistance program.

Agricultural credit insurance fund: Adds $100,000,000 for farm ownership loans to keep them at the fiscal year 1980 level.

Rural development insurance fund: Adds $200,000,000 for water and sewer facility loans and $60,000,000 for community facility loans. Deletes insured business and industrial loans.

Grant programs: Accepts House bill for water and waste disposal grants, low-income housing repair grants, rural housing for domestic farm labor, mutual and self-help housing, rural community fire protection, rural development planning, and housing supervisory assistance grants. Deletes $10,000,000 for unbudgeted business and industrial development grants.

Salaries and expenses: Adds $5,300,000 to House bill to continue existing computer systems and requires development of new plan on unified management information system that meets GAO, IG, and House Government Operations Committee objections.

Rural Electrification Administration.—Adopts House bill on electrification and telephone revolving fund, telephone bank and rural communication development fund, and salaries and expenses with the exception of limitation on guaranteed loans.

Soil Conservation Service.—Conservation operations: Adds $10,000,000 for technical assistance to retain current level of assistance.

River basin surveys: Adopts House bill.

Watershed planning and watershed and flood prevention operations: Deletes new starts as recommended in budget (reduction of $43,060,000) because of backlog.

Resource conservation and development: Accepts USDA appeal adjusting technical assistance and financial assistance, but funds same total ($34,046,000) as House bill. Deletes new planning starts pending GAO evaluation due in January.

Great Plains: Restores $135,000 for necessary staffing.

Agricultural Stabilization and Conservation Service—Conservation.—Accepts House bill for rural clean water program, agricultural conservation program, water bank, and emergency conservation program. Adds $5,000,000 for forestry incentives to keep this at the fiscal year 1980 level ($15,000,000).

Food and Nutrition Service.—Child nutrition: Cuts $364,000,000 from House bill and eliminates new "turnbacks" of summer feeding and child care programs.

Special milk: Deletes $57,400,000 to reflect current law savings implemented in last year's supplemental.

WIC: Adds $2,500,000 to House bill for commodity program.

Food stamps: Accepts House bill ($9,739,276,000), the current authorization for program.

Food donations: Accepts House bill, but requires improvements in donations programs in trust territories and restudy of proposal to implement food stamps in Northern Marianas.

Food program administration: Funds budget request, a $3,977,000 increase over House bill.

Foreign Agricultural Service.—Accepts House bill.

Office of International Cooperation and Development.—Adds $3,135,000 for international scientific and technical cooperation and requests universities to examine matching funding for travel in the future.

Public Law 480.—Accepts House bill (same as budget request).

Food and Drug Administration.—Provides $3,135,000 increase over House bill and directs FDA to use $500,000 for a study by National Academy of Science or similar or-

ganization of a science panel to assess carcinogens and other toxic substances.

Commodity Futures Trading Commission.—Adds $2,123,000 to House bill to continue current staffing level and fund highest priority computer needs.

Fraud, waste, abuse, and error: Adds report language and general provisions to provide limits on last quarter spending, 15-percent cut in consultants, collect on debts overdue to the Government, and require resolution of pending audits by end of fiscal year 1981 or within 6 months.

Working capital fund: Refocuses limitation based on revised USDA analysis. Requires periodic reporting.

Overhead on cooperative agreements: Limits overhead to a maximum of 10 percent on any true cooperative agreement.

AMOUNT IN NEW BUDGET (OBLIGATIONAL) AUTHORITY, FISCAL YEAR 1981

Amount of bill as passed by the House	$21,910,687,000
Amount of decrease by Senate Committee	248,369,000
Amount of bill as reported to the Senate	21,662,318,000
Amount of 1980 Appropriations Acts to date	20,036,854,006
Amount of estimates, 1981	22,043,626,329
The bill as reported to the Senate:	
Over the appropriations provided in 1980	1,625,463,994
Under the estimates for 1981	381,308,329
Under the House bill	248,369,000

	1980 enacted	1981 budget estimate	1981 House bill	1981 Committee recommendation
Title I: Agricultural programs	$4,890,391,006	$5,204,121,329	$5,178,574,000	$5,290,476,000
Title II: Rural development and assistance programs	2,217,352,000	2,193,570,000	2,266,695,000	2,311,257,000
Title III: Domestic food programs	11,642,199,000	12,977,776,000	12,809,799,000	12,394,876,000
Title IV: International programs	944,627,000	1,296,787,000	1,291,465,000	1,296,297,000
Title V: Related agencies	342,285,000	371,372,000	364,154,000	369,412,000
Total, new budget (obligational) authority	20,036,854,006	22,043,626,329	21,910,687,000	21,662,318,000
Transfers from sec. 32	1,831,086,000	1,879,653,000	1,879,653,000	1,879,653,000
Total obligational authority	21,867,940,006	23,923,279,329	23,790,340,000	23,541,971,000

Mr. EAGLETON. 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. BELLMON. 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. BELLMON. Mr. President, the bill we have before us, the appropriations for Agriculture, rural development, and related agencies, is a very important bill. It is important to every American, since it includes funding for ag research which is the foundation upon which food abundance is faced. Also contained in it is funding of a broad array of other vital and necessary activities. While the principal subject of the bill is agriculture, and there is perhaps no other sector of our economy which is as basic and necessary to the strength of our Nation as agriculture, the fact is, most of the money goes for nonagriculture programs.

In fact, only about 9 percent of the outlays associated with the bill are for agriculture.

This is thought of as the agriculture appropriations bill, Mr. President, but most of this money is not for agriculture but for other programs. Only 9 percent is for agriculture.

The lion's share of the spending in this bill goes for important social programs such as food stamps, school lunch, and the WIC program. These activities make up nearly three-quarters of the bill. This bill includes funding to assist in meeting food needs abroad, saving another 6 percent—over a billion dollars—is used in the Public Law 480 program to address world hunger. The other 10 percent goes for conservation, rural development, energy and consumer service, and the like.

So here we have a bill, Mr. President, called the agricultural appropriations bill; 9 percent is for agriculture, 3.7 for various feeding programs, 6 percent is for Public Law 480 for foreign aid, and the other 10 percent is for various kinds of consumer services, energy, and conservation and other programs, some of which are connected with agriculture in some aspects.

Beyond basic food needs, this bill provides over $600 million to protect the health of our people through regulatory programs of the Food and Drug Administration and the meat, poultry, and commodity inspection programs of USDA.

Through programs funded in this bill, we also provide urgently needed help to rural areas so that rural citizens have improved opportunities for adequate housing, employment, and public services. This bill also funds programs to protect the soil and water resources upon which the wealth of our Nation is based.

Mr. President, I am pleased that the Senate has found the time in the closing days of this Congress to act on this bill. For a time, there was some doubt we could do that. The fact we have the bill before us is largely due to the efforts of our distinguished chairman, Senator EAGLETON, with the help and guidance of the widely respected chairman and ranking minority member of our committee, who made it possible for us to bring this bill to the floor in this fashion.

Mr. President, I believe this bill goes far in meeting the most critical needs within our jurisdiction.

I congratulate Senator EAGLETON. He has been extremely pleasant and productive to work with. He has an excellent understanding of this bill and has managed both the hearings and the markup of the bill in a highly commendable fashion. It has been a pleasure to be associated with him in this endeavor.

In my 12 years as a Senator, under three Presidents, there has never been a truly adequate budget submitted for agricultural research. Year after year, Congress adds money to the appropriation bill for ag research.

Frankly, I cannot understand why no administration has recognized the importance of this Federal responsibility. It baffles me. Daily we hear reports that our country is no longer as competitive, that we are losing our technological advantage, that our neighbors in the world can no longer look to us for leadership. In agriculture this is simply not true, at least not yet, and it is not true because of our years of continuing commitment to research and development in agriculture.

But we are in danger of losing this leadership if we neglect the agricultural research responsibility which the Federal Government has.

The record of U.S. agriculture is remarkable. In this country, fewer than 3 percent of our citizens produce enough food to feed our entire Nation. In many countries it takes half the citizens, some places up to 70 percent or 80 percent. But here 3 percent of our citizens use modern equipment, and our technology is able to produce enough, an abundance for our own citizens and a surplus for export in a highly competitive world market, and in this market we hear about $40 billion of badly needed foreign exchange.

We are now importing something like $80 billion a year worth of oil and selling about $40 billion of farm products abroad, without which we would be in desperate straits as far as paying for the oil we now import from abroad.

Our land grant institutions, our research facilities, our system of technology extension, and our efficient methods of farming are the envy of the world. Mr. President, I am pleased that this bill provides the level of funding needed to maintain a modest ag research effort. Over $630 million is recommended for agricultural research, an increase of about $70 million over fiscal year 1980, and $61 million over the budget request.

So here, again, the Congress has taken the administration request, which is grossly inadequate, and added $61 million for agricultural research. While I would like to have seen a larger increase, but recognizing the fiscal restraints we faced, we did the best we could. We have provided sufficient to keep up with inflation, as our resources permit. In future years,

I feel greater emphasis must be placed on agricultural research by future Congresses.

Mr. President, there is one other point I would like to discuss, that is the budgetary impact on this measure.

This bill provides a total of $23.9 billion in budget authority and $19.9 billion in outlays. Taking into account anticipated supplementals, it is estimated that total fiscal year 1981 costs will total $25.3 billion in budget authority and $21.1 billion in outlays.

This total exceeds the subcommittee allocation under the first budget resolution by a billion dollars in budget authority and over $1.6 billion in outlays. This overage can be attributed in large measure to increased cost estimates of the food stamp program which is highly sensitive to economic changes. But even under the revised second budget resolution which Congress adopted last week, it is clear that the bill total still is excessive, and more than provided in our budget resolution.

Mr. President, as ranking minority member of the Senate Budget Committee, I am painfully aware that the levels agreed to in the second budget resolution are unrealistic. I said this when the resolution was on the floor. The spending contained in appropriation bills already acted upon, and that expected in those bills remaining, will by the most conservative estimates, exceed the spending limits in the committee's allocation by about $5 billion in both budget authority and outlays.

Mr. President, realistically, it will be much higher than that.

This $5 billion constitutes about 6 percent of nonentitlement spending, exempting defense, under the jurisdiction under the Committee on Appropriations. With one-quarter of the fiscal year almost over—to achieve the spending target of the budget resolution, Congress will have to cut more than 8 percent of the remaining year's program and if Congress does not act until April, which is a likely assumption, the cut will have to be 12 percent for the balance of the fiscal year. That, I submit, would be a Draconian move.

To achieve an 8-percent cut of this bill, without reducing feeding programs severely, it would be necessary to terminate every agriculture function program funded in the measure. This is something Congress needs to understand.

We talk about a 2-percent across-the-board cut and we want to exempt defense, we want to exempt social security, veterans, certain other entitlement programs, so we try to cut the remaining programs to get a 2-percent across-the-board cut. It would mean cutting them 8 percent. If we try that and do not touch the feeding programs, that means we wipe out every agricultural function in this measure.

I think Members who are prone to want to vote for these cuts ought to realize that when we do that we could do absolutely irreparable harm to ongoing programs, such as agricultural research.

If we were to cut 8 percent out of this bill, it would mean we would have to stop all rural development, conservation and regulatory programs. This would simply be unrealistic.

But even assuming that Congress will allow spending to increase—and thereby increase the deficit—unless we are willing to accept a $50 billion deficit, we clearly will have to restrain spending. This applies to this bill—the next Congress must confront those hard decisions and make reductions or face another huge deficit. That will cause more inflation, drive interest up, and increase the economic stresses which the country is already feeling.

Yesterday, in the committee markup of the bill, we reduced funding of the child nutrition programs by $364 million in anticipation of a conference agreement on the reconciliation bill. But we must cut more to live within any reasonable spending total. That is why I intend to propose an amendment today to cut another $100 million from the Public Law 480 program.

I support these programs, but there is no way that we can continue to spend at the rates that have become our custom, and expect to ever balance the budget and bring inflation under control.

It is for that reason that I call up the amendment I have at the desk.

Mr. EAGLETON. Mr. President, will the Senator withhold his amendment so that I may take care of a housekeeping chore?

The PRESIDING OFFICER. Until the committee amendments are disposed of, floor amendments are not in order.

Mr. EAGLETON. That is what I want to take care of.

If the Senator will yield, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for the purpose of amendments as original text, provided that no point of order shall be raised by reason of the agreement to this request.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments are agreed to en bloc.

The committee amendments agreed to en bloc are as follows:

On page 2, line 15, strike "$3,457,800" and insert "$3,693,800";

On page 2, line 18, strike "$9,292,200 for Capper Volstead Monitoring" and insert "$9,256,200";

On page 3, line 11, strike "$9,063,000" and insert "$8,861,000";

On page 4, line 2, strike "$27,752,000" and insert "$28,127,000";

On page 4, line 21, strike "$22,457,000" and insert "$24,957,000";

On page 5, line 17, strike "$396,234,000" and insert "$419,394,000";

On page 5, line 21, after "3109", insert the following: ": *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of international conferences, if such conferences are in support of agency programs:";

On page 6, line 9, strike the following: "(except headhouses connecting greenhouses)";

On page 6, line 10, after "$88,000", insert the following: "except for headhouses and greenhouses which shall be limited to $500,000";

On page 6, line 19, after "California,", insert the following: "the establishment of a photo-period house at Canal Point, Florida, and construction of facilities at Plum Island, New York; Beckley, West Virginia; and Stillwater, Oklahoma:";

On page 7, line 2, after "(21 U.S.C. 113a)," insert the following: "*Provided further*, That $13,600,000 of the appropriation provided herein for construction of facilities shall remain available until expended.";

On page 8, line 7, strike "$125,115,000" and insert "$132,115,000";

On page 8, line 16, strike "$10,424,000" and insert "$11,124,000";

On page 8, line 20, strike "$18,543,000" and insert "$20,000,000";

On page 9, line 2, strike "$18,848,000" and insert "$10,475,000";

On page 9, line 4, after "(7 U.S.C. 450i)," insert the following: "$25,000,000 for competitive research grants, including administrative expenses; $7,500,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95-113, including administrative expenses; $5,000,000 for the support of animal health and disease programs authorized by section 1434 of Public Law 95-113, including administrative expenses;";

On page 9, line 20, strike "$175,592,000" and insert "$213,914,000";

On page 10, line 7, strike "$199,896,000" and insert "$211,000,000";

On page 10, line 9, beginning with "payments", strike through and including "$3,000,000" on line 10;

On page 10, line 12, beginning with "payments", strike through and including "$1,020,000" on line 13;

On page 10, line 16, beginning with "payments" strike through and including "$1,300,000" on line 18, and insert the following: "payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $5,000,000;";

On page 11, line 1, strike "$10,898,000" and insert "$11,600,000";

On page 11, line 4, strike "$293,081,000" and insert "$304,567,000";

On page 11, line 18, after "extension", insert the following: "and higher education";

On page 11, line 20, strike "$5,948,000" and insert "$6,361,000";

On page 12, line 13, strike "$250,138,000" and insert "$262,486,000";

On page 13, line 22, strike "$3,186,000, and insert "$6,986,000";

On page 14, line 4, after the semicolon, insert the following: "a facility in Hawaii at a Federal cost of $3,800,000;";

On page 14, line 16, strike "$292,818,000" and insert "$293,818,000";

On page 15, strike line 19, and insert the following:

"ECONOMICS AND STATISTICS SERVICE";

On page 15, line 21, strike ", Statistics, and Cooperatives", and insert the following" "and Statistics";

On page 16, line 3, strike "research" through and including the semicolon on line 4;

On page 16, line 16, strike $94,803,000" and insert "$89,953,000";

On page 17 after line 14, insert the following:

AGRICULTURAL COOPERATIVES SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627),

and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $4,700,000: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109.

On page 19, line 16, strike "$1,699,000" and insert "$2,186,000";

On page 22, line 21, after "Government", insert the following: *"Provided further*, That no participant in the beekeeper indemnity program shall be eligible to receive payments in excess of $20,000 in any fiscal year.";

On page 23, line 15, strike "$11,195,000" and insert "$29,558,000";

On page 23, strike line 16 through and including line 18;

On page 26, line 4, strike "$4,125,600,000", and insert "$4,025,600,000";

On page 26, line 5, strike "$3,245,600,000" and insert "$3,145,600,000";

On page 26, line 10, after "Act", insert the following: "; *Provided*, That unsubsidized interest guaranteed loans of not to exceed $100,000,000 shall be in addition to these amounts";

On page 26, line 18, strike "$393,000,000" and insert "$413,000,000";

On page 27, line 16, strike "$949,600,000" and insert "$1,049,600,000";

On page 27, line 17, strike "$870,000,000" and insert "$970,000,000";

On page 28, line 11, strike "$700,000,000" and insert "$900,000,000";

On page 28, line 12, beginning with "industrial" strike through and including "loans" on line 14, and insert the following: "guaranteed industrial development loans, $741,000,000";

On page 28, line 16, strike "$240,000,000" and insert "$300,000,000";

On page 30, strike line 1 through and including line 4;

On page 30, line 17, beginning with $239,684,000" strike through and including "and" on line 20, and insert the following: "$244,984,000, including";

On page 32, line 1, beginning with ", but" strike through and including line 4;

On page 34, line 7, strike "$283,001,000" and insert "$293,001,000";

On page 35, line 25, strike "$10,660,000" and insert "$6,660,000";

On page 36, line 14, strike "$167,524,000" and insert "$205,651,000";

On page 36, line 15, strike "$18,500,000" and insert "$17,489,000";

On page 37, beginning on line 16, strike the following: ", of which $390,000 shall be for the authorization of 6 new areas";

On page 38, line 6, strike "$19,987,000" and insert "$20,122,000";

On page 39, line 13, strike "approved farming practices" and insert the following: "enduring conservation and environmental enhancement measures and practices, as specified in section 1501 of Public Law 95–113 (including those practices or programs which are deemed essential to maintain soil productivity, prevent soil depletion, or prevent increased cost of production, thus assuring a continuous supply of food and fiber necessary for the maintenance of a strong and healthy people and economy)";

On page 42, line 12, strike "$10,000,000" and insert "$15,000,000";

On page 43, line 8, strike "$3,638,776,000" and insert "$3,274,776,000";

On page 43, line 8, strike "$1,759,123,000" and insert "$1,395,123,000";

On page 43, line 19, strike "during fiscal year 1981" and insert the following: "after September 1, 1980";

On page 45, line 17, strike "$176,200,000" and insert "$118,800,000";

On page 45, line 21, after "reimbursement", insert the following: *"Provided further*, That none of the funds appropriated in this Act may be used for payments which exceed 5 cents per half-pint of milk served after September 1, 1980, which is served to children who are not eligible for free milk and which is served in schools, child care institutions, and summer camps participating in meal service programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966.";

On page 46, line 11, strike "$924,540,000" and insert "$927,040,000";

On page 46, line 23, strike *"Provided"*, through and including the colon on page 47, line 7;

On page 47, line 24, strike "$82,000,000" and insert "$85,977,000";

On page 48, line 8, after "3109", insert the following: ": *Provided further*, That no funds appropriated in this or any other Act shall be used by the Secretary to administer directly in any State any program authorized under the National School Lunch Act or the Child Nutrition Act of 1966 that the Secretary did not directly administer in fiscal year 1980.";

On page 48, line 16, strike "agricultural" and insert "Agricultural";

On page 49, line 12, strike "$2,000,000" and insert "$6,832,000";

On page 51, line 4, strike "$319,535,000" and insert "$322,670,000";

On page 51, line 16, strike "$16,366,000" and insert "$18,489,000";

On page 53, strike line 10 through and including line 15, and insert the following:

SEC. 607. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $1,000,000: *Provided*, That no funds appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

On page 55, strike line 5 through and including line 25, and insert the following:

SEC. 614. (a) No appropriations made available in this act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment—as defined in section 2 of the Budget and Accounting Act, 1921—or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

(b) Not later than 45 days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

SEC. 615. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this act, shall be resolved not later than September 30, 1981. Any new audits, involving questioned expenditures, arising after the enactment of this act shall be resolved within 6 months of completing the initial audit report.

SEC. 617. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

SEC. 618. (a) Notwithstanding any other provision of this Act, the amounts otherwise available to agencies under the act for procurement of consultant services shall be reduced by $1,488,000.

(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.

SEC. 619. Certificates of beneficial ownership sold by the Farmers Home Administration in connection with the Agricultural Credit Insurance Fund, Rural Housing Insurance Fund, and the Rural Development Insurance Fund shall be not less than 75 percentum of the value of the loans closed during the fiscal year.

SEC. 620. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the value of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate

payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 621. Within 60 days of enactment of this bill, the Department of Energy shall transfer $10,800,000 to the Department of Agriculture for biomass and alcohol fuels research in accordance with existing interagency agreements. This sum represents the total fiscal year 1981 funding for the Department of Energy's on-farm and herbaceous programs, the near-term silviculture program and on-farm alcohol stills.

SEC. 622. None of the funds appropriated in the Act shall be used to require producers to remain within their normal crop acreage to be eligible for price-support loans, target price protection, or disaster assistance with regard to the 1981 programs for cotton, wheat, feed grains, and rice under the Food and Agriculture Act of 1977, as amended (7 U.S.C. 1281).

SEC. 623. Departments and related agencies receiving appropriations in excess of $50,000,000 under this Act shall, within 30 days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and related agencies shall also submit to the appropriations committees, within 30 days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committees on Appropriations of the two Houses a revised schedule. Departments and related agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budget of the two Houses of Congress.

SEC. 624. Notwithstanding any other provision of law, the following watershed projects under Public Law 83-566 are hereby exempted from the requirements of Executive Orders 12133 and 12141: Grasshopper-Coal Creek, Kansas; Stewart Creek, Kentucky; Mozingo Creek, Missouri; Blind Brook, New York; Piney Creek-Soak Creek, West Virginia; and Upper Mud River, West Virginia.

UP AMENDMENT NO. 1795

(Purpose: To reduce P.L. 480 appropriations by $100 million)

Mr. BELLMON. Mr. President, I now call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 1795.

Mr. BELLMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

P.L. 480

On page 50, line 5, strike "$892,400,000" and insert in lieu thereof: "$842,400,000".

On page 50, line 5, strike "$406,330,000" and insert in lieu thereof: "$356,330,000".

On page 50, line 10, strike "$822,600,000" and insert in lieu thereof: "$772,600,000".

On page 50, line 11, strike "$822,600,000" and insert in lieu thereof: "$772,600,000".

Mr. BELLMON. Mr. President, I will undertake to explain the impact of this amendment. It is not at all complex. It is the same amendment I offered in committee, which was voted down on a fairly close vote.

The situation is that we are adding substantially in this bill to the Public Law 480 levels of 1980. Even with my amendment, we will still have more money in the bill than in the 1980 bill. As part of the effort to hold down Federal spending, the Public Law 480 program should be held as close to last year's level as possible. The assumption that many programs would be treated in this manner was embodied in the second concurrent budget resolution, and my amendment attempts to do that.

Cutting Public Law 480, title I, by $50 million in outlay would still leave the program at a higher level than in 1980.

This is the so-called sales program in which the United States sells agricultural commodities to friendly countries on long-term dollar-repayable terms. This is an important aspect of our foreign policy in many cases—especially as it relates to Egypt. But I believe that many of the programs which have not yet been negotiated but may be intended by the AID should be delayed in order to promote fiscal discipline at home and to encourage developing countries to give greater attention to developing their own agricultural potential.

The amendment also proposes to cut Public Law 480, title II, by $50 million in outlays. Under this title, the United States donates food to meet famine or other extraordinary relief requirements. I would not suggest that we do anything to hinder this objective. However, for fiscal 1981, $102 million has been earmarked for such purposes. There is no indication that the United States is actively directing, through negotiations, the voluntary agencies which distribute title II food to target these emergencies with their own allocations, thereby freeing funds which could be reduced from this bill.

Finally, while the United States does all it can to provide food aid, Europe should begin increasing its food aid programs. We cannot feed the world alone.

My information is that of the $1.4 billion expended by all countries for food aid loans and grants in 1978, the United States supplied $1 billion.

I will repeat that: Taking into account all the aid expended by all countries for food support in fiscal year 1978, the last figures we could get, the total is $1.4 billion. Of that, the United States contributed $1 billion. This means that countries such as Japan, England, West Germany, France, and all the other industrialized countries put up $400 million, and the people of the United States footed 2½ times as much, or $1 billion.

Public Law 480 is a necessary and worthwhile program. But I feel that, to the extent we do not deny food for famine relief, Public Law 480 should be asked to cut back its activities and to direct its assets to accomplishing its key requirements.

Also, the new administration should put pressure on our allies to make sure that they bear a greater part of this burden.

A hard look should be taken at this situation, because governments of many developing countries traditionally have followed what they call cheap food policies. They use one kind of device or another to hold down the cost of food to their consumers. The result is that food prices are so low that the producers of food are not able to afford the fertilizer or the improved seed or equipment or chemicals they need to expand food production at home.

The result is that a country which may have an enormous potential to increase its food production continues to look to the United States for food handouts when it would be far wiser to allow food prices to rise to a realistic level, so that their farmers could do a better job of developing the agricultural resources the country has.

It makes no sense for the United States to dump cheap food into an economy where the domestic food producers are unable to get the capital they need to develop their land and in this way, in effect, contribute to a lasting food shortage.

The fact is that the world's population is likely to grow by about 2 billion people between now and the end of the century. Unless we take steps to encourage developing countries to place greater emphasis upon domestic food production, we will find ourselves called upon to feed more and more people who literally will be without food and in danger of starving, when a wiser course would be to restrain our food giveaway programs and place greater emphasis on agricultural development in countries which could feed themselves.

We should start now to take a hard look at Public Law 480 as to the impact it is having on food production in developing countries. We should encourage the governments of developing countries to terminate the cheap food policies which frustrate development of indigenous food production. Most countries can do far more in producing food for their own population. The United States needs to support such goals. When we provide cheap or free food, we often hurt those we seek to help.

Mr. President, for those reasons, I believe this amendment is an improvement in this bill, and I urge its adoption.

I will give for the RECORD the figures for the Public Law 480 title I and title II programs for fiscal years 1980 and 1981.

For title I, in fiscal 1980, Congress provided $266.2 million. For fiscal 1981, in this bill, it is $406.3 million. That is an

amendment is adopted, there still will be an increase of $90 million in this program.

In title II, in fiscal year 1980, we provided $620.1 million. This bill appropriates $822.6 million. That is an increase of $202.5 million. After my amendment is approved, if it is approved, we would still increase the appropriation by $152.5 million.

Mr. President, in my judgment, we are being fair, even generous, to those who look to us for food assistance, particularly at a time when we are in danger of running another $40 billion or $50 billion deficit.

Mr. President, I ask unanimous consent that Mr. Chuck Connor, of Senator LUGAR's staff, be granted the privilege of the floor during the consideration of H.R. 7591.

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

Mr. EAGLETON. Mr. President, I rise in opposition to the Bellmon amendment.

If I may direct Senator BELLMON to page 95 of our committee report, the figures under which I believe we are operating are set forth on the table in the middle of page 95. That chart is labeled "Program Operating Levels and Appropriations," and if we total both titles I and II and also title III, here is the comparative picture, as I understand it: For fiscal year 1979, $1,374,402,952; for fiscal year 1980, estimated, $1,650,952,285; for fiscal year 1981, $1,715,000,000.

Under the Bellmon amendment which would cut $100 million, it would make the 1981 estimate $1,615,000,000, or about $35 million lower than the 1980 estimate. I think taking such action would be a mistake.

Second, we have to take note of the fact that there has been a rather sharp increase in commodity prices in recent months. Hence, the $1,715,000,000 estimated for fiscal year 1981 will not buy the same amount of commodities that those same dollars would have bought when the estimates for program requirements were made about 1 year ago.

My third point is that there are areas of absolutely chronic need insofar as foodstuffs are concerned.

Just recently in the press were a series of articles, for instance, on the starvation conditions in the Horn of Africa, in the Somalia-Ogaden Ethiopia area of the Horn, where thousands—it may even be in the millions—are in a dread state of starvation. The Sahel area is still an area of chronic need, and we could go on down a very sad litany of places around the world where there are starving people in absolute dire straits.

I do not think it is very comforting to those individuals who are on the brink of losing their lives by reason of starvation to say, "Well, we are cutting back on Public Law 480 and on grain that you might otherwise receive because we think we have gone too far with this program, and it has been counterproductive insofar as the agricultural conditions of your respective countries are concerned."

That may be interesting and even arguable in theory, but it does not resolve the immediate and compelling world hunger needs that are not postponed, that are not remediable by even an immediate change in agricultural policy of the countries in question.

The only way I know of to feed starving people is to have some food available to feed them and feed them now. Thus, I think that it would be a mistake to cut back on the Public Law 480 program at this time, and I peg my case solely on the basis of humanitarianism and on the basis of the fact that with today's international agricultural prices being what they are even the modest increase that we estimate will be spent in fiscal year 1981 will not go as far in terms of the purchase of foodstuffs as the dollars we provided last year.

So, for all of those reasons, I oppose the Bellmon amendment and at the appropriate time I will ask for the yeas and nays thereon and we will have a vote.

Mr. BELLMON. Mr. President, I wish to respond briefly to my friend from Missouri and then suggest we may lay this amendment aside. On this side of the aisle they are in a Policy Committee meeting and will be through at 2 p.m. I wish for us not to vote until the Policy Committee meeting is over.

Mr. EAGLETON. All right.

Mr. BELLMON. Mr. President, turning to the table that Senator EAGLETON had been discussing on page 95 of the report, you will see at the bottom of that table there is a line called "total appropriations." It shows in fiscal year 1979 Congress appropriated $805,900,000 in fiscal year 1980 the estimate is $805,336,000. That is an increase of some $81 million. But for fiscal year 1981—remember this is the year when we are supposedly facing some fiscal restraint—we are increasing the appropriation to $1,228,930,000. That is an increase, if my arithmetic serves me right, of some $350 million.

The year before we increased $80 million and this year we come along and increase $350 million. Even after my amendment is adopted, if it is, we will still increase the appropriations $242 million over 1980.

So this is not, as I have said, a Draconian amendment. It is in my judgment a very reasonable thing to do.

The program level is subject to a great many executive decisions which Congress does not have any control over, and I suggest that given the amount of money this amendment would allow, which is over $1 billion—it would be $1,128,000,000—there is still ample room to provide for continued growth in the program if that is the decision that the executive branch makes. So my amendment would still allow the appropriations to grow $242 million over 1980.

I submit in a year like we are facing now that is an adequate level of growth in this program.

Mr. EAGLETON. Mr. President, a brief response, the operable figures, the ones that really come into effect insofar as the spending level of these programs are the ones that I cited in the upper part of the chart. The text immediately preceding the chart reads:

Because of the various funding authorities, actual program levels vary from the amount provided in the appropriations bill as are reflected in the following table.

Thus, the figures that are truly meaningful in this regard insofar as what the spending level was in fiscal year 1980 and what it will be in fiscal year 1981 insofar as Public Law 480 is concerned are the figures that I cited earlier. The estimate for fiscal year 1980 is $1,650,952,285; the estimate for fiscal year 1981 is $1,715,000,000.

The figures at the bottom of the chart do not reflect what is estimated to be actually spent in the ensuing fiscal year.

Thus, I think I am correct that the Bellmon amendment would constitute a cut, when you cut back $100 million from a total program level of $1,715,000,000. So that is the way I interpret the figures. That is the way I am advised they should be interpreted. But obviously Senator BELLMON sees it in a different light.

In any event, Mr. President, I shall ask unanimous consent that the vote on this amendment take place sometime after 2 p.m. linked up with some other amendment we may have gotten to at that time and we can do the votes back to back.

Mr. President, I ask for the yeas and nays on the Bellmon amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the vote on this amendment be postponed to a time after 2 p.m. and to occur immediately preceding whatever rollcall votes by that time have been ordered.

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

The Senator from Montana is recognized.

UP AMENDMENT NO. 1796

(Purpose: To add $7 million to funds for Conservation Operations under the Soil Conservation Service)

Mr. MELCHER. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. JEPSEN and Mr. BOSCHWITZ proposes an unprinted amendment numbered 1796:

On page 34, line 7, strike out "$293,001,000" and insert in lieu thereof "$300,000,000".

Mr. MELCHER. Mr. President, I offer this amendment on behalf of myself and Senator JEPSEN of Iowa and Senator BOSCHWITZ of Minnesota.

We are offering it in order to make a little bit of sense out of the Soil Conservation Service funding for this coming fiscal year. We need to hold in place, as much as possible, the employees of the Service. There has been a cutback under both the House-passed bill and the Senate committee's version of the bill in what is actually available if we take into account the salary increases that have been agreed to for this coming fiscal year.

There have been some personnel layoffs—we want to bring that to a halt—We do not want to lose, by attrition or

resignation, the number of personnel efficient operation requires.

We do not really feel we can afford to do that. The fact is that we are not really getting sufficient soil conservation work done on our agricultural land, and we do not think any further cuts are in order.

Mr. President, the conservation operations line item in the Soil Conservation Service budget represents the basic source of technical assistance to the farmers and ranchers of this Nation for getting conservation practices established on the land. This provides the personnel at the field level. If we lose these field technicians, we would not get the conservation work done, no matter how much cost sharing or other incentives we offer.

In fiscal year 1980, conservation operations was funded at $276.7 million. During fiscal year 1980, all Federal agencies received pay increases under provisions of the Pay Act. This salary increase amounted to $21 million for SCS. Only $7.7 million was subsequently added to the SCS budget through supplemental appropriations. SCS was forced to absorb, through personnel cuts, the remaining $13 million.

Personnel cuts in an agency such as SCS must be made through attrition and through retirements. The administratively imposed hiring freeze allowed SCS to fill only 4 out of 10 vacancies. The House bill locks in the effects of this hiring freeze. The net result is that there are fewer technical personnel at the field level to assist farmers and ranchers with conservation problems.

The purpose of this amendment is to put conservation technical assistance back on some semblance of fiscal year 1979 levels. In order to do this, I would like to review some basic arithmetic with you:

The base for fiscal year 1980 which should be considered from which we decide on the appropriations level of fiscal year 1981 funding should be both the basic fiscal year 1980 appropriation and the Pay Act increase. This amounts to $276.7 million plus $21 million, or $297.7.

Seventeen percent of the conservation operations budget goes for nonsalary items which are subject to the going rate of inflation. If one considered that the inflation rate was only 10 percent during fiscal year 1980, a hold-even budget for fiscal year 1981 should include an additional $5.1 million.

$$297.7 + 5.1 = \$302.8$$

My mail indicates that during fiscal year 1980, the Soil Conservation Service imposed a 10-percent reduction in mileage on its employees and delayed the purchase of new vehicles at many locations in order to stay within available appropriations. This has resulted in less technical assistance to landowners and a drastic depletion of the safety of the fleet of vehicles available in the field. Such depletion cannot go on forever.

These calculations do not even consider the impact of the October 1, 1980, Pay Act increase of 9.1 percent. This increase has impacted the conservation operations budget by $22.5 million. Hopefully, this shortfall can be considered in supplemental appropriations by the next Congress.

Now, just what are conservation operations?

First and foremost, it is the payroll—the line item where most of the SCS personnel are paid from.

Conservation operations provide technical assistance to farmers, ranchers, and other landowners in the planning and application of conservation treatment needed to protect the resource base.

This includes assistance to participants of the agricultural conservation program administered by the Agricultural Stabilization and Conservation Service; assistance to Indians; and strip-mined land that has to be reclaimed.

Another part of conservation operations is land inventory and monitoring. It provides soil and water resource data for land conservation, use, and development. It helps local government in making development decisions. The information it produces can be used for making local development decisions, to identify prime farmland and to protect the environment.

A third part of conservation operations is the soil survey. These soil surveys are an inventory of our basic resource to determine land capabilities and conservation treatment needs. Soil survey publications include interpretations useful to cooperating farmers, governments at all levels, and for basic information on land to be surface mined.

Another part of conservation operations is the snow survey, which is really water forecasting. In many portions of the water-short West, the snow that falls on the mountains in the winter is the water that will be available throughout the rest of the year. Information on the amount of snowpack is vital to everyone who uses water in the West.

Over the past 10 years, through succeeding economy measures, the Soil Conservation Service has lost about 3,000 technician jobs. This has concerned the States and some of them have begun to hire conservationists to supplement the Federal effort. But the States have been rewarded for their desire to expand the work of conservation by having the Federal Government continually trying to cut back on the SCS staff. That does not seem like much of an incentive for the States to try to do more. It seems to me it would work just the opposite.

Finally, conservation operations cover work for the Soil and Water Conservation Act of 1977, a device through which the Congress hopes to get a better quality of conservation effort.

We have to have more knowledge about the status of our resources and the condition of our land and water resources. Soil losses from our lands continue at an unacceptable rate. In Montana alone there are 35 million acres in desperate need of conservation treatment. Our lakes, ponds, and waterways are filling with chemicals and silt. We are not going to win this battle with erosion without a Federal commitment.

Simply put, the conservation programs for the Department of Agriculture have been gutted by inflation. Each year we come here and appropriate the same amounts for soil and water conservation, and sometimes a little less. We do this in the name of economy. But, because of inflation, we have steadily allowed our conservation efforts to decline, as the number of dollars each year buys less and less conservation.

I have spoken before on the floor of the Senate about the Cedars of Lebanon. They are just a historical figure now because the soil of Lebanon was wasted by inattention. If we do not make the small contributions to the continued productivity of our own land today, this Nation will pay through the nose for our poor stewardship down the road in a way that will make the energy crisis seem like small potatoes.

The fact is that if we really believe that our soil and water resources are important, we have to provide for this very important function. These are funds mostly for jobs, but they are the best protection this country has found for avoiding soil damage, for conserving soil.

Another part of the conservation operations is planned inventory and monitoring to provide soil and water resource data for land conservation use and development. It helps local government in making development decisions.

The information it provides can be used for making local government decisions to identify prime farmland and to protect the environment.

A third part of conservation operations is soil conserving. These soil services are an inventory of our basic resources to determine land capabilities and conservation needs. Only about half of our Nation's land has been inventoried, mostly because the money has not been provided to do the job.

If we really want to protect our land and water—if we really believe that this is one of our very basic goals in this country—I think it is time we hold the line on erosion of the Soil Conservation Service.

I am gratified the Senate Appropriations Committee put in an additional $10 million over what the House approved. That is a significant amount of money. Unfortunately, we are dealing with a gigantic problem, one compounded by the searing heat and low rainfall of recent summers.

I hope my colleagues will join me in this restoration amendment.

Mr. JEPSEN. Mr. President, as ranking member of the Environment, Soil Conservation, and Forestry Subcommittee of the Senate Agriculture Committee, I have joined Senator MELCHER as cosponsor of this amendment.

We are all looking for ways to eliminate fat in the Federal budget these days. The Congress finally realizes that our economy and t the axpayers of this country cannot afford yesterday's spending patterns. But when we are looking for fat in the Federal budget this year, let me tell you, there is not any in the conservation operations portion of the Soil Conservation Service budget.

In fact, conservation operations has

fallen a little short every year for the last 10, and resulted in the loss of about 3,000 technicians' jobs.

In fiscal year 1980, conservation operations was funded at $276.7 million, but all Federal agencies received pay increases under provisions of the Pay Act. This salary increase amounted to $21 million for the SCS. But because only $7.7 million was added to the SCS budget through supplemental appropriations, SCS was forced to absorb, through personnel cuts, the remaining $13 million.

As Senator MELCHER noted, our amendment attempts to keep conservation technical assistance at fiscal year 1979 levels. Therefore, the base for fiscal year 1980 which should be considered when we decide the fiscal year 1981 appropriations level is the combined basic fiscal year 1980 appropriations and the Pay Act increase. This amounts to $276.7 million, plus $21 million, which adds up to a total of $297.7 million.

In addition, 17 percent of the conservation operations budget goes to nonsalary items which are subject to inflation. Even if we used 10 percent as the level of inflation during fiscal year 1980, a hold-even budget for fiscal year 1981 would have to include an additional $5.1 million. Therefore, the minimum total amount needed for fiscal year 1981 is $302.8 million.

In addition, this amendment does not include the impact of the October 1980 pay increase of 9.1 percent. That increase will cost the SCS another $22 million.

I do not want to insinuate that the Agriculture Appropriations Committee has not done its job. Senators EAGLETON and BELLMON are aware of the importance of soil conservation programs and they have added $10 million in conservation operations moneys to the House-passed bill. We are very grateful to them for restoring this amount, but it is simply not enough.

Mr. President, if there ever was a government program truly worthy of every dime put into it, and more, it is conservation operations. The salaries of soil conservationists is what makes the conservation operations program. These technicians educate farmers on how to keep their soil from washing down the streams and rivers of America and blowing away in the wind.

Expertise is mostly what the Soil Conservation Service has to offer. Its conservationists and technicians cannot go out and farm the land; but they advise farmers on proper methods of plowing, terracing, pond building, hedgerow maintenance, crop rotation, and other practices that slow down water and wind erosion. Conservation operations moneys fund the salaries of Federal employees who literally get "dirt in their fingernails and mud on their boots," as I heard an Iowan describe them this summer.

Concern about the quality of our soil has been evident for much of our country's history. In 1813, our third President, Thomas Jefferson, described the soil as "the gift of God to the living." Nearly 100 years later, Theodore Roosevelt, our 26th President, noted that, "When the soil is gone, man must also go."

But erosion has not concerned us very much lately because American agriculture productivity has far exceeded the national and international demand for food and fiber. Soil erosion seemed to be the least of our worries.

Unfortunately, recent statistics tell us a different story. These statistics tell us that the deterioration of agriculture land quality—coupled with loss of agriculture land quality—could be so great in the next few years that what has seemed like an infinite capacity to produce food and fiber may no longer be possible. Our Nation's farmers may not be able to meet both national needs and the needs of our foreign partners in trade. And no one can dispute that soil, once eroded, takes hundreds of years to rebuild.

This summer I conducted a series of soil conservation field hearings in Iowa on behalf of the Senate Agriculture Committee. Even though I knew beforehand that most Iowans consider agricultural land our State's most valuable resource and soil erosion our most severe problem, I was still overwhelmed by the enthusiasm of Iowa farmers about soil conservation. One local Iowa philosopher summed up the farmers' feelings. He said:

> Oil can be replaced by another form of energy, but nothing known to mankind can replace our soil.

I heard the same advice over and over again from those who testified at the hearings—farmers are good stewards of their lands, and they want to protect their resource base. Give them the education, the demonstrations, and the sound practical advice on conservation plans for their farms and they will do as much conservation work as time and money will allow. But they need that technical advice to get started. The Director of the Iowa State Department of Soil Conservation believes soil conservationists may be the single most important element, in any effort, to expand soil conservation efforts, in Iowa or any other State.

The State of Iowa itself, I might add, puts more money into soil conservation efforts than any other State in the Union. As they do so, however, their enthusiasm to expand the work of conservation is dampened when the Federal Government continually attempts to cut back the SCS staff and other soil conservation programs. No wonder Iowans are becoming reluctant to add more money to this State-run program.

Mr. President, in order to avoid a future where there is too little productive farmland to meet national and international needs, we must give our landowners a helping hand today. Even though the United States has the best agriculture technology in the world, the best fertilizers, herbicides, and the most modern equipment, the basic and most important ingredient for providing abundant food is good soil. Conservation operations moneys provide the biggest bang for the bucks of any Federal program around, and this amendment will help maintain conservation operations at the 1979 and 1980 levels.

Mr. EAGLETON. Mr. President, our bill added $10 million over the House bill for conservation operations. So, in essence, we are $20 million above the fiscal year 1980 level. The Melcher amendment would add an additional $7 million to that.

And may I suggest to my colleague from Oklahoma that perhaps we might take this to conference and discuss it with Mr. WHITTEN.

Mr. BELLMON. Mr. President, there is no question that the Soil Conservation Service is one of the great needs of the country. There are many reports about how that, due to more intensive agriculture now, that our soil is being lost at an almost frightening rate.

I have no objection to going ahead with the conference.

The reason we did add money to the House figure is we felt we had gone about as far as we could under the fiscal restraints we faced when we marked up the bill.

I support the concept, if we can find the money. That is the problem.

Mr. MELCHER. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (UP No. 1796) was agreed to.

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

The PRESIDING OFFICER (Mr. HEFLIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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 Senator from Montana.

UP AMENDMENT NO. 1797

(Purpose: To provide an independent and adequately funded Office of Transportation)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an unprinted amendment numbered 1797.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out beginning on page 19, line 11 through line 22. Insert the following on page 20 after line 2:

"OFFICE OF TRANSPORTATION.—For necessary expenses to carry on services related to agricultural transportation programs as authorized by law; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $2,677,000. *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of build-

ings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building."

Mr. BAUCUS. Mr. President, this amendment is really very simple. It does two things:

First, it provides that the Office of Transportation within the U.S. Department of Agriculture will continue to be an independent office as it is now. The Senate committee bill proposes to merge this office into the existing Agricultural Marketing Service.

Second, my amendment increases the funding for this office from $2.2 to $2.7 million.

Mr. President, my colleagues in this Chamber are aware of the serious problems of rural and agricultural transportation.

I need not elaborate on all of them here, but will offer some examples. We have seen the bankruptcy of the Milwaukee and the Rock Island Railroads; we witness almost daily the willy-nilly abandonment of rail branch lines; we confront ever skyrocketing grain freight rates, grain car shortages, and bottlenecks in nearly every sector of the transportation system.

Recognizing these problems, in 1978 we passed legislation to create a Rural Transportation Advisory Task Force. This task force was to evaluate the needs of rural transportation and to develop recommendations for Congress.

Just a few months ago this task force issued its final report. One of its recommendations stands out clearly. The report states that no single agency is presently responsible for assessing and evaluating on a consistent basis the rural transportation network.

Components of the transportation system have been studied extensively, but policymakers and planners have tended to miss the forest for the proverbial trees.

The Office of Transportation which Secretary Bergland created by pulling together parts of 14 agencies is the first effort by this Government to deal comprehensively with the serious problems of agricultural transportation.

During the brief time this Office of Transportation has operated as a separate agency, USDA has been responding much better to the needs of rural and agricultural people in transportation matters. And it has managed to establish a firm, cooperative working relationship with the Department of Transportation.

The office has assisted rural shippers in branch line abandonments. It has helped with the problems of skyrocketing freight rates—this is especially important now that we have deregulated trucking and the railroads.

The Office of Transportation is researching new ideas, like cattle cars with automatic waterers, that can provide new efficiencies in our transportation system.

Mr. President, I want to emphasize that no other agency is looking out for the needs of agricultural producers in transportation matters. We know that our railroad system is failing to serve agricultural producers. We know about the serious problems with roads and bridges. We know that there will be new problems as farmers and ranchers adapt to rail and truck deregulation.

The Senate committee bill would merge the Office of Transportation into the Agricultural Marketing Service. The ability of the office to deal effectively with the Interstate Commerce Commission, with the Department of Transportation, and with farmers and ranchers would be severely compromised.

I am sure that every Member of this body has at one time or another promised to help expand agricultural exports. I have, and a couple of years ago I asked the General Accounting Office to examine the grain marketing system to find out how much exports could be expanded.

The GAO has identified transportation as the weakest link in our grain marketing system. And GAO investigators have told me that as early as 1981 our transportation system may fail to carry the amount of grain this country would like to export.

In its brief existence, the Office of Transportation has received testimonials from numerous agricultural groups. Yesterday, I submitted for the RECORD letters from several of them. They include: The National Council of Farmer Cooperatives, the National Farmers Organization, the National Maritime Counsel, the Animal Air Transportation Association, Bee World, Inc., the Grower-Shipper Vegetable Association of Central California, the United Fresh Fruit Association, the Agri-Trans Corporation, and several State departments of agriculture.

Mr. President, this is not an expensive or far-reaching amendment. But it is an important part of our effort to improve rural transportation and expand agricultural exports. I hope my colleagues will accept this amendment.

Mr. EAGLETON. Mr. President, what the Baucus amendment proposes was contained in the budget submission from the Department of Agriculture. We saw fit in the markup of the bill not to honor that budget request, frankly, in order to try to save some dollars.

There is some merit I concede to the administration's proposal as espoused by Senator BAUCUS and I would suggest that we accept this amendment and take the matter to conference and ventilate it there next week.

Mr. BELLMON. Mr. President, I agree with the position stated by the chairman. I can see merit to the proposal of the Senator from Montana, and we would be happy to defend his position in conference.

Mr. BAUCUS. Mr. President, I thank the Senators from Missouri and Oklahoma for accepting the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (UP No. 1797) was agreed to.

Mr. BELLMON. Mr. President, we have sent word to Mr. HELMS.

Mr. EAGLETON. Mr. President, moving with remarkable dispatch on this bill, as I look on the sheet that indicates the possible amendments, I know of only three that remain to be debated. Of course, we have to vote sometime after 2 o'clock on the Bellmon amendment.

I am informed that Senator RIEGLE has a modest amendment dealing with blueberry research. Then, if my understanding is correct, Senator HELMS has two amendments, one on food stamps and one on child nutrition. Insofar as I know, those are the only amendments being currently contemplated, so I think word is being sent to Senator RIEGLE and to Senator HELMS that we are in this position on the bill.

I am also informed that perhaps Senator LEVIN has an amendment, so word also will be sent to him.

While we are awaiting the arrival of Senators RIEGLE, LEVIN, and HELMS, 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. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UP AMENDMENT NO. 1798

(Purpose: To provide $100,000 for Cooperative Research into developing an integrated approach to Blueberry Shoestring Virus Control)

Mr. RIEGLE. Mr. President, I have an amendment which I wish to offer. It is offered on behalf of myself, Senator BRADLEY, and Senator LEVIN. Actually, it is one item which affects the bill in two areas. I ask that the amendments be considered en bloc, and I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Michigan (Mr. RIEGLE), for himself, Mr. LEVIN, and Mr. BRADLEY, proposes an unprinted amendment numbered 1798.

Mr. RIEGLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with. I will give a verbal explanation.

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

The amendment is as follows:

On page 9, line 20, strike out "$213,914,000" and insert in lieu thereof "$214,014,000".

Mr. RIEGLE. Mr. President, I hope the committee will be able to accept this amendment.

Mr. President, I am pleased to be joined by my distinguished colleagues, Senator LEVIN and Senator BRADLEY, in offering this amendment to the Agriculture appropriations measure, H.R. 7591. The amendment would provide $100,000 for research on a very serious problem affecting the blueberry industry across the country. It is concentrated in my State of Michigan, but it affects other States as well.

The purpose of this amendment is to begin aggressive research to develop an integrated approach to controlling blueberry shoestring virus disease. Michigan State University has, with grower assistance, begun work in this area, but the scope of the problem and the potential losses from this disease are of such mag-

nitude that I feel we should expand the research effort.

Blueberries are an important commodity in the United States. We produce approximately 123 million pounds, which contributes over $167 million to the national economy. Blueberries are primarily grown on very small family farms, with a bulk of the value of the crop devoted to the processing, transportation, and marketing of the product. We export sizable quantities of blueberries to Japan and Europe.

Michigan leads the Nation in the production of blueberries with a little more than 30 percent of the total crop. Other important producing States are New Jersey, Washington, North Carolina, Oregon, Georgia, Florida, Arkansas, and Maine. As new varieties are developed, blueberries will be grown in many more areas, especially in the South.

Blueberries require very specific soil conditions, high acidity and high water table. This limits the amount of land that is available for blueberry production and makes it imperative that we control the virus before it infects more acreage.

The disease was first identified in New Jersey in 1957. It has infected much of the crop in New Jersey and has been spread to Michigan through the plants that are grown in New Jersey and sold to other States. The virus is spread by an aphid which inhabits blueberries. This insect deposits the virus in a healthy plant, which then begins the long gestation period for the disease. It is difficult to control given the 4 years it takes from infection to complete infestation of one plant. Producers who grow plants for resale have no way of knowing, short of extensive scientific analysis, which plants carry the virus. Once the plants are in a field, all neighboring bushes can be infected, and ultimately an entire business can be devastated.

In Michigan alone the amount of infected acreage based on statistical sampling, may be 16 percent of the 10,000 bearing acres. This translates into a total of 150,000 infected plants in our State alone. The losses from this occur from the diminished yields from infected bushes, as well as the major cost of removing infected bushes and planting new ones. It takes 10 years to bring new plants into full production, so the economic losses continue over a lengthy period of time. In Michigan, losses are estimated to total more than $3 million annually.

Little is known about the actual progression of the disease. We know that it can decimate entire fields. I have seen places in Michigan where beautiful rows of healthy blueberry bushes are interrupted by stretches of bare soil, which is the legacy of the disease.

Michigan State University has taken some initial steps to research this disease, with the full assistance, both financial and practical, of the growers. I am confident that the addition of these moneys will be utilized in an efficient and beneficial manner. I spoke with the Director of the Cooperative Extension Service today and was informed that a team is ready to expend the research efforts, once additional moneys are provided, and that we can get a handle on this disease within a short period of time.

This amendment is important to Michigan and to the other States which have large blueberry growing areas. Blueberries are a small crop in comparison to corn or feedgrains, but they represent a livelihood to many small, independent, and hardworking farmers. I urge the Senate to adopt this amendment.

I might further say that Michigan State University has a richly deserved reputation in agricultural research. Over the years they have done a tremendous job in tracking down a number of these problems as they affect different areas of agriculture.

I think the fact that they already are underway with this program and they have the kind of strong research track record which indicates that we will more than get our money's worth for this investment. I hope that the committee would feel they can accept the amendment.

Mr. BRADLEY. Mr. President, I would like at this time to add my support for the amendment offered by my distinguished colleague from Michigan to provide funds for research which should one day find a cure for a plant disease known as blueberry shoestring virus. I am delighted in joining Senator LEVIN as a cosponsor of this amendment because this crop disease poses significant danger to the livelihood of the thousands of Americans who grow blueberries.

The blueberry industry, I am proud to say, is an important part of the economy of my home State of New Jersey, which is the second largest producer of blueberries in the country. Nationwide, the blueberry crop stretches from such diverse States as Michigan to Florida and from New Jersey to Washington. This widespread production is indicative of the importance which blueberries play in the agricultural output of our Nation; in one recent year this crop contributed $167 million to the economy of North America.

However, the blueberry shoestring virus now threatens the continued growth of this industry. The virus was originally detected in New Jersey over 20 years ago and since then this disease has been found in other parts of the Nation. It has become especially serious in New Jersey and Michigan. However, this is not just a regional problem because if efforts are not taken soon, this will be a grave national agricultural concern. The infestation of this disease in other States means that our national blueberry crop is threatened.

The amendment which I support contains funding for plant pathology, entimony, and horticulture for a period of 5 years. Let us act now before the problem requires massive Government assistance as the disease spreads unchecked.

● Mr. LEVIN. Mr. President, I rise as a cosponsor of this amendment which will add funds to this appropriations bill which are badly needed to allow Michigan State University to begin a coordinated program of plant pathology, entomology, and horticulture which will be aimed at developing solutions to the problem of blueberry shoestring virus (BBSSV) which has been identified as a very serious disease affecting blueberries in Michigan, New Jersey, and other States.

The annual blueberry crop in North America is approximately 123 million pounds and contributes $167 million to the economy of North America. The blueberry industry supports many small family farms, jobs for many agricultural workers and the associated industries. Blueberries are also exported to Europe and Japan which helps reduce the balance-of-payments deficits in the United States.

Michigan annually produces 30 percent of the North American crop. In my State alone, it is estimated that 36,300 plants already have shoestring disease and as many as 145,000 plants may become infected in the 10,000 acres of blueberries in Michigan within the 4-year cycle of the disease. The current loss is estimated to be well over $3 million.

The funds appropriated by this amendment will go toward research to control the spread of this disease and toward the development of methods of resistance to the disease. I want to point out that the research provided for will incorporate integrated pest management procedures and can be used for further research on systematic blueberry diseases in North America. The research will be applicable to all areas where blueberries grow and will be of great assistance to the entire blueberry industry. It is important to note that blueberries are produced in nine States right now and experimental plantings are being made in other States. I urge my colleagues to support this amendment. Its adoption will benefit the entire country.●

Mr. EAGLETON. Mr. President, I think there is some merit to Senator RIEGLE's proposal. As I understand it, the dollar amount would be $100,000. I think he has made a sufficiently compelling case that this is an amendment we can well accept.

Mr. BELLMON. Mr. President, I can see the importance of this amendment to the farmers affected and I have no objection to the amendment.

Mr. RIEGLE. Mr. President, I thank both Members for their willingness to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1798) was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EAGLETON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. 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. HATCH. 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. HUDDLESTON. Mr. President, I ask unanimous consent that Tom Little of my staff be granted privilege of the floor during debate and voting on the pending measure.

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

PRIVILEGE OF THE FLOOR FOR DISTINGUISHED JAPANESE VISITORS

Mr. HATCH. Mr. President, I ask unanimous consent that seven distinguished visitors from Japan be granted privilege of the floor: Mr. Michita Sakata, head of the delegation; Mr. Asao Mihara, Mr. Shin Kanenmaru, Mr. Noboru Minowa; those four, I understand, are Members of the Japanese Diet.

Adm. Ryohei, Oga; Mr. Michigo Sakata, Mr. Asahiko Mihara, Mr. Arima, and Mr. Nuruata from the Japanese Embassy; and Mr. Agawa from the Japan Defense College.

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

VISIT TO THE SENATE BY MEMBERS OF THE JAPANESE DIET

Mr. HATCH. Mr. President, I am honored to have a distinguished group of visitors with us in the Senate Chamber today. These men are all members of the Japanese Diet and have just recently returned from the NATO Ministers Conference held in Brussels this past week. I had the privilege of meeting these gentlemen last August in Tokyo and participating with them in a landmark conference celebrating the 20th anniversary of the Mutual Defense Treaty between the United States and Japan.

During this conference, four of the gentlemen in the delegation made excellent addresses to those attending. Last week I inserted in the RECORD the remarks of the Honorable Asao Mihara, one of the major speakers at the Conference. Today, I should like to insert into the RECORD the remarks of three other gentlemen.

Mr. Michita Sakata, a member of the House of Representatives and a former Director of the National Defense Agency is with us today. At the conference in Tokyo his remarks were entitled "The Political Situation and the Defense of Japan."

Also with us today is Mr. Shin Kanemaru, a member of the House of Representatives and also a former Director of the National Defense Agency. His remarks at the conference in Tokyo were entitled "The Japan-United States Security System as it Enters its Third Phase—Outlook of the Situation in Northeast Asia in the 1980's."

In addition, we also have Mr. Noboru Minowa present. At the Tokyo Conference his remarks were entitled, "The Future of the Japan-United States Relationship—A Proposal."

All of the speeches at the Conference were excellent, and the three that I have brought to my colleagues attention today are certainly noteworthy. As many of you may know, this Conference dealt with a very controversial issue, the role of Japan in the security of the Western Pacific. Over the past 20 years the relationship between Japan and our own Nation has evolved into a close bond, strengthened by both cultural and economic interests. It is in the area of security that we must now turn our attention.

Twenty years ago the world political situation was very different. The threat to the free world was confined to certain regions. Now this threat is on a global basis and every nation of the world must be concerned about its impact. In Japan the debate over the Japanese role in this strategy is currently evolving. Many of the leading thinkers in Japanese security issues are acutely aware that Japan must assume a larger share of the burden. Quite naturally there is opposition to this course. We here in the United States are only too familiar with this debate as it applies to our own action. Only last Friday the Senate passed the largest defense budget in history.

Mr. President, I ask unanimous consent that the speeches by the gentlemen in attendance today be printed in the RECORD, and I hope that my colleagues will join me in welcoming them to the Senate today.

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

THE POLITICAL SITUATION AND THE DEFENSE OF JAPAN

(By Michita Sakata)

I. CHANGES IN THE MILITARY SITUATION IN ASIA SINCE 1975 AND THE RESPONSE OF JAPAN AND THE UNITED STATES

Ladies and Gentlemen: It is my great honor and pleasure to be given this opportunity of speaking on the theme of the "Political Situation and Japanese Defence" today.

I served as Director of our Defence Agency in the Miki Cabinet for two years, from 1975 through 1976, approximately 15 years after the signing of the Japan-U.S. Security Treaty.

In the U.S., this was the time when Mr. Ford was the President and Mr. Schlesinger was the Secretary of Defence.

I think that this was very fortunate for Japan and the U.S., and for security and peace in NE Asia.

I am happy to welcome Mr. Ford today who was President at the time for the two following reasons:

For one thing, at that time, between Secretary Schlesinger and me, an agreement was reached on "Cooperation on Defence between Japan and the U.S." (appendix 1), concerning the cooperation on defence between the two countries. For another, at that time, I presented to the Cabinet the "Outline of Our Defence Program", and it was adopted by the Cabinet.

However, in the political world, it isn't every day that things will be decided so smoothly, and, as in the proverb, "good and evil are interwoven", this is true in Japan and the U.S., as it was our destiny before and as it is today. What the people require of us politicians is for us to possess the ability to turn evil into blessings.

During the time I was Director of the Defence Agency, several events, which had serious consequence on Japanese security, occurred in East and Northeast Asia. Among those events were:

(1) The fall of Saigon and the withdrawal of U.S. forces from Vietnam;

(2) Tension on the Korean Peninsula, and the murder of members of American military force at Panmonjun;

(3) The forced landing of a Mig 25 fighter plane at Hakodate, one of our northern cities.

During that time we were shaken domestically by the Lockheed pay-off case. We were in a furor, not only in the government, but in the Diet and by public opinion.

1. Withdrawal of the U.S. forces from Vietnam

I think that the American people were sorry when Saigon fell, just one year before the U.S. celebrated the Bicentennial Anniversary of its independence.

Immediately after the fall of Saigon, I had an opportunity to see Admiral Geiler. I congratulated him on his courage and meritorious action in successfully saving the lives of the officers and crew of the SS Mayagess, and then I went on to say to him as follows:

"The US now has a free hand in Asia, and you will begin a new approach in Asia. What the Japanese could not achieve in World War II was accomplished by the U.S., i.e., the principle of civilian control. I think the spirit of the War of Independence is still very much alive in your country".

My prediction, "that the U.S. now has a free hand in Asia and will develop a new diplomacy" turned out to be true.

With the Peoples' Republic of China, which was your enemy before the U.S. is now deepening its friendly relationship. Japan, with the basis of the Japan-US Security Treaty, is also developing friendly relationships with the Peoples' Republic of China in the areas of economy, trade, technology, education and culture. Without the Japan-US Security system, however, Japan on its own could not have accomplished all this.

2. Tension in Korean Peninsula and the murder of the U.S. military personnel at Panmonjun

With the U.S. withdrawal from Asia, Japan, the ROK, the members of ASEAN such as Thailand, Indonesia, the Philippines, etc. suffered a serious blow to the security of their respective countries.

It also encouraged Pyongyang (North Korea), and there was increased tension on the Korean Peninsula.

I think the resolute attitude taken by President Ford at the time, and the fact that a possible war was prevented with the solid presence of the American forces in Korea so that the peace and security of Japan and Korean Peninsula were not disrupted and the political stability of NE Asia were maintained are achievements which are to be highly appreciated. The fact that Japan supplied the military bases to the U.S. forces for the support of their free and appropriate actions goes to show how close the mutual relationship was between Japan and the U.S. under the Japan-U.S. Security Treaty system.

I would like to take this opportunity to thank most sincerely President Ford, General Stilwell, the American government, and the American forces for their appropriate actions during that crisis on the Korean Peninsula.

II. INCREASED CONSCIOUSNESS OF DEFENSE AND THE POLITICAL TREND IN JAPAN

The series of events in NE Asia, mentioned above, heightened tension in the areas surrounding the Japanese Archipelago, and the steady and accelerated build up of the Soviet military forces in East Asia, the new developments in Chinese politics, based upon the opposition between China and the USSR, had a strong impact on the defense consciousness of the Japanese people.

These events also gave a great jolt to Japanese politics and the defense policies of the Japanese political parties.

According to the public opinion survey (appendix 3), as of 1972, the ratio of those who supported the Japanese Self-defense forces and the Japan-U.S. Security Treaty was 73% and 44% respectively. In 1978, these figures increased to 86% for the Self-defense

forces and 68% for the Japan-U.S. Security Treaty.

The breakdown of 83% who supported Self-defense forces in 1977, by the political parties they supported, showed:

	Percent
LDP	93
Democratic Socialist Party	91
Komeito (Clean government) party	82
Japan Socialist Party	78
New Liberal Club	77
Japan Communist Party	55

In other words, this clearly indicates that even among the supporters of opposition parties, mainly the Japan Communist Party and the Japan Socialist Party (appendix 4), which oppose to the existence of the Japanese Self Defense forces and the Japan-U.S. Security Treaty in the Diet, insisting that they should be abrogated, there is the beginning of change in their consciousness.

It is surmised that this change would eventually prompt the change in the consciousness of those responsible for planning defense policy in the opposition parties.

This is proved by the fact that since 1976, the Japanese Democratic Socialist Party and Komeito Party adopted the attitude that, although they did not want the scale of the Self Defense forces to be expanded and our defense capability to be strengthened more than they are now, still they came to accept the reality of the existence of the Self Defense forces and the Japan-U.S. Security Treaty. Another proof is the fact some of the Japan Socialist Party members became dissatisfied with the defense policy of the JSP, severed their relationship from the party and organized the Shaminren (Socialist Democrats League), indicating that the policy planners of political parties are gradually becoming aware that their position will have to be changed.

The reason why there has been such a change in the defense policies of opposition political parties is the increased threat posed by the build up of Soviet military forces, the changed environment in NE Asia, especially the increased tension between the PRC and the USSR, the resumption of formal relationships between the PRC and the U.S., the signing of the sino-Japanese Peace and Friendship Treaty. These events have brought about a new situation in NE Asia, with the PRC now playing a new and important role in the international political scene.

And there is also another reason. We aimed at the establishment of defence policy, based upon the peoples' consensus, which can be supported by as many political parties as possible, and which is in keeping with the present consciousness of the general public on our Constitution. Furthermore, such a defense policy was established in the expectation of a change in the defence policy of the political parties and the ensuing political developments based upon such a change. "The Outline of Defence Program" which was adopted, at a Cabinet meeting in October, 1976, envisages a defence system of high quality, wtih neither too much nor too little, and I flatter myself to think that this outline came to be understood and accepted by many of our people.

I must emphasize here, however, that the Japan Socialist Party and the Japan Communist Party which not only strongly oppose but advocate the abrogation and dissolution of the Japan-US Security Treaty and the Japanese Self Defense forces will not change their opinion immediately.

I must appeal to the American participants at this seminar to take cognizance of this fact concerning the defence policy in Japan and to understand fully the very complicated political situation in Japan.

III. POLITICAL TREND CONCERNING SECURITY IN THE 1980'S

As we look back on the general political trends since the signing of the Japan-US Security Treaty, it was only the Liberal-Democratic Party which supported the treaty in the years between 1960 and the beginning of the 1970s. All the opposition parties were strongly opposed to it, as they were afraid that it might again involve Japan in war.

However, since 1975, the Democratic Socialist Party of Japan started to adopt a realistic line, and in recent years, the Komeito Party and the New Liberal Club seem also to take a similar line.

And yet we must not overlook the fact, that the result of the general election, as recent as the last one, in 1980 (appendix 2) showed that out of 511 Diet seats, 136 insisted on abrogation of the Self Defence forces and the Japan-US Security Pact. This constitutes nearly one-half of all the opposition members.

Since the advance of the USSR into Afghanistan, together with the increased Soviet military strength in our northern territory, the threat of the USSR has loomed up big and there have been brisk discussions taking place on security issues in Japan.

Although I am happy to see many of us are now seriously considering the peace and security of Japan, there is still a possibility of the fruit gained so far not materializing into anything, depending upon the trend of such discussion, since the peoples' understanding and support of the government's defense policy are only beginning to burgeoning now, and also since the basis of the peoples' consensus on this point remains still very fragile.

There is still intense discussion going on as to the constitutionality of the Self Defense forces. This discussion as to the constitutionality of the Self Defense forces began with their inception, and the discussion has not been finalized yet. It continued even today.

The government and the LDP insist that this constitutionality problem has already been settled (appendix 6). However, the opposition parties, especially the Japan Socialist Party and the Japan Communist Party, still maintain that it is a violation of our Constitution and have not yielded an inch on this point.

It is undeniable that one of the biggest reasons why Japan has not yet formed a definite defense policy after so many years is because of this disagreement on the constitutionality of our Self Defense forces.

However, the insistence that Japan should not arm itself and remain neutral is an unrealistic argument, seen from the international situation, and I do not think that there are many Japanese who believe in that fallacy.

I must point out the danger of the argument that we should increase our defense forces rapidly and in a drastic manner, as it may be counter-productive in that it may repel the people who would like to consider the security of Japan based upon a national consensus, which is about to settle down, and this precious consensus might collapse altogether.

We must not drive away the Democratic Socialist Party and the Komeito, which are beginning to recognize that the Japan-U.S. Security system and our Self Defense forces so that they would adopt again an anti-Japan-U.S. Security Pact and an anti-Self Defense forces position. I think sophisticated political consideration will be required in this regard.

Therefore, our immediate and biggest task is to implement quickly a "defense force which can independently deal with limited aggression, of less than the small scale", as aimed at by the "Outline of our Defense Program".

While the U.S. and the PRC will oppose the USSR in Asia in the 1980s, it is clear that the Japanese political trend would be influenced by the U.S. strategic policy in the next few years.

The Japanese people are wondering naively at present if the U.S. would really protect us, when a crisis arises, even if Japan would fulfill what we set out to do. This was clearly indicated in the opinion poll carried out by the Press Asahi in 1979; 56 percent of the Japanese believe that in that event the U.S. would "not protect Japan".

Lastly, I must ask a favor of the American participants.

I wish that the U.S. would indicate to us your long-range, consistent and systematic strategy concerning Japan and would you make an effort so that Japan will understand and accept it. I also wish that you would give us the opportunity of always conferring with us on the issues which may seriously affect our relationship, and implement what is decided at such conferences.

Thank you.

APPENDIX 1

On Cooperation on defence between Japan and the U.S. Items of agreement:

1. Regular meeting between Japan and the U.S. . . . once a year, (Between the Director of the Japanese Defence Agency and the U.S. Secretary of Defence)

2. Meeting at the administrative level between Japan and the U.S. . . . once a year

3. Establishment of the subcommittee of the Japan-U.S. Security Council

Achievement and Development:

1. "Guide on cooperation on defence between Japan and the U.S.". . . approved at Cabinet meeting on Nov. 27, 1978

APPENDIX 2

Outline of our defence programs (basic idea on defence)

1. This was approved at the Cabinet meeting in Oct. 1976

2. Features:

(1) Defence force to function to maintain peace (Denial capability)

(2) Balanced and consistent capabilities of front equipment, rear support and resistance

(3) Capability, enabling us to deal with limited aggression, of less than small scale, on our own

3. See the separate paper attached (Introduction to 1976 "White Paper on Defence")

Meetings at Administrative Level:

1. in Hawaii, on Jan. 16, 1978

2. in Hawaii, on July 31, 1979

3. in Hawaii, on June 30, 1980

Regular Japan-U.S. Conferences:

1. Sakata-Schlesinger meeting, in Tokyo, on May 1, 1975

2. Nihara-Brown meeting, in Washington, D.C., on Sept. 14, 1977 (separately, another Mihara-Brown meeting, in Tokyo, on July 27, 1977)

3. Kanamaru-Brown meeting, in Tokyo, on Nov. 9, 1978

4. Yamashita-Brown meeting, in Washington, D.C., on Aug. 16, 1979

Yamashita-Brown meeting, in Tokyo, on Oct. 20, 1979.

Kubota-Brown meeting, in Tokyo, Jan. 14, 1980.

APPENDIX 3

OPINION CENSUS

[Survey by the Prime Minister's Office]

	Support of self-defense forces (percent)	Support of Japan-United States Security Treaty (percent)
1972	73	44
1975	79	
1977	83	
1978	86	68

APPENDIX 4

CHANGE IN THE DIET MEMBERS OPPOSED TO SELF-DEFENSE FORCES AND THE JAPAN-UNITED STATES SECURITY TREATY

	1976	1979	1980
Total of opposition seats (excluding the LDP and independents)	241	244	218
Against self-defense forces and the Security Pact (JSP and JCP)	140	146	136
Total Diet seats	511	511	511

APPENDIX 5

SEATS WON BY POLITICAL PARTIES AT LAST 3 GENERAL ELECTIONS (1975-80)

	1976	1979	1980
LDP	249	248	286
JSP	123	107	107
Komeito	55	57	34
DSP	29	35	33
JCP	17	4	12
New Liberal Club	17	4	12
League of Socialist Democrats	[1] 0	2	3
Independents	21	19	7
Total	511	511	511

[1] Small group.

APPENDIX 6

CONSTITUTIONAL ISSUE

[Survey by the Asahi Press in 1979]

	Percen
1. Should we revise our present Constitution?	
For the revision to allow our armament	17
Opposed to the revision for armament	73
2. Should Japan have nuclear arms in the future?	
Yes	15
No	73

THE JAPAN-UNITED STATES SECURITY SYSTEM AS IT ENTERS ITS THIRD PHASE—OUTLOOK OF THE SITUATION IN NORTHEAST ASIA IN THE 1980'S

(By Shin Kanemaru)

It is my great honor to have this opportunity of expressing some of my views at this seminar, commemorating the 20th anniversary of signing of the Japan-US Security Treaty.

Many people before me have already observed that military balance in the world, centering around the US and the USSR, is now facing a turning point.

That is to say that the American nuclear superiority, which once constituted the main pillar in the maintenance of postwar peace, has been lost. In conventional military forces, too, the USSR has come to possess the capability of carrying out global operations, so that it can willfully develop its political and military strategies in Asia, Africa, and in the area surrounding the Japanese archipelago.

The Western nations have been obliged to establish drastic measures in the face of these changes in the worldwide military structure.

Last January, in the so-called "Carter Doctrine," the US government declared that the US will not hesitate to exercise military means, if necessary, for the defense of Persian Gulf. At the end of last year, the NATO Council meeting decided to deploy new strategic nuclear weapons to oppose the Soviet SS-20 missiles. These events suggest that there is now a new mood of confrontation between the USSR and the US, or between East and West.

The situation surrounding Japan is also becoming severe.

Not only the free world, but also Japan is facing a crisis which may threaten its existence, for the first time since the war, what with the loss of the US naval supremacy over the USSR in the Pacific and Indian Oceans, the rapid increase of Soviet military forces in the Siberian Maritime Provinces, Sakhalin, and on our northern islands, plus the fact that Vietnam is being turned into Soviet military bases.

Under our Constitution, which adheres to pacifism, our defense is based upon the line of non-aggression, and of not being aggressed upon. We have firmly maintained the policy of three non-nuclear principles and accept never again becoming a military power capable of offensive action.

Japanese defense consciousness and defense system are something unique in the world, but while we maintained this attitude undeniably the Japan-US Security Treaty played a great role even in the purely military area. It has been approximately 30 years since we signed the first security treaty with the US, the military and economic giant of the world. In the course of years since, Japan was never involved in a war, never even felt its threat, and we could live quite peacefully until today.

I would like to divide these years into three periods: the first period after the signing of the original Japan-US Security Treaty in 1952 to 1960. The second period is the 20 years since the signing of the present Security Treaty until today. The third period will be the decade of the 1980's and the ensuing period.

It seems to me this third period is the most crucial one, testing the true merit of the Japan-US Security Treaty, crucial for Japan and for the US, in fact, for the whole free world. I think the Japanese defense policy, now that we are entering the third phase of the Japan-US Security Treaty system, should naturally be based upon the treaty, but we should forsake the old system of solely depending upon the US, and remember that our policy should be based upon the national spirit that we will defend our own country with our own effort, which is the starting point for any autonomous national defense.

Our defense must be such that we can effectively deter various and varied threats which can be expected.

In order for us to have such a defense system, we should establish correct priorities as to the importance of the quality and quantity of the defense forces we should have, and not be guided by the consideration that our military budget should be a certain percent of our GNP, determined by mathematics. Our defense force is full of defects at present, and we must squarely face the reality that it is not the sort of defense force which can fight, so we should go ahead and drastically improve our defense forces.

As to the Japan-US security system itself, I think it will be necessary for us to recognize the fact that together with our own defense forces, the Treaty should be the basis of our defense, and in accordance with the change in the military strength of any party which threatens us. We should have close contact with the US on what responsibility Japan should shoulder in the operational functions and the range of operations for the forces of the two countries.

In what areas is our defense force defective? Wherein lies the weakness in the equipment of our land, sea, and air Self-Defense forces? Is there any defect in our rear support system? We should reflect on these points, of course, but I hope that on the part of American people responsible for defense and your specialists on defense, you, too, will give us your frank advice.

It is important for us to make sure that the Japan-U.S. Security Treaty will enable us to fully function against all the threats expected in the 80s, now that we are entering the third phase of the treaty, based upon the policy I have just described to you.

As I hope has been made clear so far, I am convinced that Japan should place the utmost importance on the cooperative relationship with the United States, in the coming 20 years.

It goes without saying that the relationship between Japan and the United States, as prescribed in the Treaty, is not limited to the area of defense alone, but it is important for us to establish and strengthen the friendly cooperation in politics, economy, culture, etc. between the two countries. In this respect, this third phase should be the period of increasing mutual understanding and trust in our relationship. What is the Security Treaty, without the understanding and trust between the two countries?

I think that heart to heart communication between the two nations is more important than a document. I would like to stress the fact that a piece of paper, with promises written on it, when such a promise is without the support of sincere understanding and trust, is mere waste paper.

One of the defects of our defense force is its weakness in collecting information. Of course we will be making our own efforts to rectify this point as much as possible, but I hope that the United States would give us further assistance in this respect.

Another favor I would like to ask of you is that I wish you would be concerned about the security of the group of free nations surrounding Japan.

The Korean Peninsula is the fuse and powder magazine which may ignite a great danger in NE Asia. North Korea, north of the 38th parallel, with its background of great military strength, watches constantly for any opportunity to advance into South Korea, as has been proved by the existence of three underground tunnels, which have been discovered so far, and which penetrate into the demilitarized zone. We must face the fact that although the Republic of Korea, even with its great efforts to defend itself, is always exposed to the threat from the north. When there is no peace in the Korean Peninsula, there is no peace in NE Asia. If the forces north of the 38th parallel would come down to Pusan, peace in Japan would be shattered.

For the security of NE Asia, it is indispensable to continue the powerful U.S. military presence on Korean Peninsula for a long time to come. I hope that the participants from the United States today will again recognize this point.

Next I would like to turn to the problem of Formosan Strait.

If Taiwan and the Taiwan Strait should be placed under the control of a Communist nation, it would have a serious effect on Japan, as this strait is strategically a very important one, along with Malaccan Strait, in the long sea lane which leads from Europe, from the Mideast, to the Japanese archipelago. There is only this sea lane between us and China, and separating us from the Republic of China in Taiwan. The security of Taiwan and the Republic of Korea are critical to the security of Japan.

Thus, I would like to appeal to the US to pay further attention to the security of the Republic of China in Taiwan and the Republic of Korea, for the sake of our own security also.

With the firm conviction that the security of these two countries is inseparable from our own security, I advocated the establishment of a "NE Asia and West Pacific Security Council of Members of Parliament," to the two countries concerned, and including the Diet members from Japan, we have held meetings three times.

At our third general meeting, we decided that we must ask the cooperation of the US on the security of this area, and we called on the members of the US Senate and the

House of Representatives to join us. We held the NE Asia and West Pacific Security Council of Members of Parliaments from the four countries in Washington, D.C. on January 16 this year. We agreed that it was a very significant conference, and the US Congressmen proposed that the second conference should be held somewhere in Asia.

To the participants here who came all the way from America, let me say that I realize that the US is responsible not only for its own security, but also for the security of Western Europe, the Mideast, East Asia, and in fact the whole free world, under the very severe military balance which has to be maintained against the USSR, and yet I am asking you to give us your continued cooperation for the security of Asia, including Japan.

I give you my word, however, that Japan would make its own contribution for the maintenance of peace in the world. Will do our utmost in the areas of foreign policy, economy, culture, and at the same time, we will be making a substantial and steady defense effort ourselves.

I have revealed some of my views, and before I conclude my presentation, I must report to you that the second general meeting of the NE Asia and West Pacific Security Council of Members of Parliaments, consisting of MPs of 3 free Asian countries and the US Congress, originally scheduled to meet in Seoul in November this year, is going to be postponed to early summer next year, because of the recent domestic situation in the Republic of Korea. As soon as the agenda and other particulars have been decided, I shall inform you. I hope that I shall be able to meet as many participants from the US as possible on that occasion.

Thank you.

THE FUTURE OF THE JAPAN-UNITED STATES RELATIONSHIP—A PROPOSAL

(By Noboru Minowa)

It is an honor for me to have this opportunity of stating my views as one of the speakers at the seminar commemorating the 20th anniversary of the signing of the Japan-US Security Treaty.

Mr. Shin Kanemaru already told you that the Japan-US security system has now entered its third phase, and I am in full agreement with this view. We are suddenly made aware of the Soviet military threat as we see its steady build-up and its military intervention in Afghanistan. The USSR not only has not returned to us our own northern territories, but also they went ahead deploying and strengthening the one-division-strong mechanized forces there, as if they are making ready to pounce upon us, as you know already. Even so, it was fortunate that we could live in peace so far, adhering to the principle of not attacking others, and not having been set upon by other countries so far. I believe it was due to the great role played by the Japan-US Security Treaty that this situation has been able to continue.

As we look back upon recent history, it strikes us that Soviet military intervention has never been carried out against the American allies. When we recall the attack on the three Baltic countries from 1930 to 1940, the Hungarian incident of 1956, entry of Soviet forces into Czechoslovakia in 1968, strangely enough, these countries were Soviet satellite countries which had concluded treaties with the USSR. Most recently, Afghanistan concluded a neutrality treaty with the USSR and only one year after it signed the Amity and Friendship Treaty with the USSR, it was attacked by the USSR. Thinking back upon these incidents, we realize that it was the countries without an American presence, or influence, or where the US would not possibly come to their aid, which suffered Soviet military aggression.

Nobody can deny the fact that the reason why Japan could live in peace so far was because of the Japan-US Security Treaty. I am convinced that the deterrent effect of the Japan-US Security Treaty still continues, for, although the USSR may be a military power, it is not an economic power any more. I do not think it would have sustainability when militarily engaged with the US. The USSR is fully aware of the fact it is they who would suffer a severe burn when they make a head-on collision with the US. Even though the USSR concentrates on its military build-up, it is obvious in terms of overall national strength that it cannot compete with the US. Because at a time of war, it is overall national strength which matters. That is why the Japan-US Security Treaty acts as great deterrent of war even now.

I associate myself with what Mr. Kanemaru who said, that American influence should be extended to the ROK and the Republic of China which are our neighbors. Peace for our neighbors is inseparable from our own peace.

Speaking about our neighbors, the People's Republic of China has become a friendly country to us to Japan and the US. There have been more and more personnel and material interchanges between us. However, I would like to drop a word of caution here. I shall be quite frank with you. I may be wrong, but it seems to me that the US is resigned to the fact, in opposing to the USSR, that Japan is not to be depended on, that neither the ROK nor the Republic of China is too dependable either and, if so, perhaps it should depend upon Continental China, which openly opposes to the USSR. Actually Continental China expects the US to help it with arms. This is my concern. The leading country among the free nations gives arms, or its technology, to a communistic country. I cannot help having some anxiety about this fact. I do not want to see Continental China turning into a military power. If the US thinks that it saves some trouble in opposing the USSR, when it gives this sort of assistance to China, then, although it may present a threat against the USSR, in the long run, it may also constitute a grave threat to the surrounding free nations like Japan, the ROK, and the Republic of China. I do not think we should furnish a fuse which may lead to a new dispute.

To the participants from the US! I would like for you to think back on your own experience in giving military aid to other countries, which ended up as failures. What happened in Vietnam? In Iran? I ask you, the guns which the US gave to these countries are aimed in which direction now? Can we give arms to communistic countries? What sort of guarantee have we that these arms would not be aimed at us eventually?

Participants from the US, I urge you to think over this point.

Turning back to the 1980s, I am very much afraid that it is going to be a decade of unpredictable hardship.

There is an anxiety held that there may yet be a World War III in this decade. There is the danger in Asia, in the mideast, in Europe, and in Africa, in fact, all over the world. I am quoting, "A war is politics with the shedding of blood and politics is a war without the shedding of blood." We must go on seeking politics without any bloodshedding. It is necessary for us to have the wisdom of deterring another war. In this respect, the Japan-US Security Treaty is the wisdom itself of the two countries. And we must use this wisdom for world peace.

As Mr. Kanemaru already reported to you, we held a meeting of the Security Council of the members of parliament, consisting of three free nations in Asia 3 times. We have started having interchanges also with the NATO countries from this year. Through these interchanges, we can increase our solidarity with the free world and unite our wisdom for world peace.

I reflect upon the fact that on the part of us, the Japanese, there has been always a sort of self-indulgent feeling, or too much dependency on the U.S., thinking that the U.S. would come to our aid when we need it. Ours is a Peace Constitution and it is stipulated that in any dispute, we must not try to resolve it with military means, and as you know very well, there is a limitation to our military means. Our 3 non nuclear principles is one of these. And yet our Constitution does not negate military force for our self defence, and we can possess the minimum military force for our defence. I think our dependency on the U.S. comes from our way of thinking that since the U.S. is so powerful, it is all right for us to depend on the U.S. Because of restrictions imposed upon us by our Constitution, we cannot have ever increasing armaments, so that there is no other way but depending upon the U.S. However, we are beginning to realize that although it is true that there is such a restriction stipulated in our Constitution, depending upon our own effort, it it possible for us to better arm ourselves for our self defence. I would like for you to see what sort of record we have accumulated in the past 10 years. The rate of increase in our defence budget is 6–7 percent over the preceding year. We maintained this ratio of increase even under the severe economic conditions after the oil crisis. I think Japan should continue in our defence effort, steadily, assiduously, even in the unpredictable and unclear economic situation of the 1980s.

I think we should revise the pattern we have adopted so far, determining our defence effort within the range of so many percentages of our GNP, in improving our defence force, because, defence is a relative thing, to begin with, and should be revised, in accordance with the changes in the opposing party. When the opposing party threatening us is increasing its military force, we must increase our own defence force also accordingly. In improving our defence force, in the coming 80s, we must have a correct estimate of the threat from the opposing party.

We must have an accurate idea about the opposing party's capacity of transporting men and equipment, their resistance, etc. and in turn estimate clearly how much defence force would be required on our part. After we decided what is required in having the improved defence force, then we can calculate how many years it would take, in view of our financial condition. I think our defence force should be improved in the 1980s based upon this way of thinking, and when we do that, I think we can promise you that we will be making an effort in the marked and steady build-up. Along with this, I think it is necessary for us to strengthen the tie of the Japan-U.S. Security system, which is the basis of our defence policy. I would like to make a proposal here.

Mr. Kanemaru said that it is more important to have heart-to-heart communication and understanding than signing of a mere piece of paper. However fine language a treaty may be couched in, when the peoples of the two countries are alienated, it is nothing. And I am in complete agreement with the sentiment expressed by Mr. Kanemaru in this regard. There are so many things which we must talk over between Japan and the US, not just the problem of defence, but also in all the areas of economy, foreign policy, etc. Understanding is generated when we exhaust our discussions. Without mutual understanding, there is no mutual trust, only real, meaningful one, based upon the true understanding of the two signatory countries. I would like to express my sincere respect to Mr. Kanemaru who stressed that the Japan-US Security Treaty must be of this

sort, in keeping with the trend in the 80s, which may well be a decade of turbulence.

We know that there is the so-called Atlantic Assembly, organized between the US and NATO member countries. I understand that it is divided into the subcommittees on defence, economy and foreign policy, and at each committee meeting, dialogue of a very high degree is carried out among the members of the assembly. I attribute the fact that things went on comparatively smoothly among NATO countries to this sort of interchange. I envy the fact that there was no trouble among the NATO members to expand their defence budgets, 3% over the preceding year every year, as the US would increase its defence budget by 5% over the preceding year. Unfortunately, it is not so easy for us, when we are to increase our share of the mutual defence based upon the Japan-US Security Treaty, and our own defence budget. I think perhaps chances are that we have not fully exhausted our discussion. There are also frictions seen in the field of economy between the two countries. Here again, we should have more conversations. Unless we do that, we cannot enhance the true merit of the Japan-US Security Treaty.

Ladies and gentlemen, I would like for you to give thought to the creation of "Pacific Assembly", which would be the counterpart of the Atlantic Assembly for the NATO countries. I am quite aware that there are differences in the circumstances in each region, and in the international situation each respective country is placed in, between us and NATO members, but in order to deepen our mutual understanding and trust, and the heart-to-heart solidarity. I sincerely hope that there could be created a Pacific Assembly, participated in by members of the US Congress and the Japanese Diet. I hope you will give us your views on this matter, and it is my fond hope that there will be a unanimous agreement reached between the members of the two national assemblies. With the creation of such a meeting, I am sure that the problems in many areas which lie between our two countries will be resolved with mutual understanding and trust. I leave the matter to the discretion of our able chairmen. Before concluding my speech, I wish the very best to you individually and to your country. Thank you for your patience.

The PRESIDING OFFICER. The Chair welcomes the distinguished visitors from Japan and recognizes the majority leader at this time.

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask our guests to stand, so that we might recognize them; and I ask unanimous consent that immediately the Senate stand in recess for 30 minutes, to allow Senators who are preparing amendments for the Agriculture appropriation bill to come to the floor.

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

[Applause, Senators rising.]

Thereupon, at 1:53 p.m., the Senate recessed until 2:23 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PRYOR).

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ROBERT C. BYRD. Mr. President, I would urge the two cloakrooms to put out calls inquiring as to whether or not there are any further amendments to the pending measure. I would hope we could get an understanding if there are such amendments so that we know how much work lies ahead of us on this bill.

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

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

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1981

The Senate continued with the consideration of the bill.

UP AMENDMENT NO. 1795

Mr. BELLMON. Mr. President, earlier this afternoon, I believe there was an agreement to postpone a vote on the Bellmon amendment until after 2 o'clock. It is now 2:30. I wonder if the floor manager of the bill has any objection to calling up the amendment for a vote at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I believe the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Oklahoma. 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

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

The result was announced—yeas 21, nays 61, as follows:

[Rollcall Vote No. 489 Leg.]

YEAS—21

Bellmon	Hollings	Schweiker
Boren	Humphrey	Stafford
Byrd, Harry F., Jr.	Laxalt	Stevens
Domenici	Long	Thurmond
Exon	Mitchell	Tower
Goldwater	Proxmire	Warner
Helms	Roth	
	Schmitt	

NAYS—61

Armstrong	Glenn	Metzenbaum
Baker	Hatch	Morgan
Baucus	Hatfield	Moynihan
Bayh	Hayakawa	Nelson
Boschwitz	Heflin	Nunn
Bradley	Heinz	Pressler
Bumpers	Huddleston	Pryor
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Riegle
Chafee	Javits	Sarbanes
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
Cohen	Kassebaum	Stennis
Cranston	Leahy	Stevenson
Danforth	Levin	Stone
DeConcini	Lugar	Weicker
Dole	Magnuson	Williams
Durenberger	Matsunaga	Young
Durkin	McClure	Zorinsky
Eagleton	McGovern	
Ford	Melcher	

NOT VOTING—18

Bentsen	Gravel	Percy
Biden	Hart	Ribicoff
Cannon	Kennedy	Stewart
Church	Mathias	Talmadge
Culver	Packwood	Tsongas
Garn	Pell	Wallop

So Mr. BELLMON's amendment (UP No. 1795) was rejected.

UP AMENDMENT NO. 1799

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1799.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 45, line 13, before the period insert the following:

"*Provided further*, That, of the funds provided herein, there shall be available $2,250,000 with which the Secretary shall conduct a two-year pilot project study in 108 school districts of all cash assistance and all commodity letter of credit assistance in lieu of commodities for the school lunch programs operated in such districts."

Mr. McCLURE. Mr. President, this amendment restates what the Senate already once voted upon with respect to the school lunch program, to provide that a certain amount of the funds available within the school lunch program be available for both a cash grant and a letter of credit program to expand the experimental program that has been in effect, involving 8 school districts around the country, to include an additional 100 school districts.

Without going into all the arguments that support that amendment and the reasons why it is being offered now, I simply say that the arguments were ven-

tilated thoroughly at the time this amendment was first offered to the Senate; and the Senate, after deliberation, did adopt this amendment on other legislation which is now bogged down in conference.

I simply offer the amendment here today in an effort to make sure that whichever piece of legislation gets through carries this amendment through to law, so that we will get the experimental program underway.

The amendment has been made available to the managers of the bill on both sides of the aisle. It is my understanding that they are prepared to accept the amendment. If that is the fact, I will not burden the Senate with a long discussion of it.

Mr. EAGLETON. Mr. President, I have no serious objection to the McClure amendment. I recommend that we accept the amendment and take it to conference.

I point out to my colleague that in the conference, we do have some difficulty from time to time with the House on matters that fall into the legislative area, as opposed to the appropriation area, but he understands that difficulty. He has been a conferee with us on these matters.

Speaking for myself, I am willing to accept this amendment and take it to conference. I believe that the Senator from Oklahoma (Mr. BELLMON) also is prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1799) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1800

Mr. HELMS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1800.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

TITLE FEEDING PROGRAMS

REDUCTION IN GENERAL REIMBURSEMENT

SEC. . Notwithstanding section 4 of the National School Lunch Act, for the fiscal year ending September 30, 1981, the national average payment per lunch under such Act for such fiscal year, after being adjusted under section 11(a) of such Act, shall be reduced by 2½ cents for any school food authority under which less than 60 percent of the lunches served in the school lunch program were served free or at reduced price during the second preceding school year. The amount of State administrative expense funds to be made available to the States by the Secretary of Agriculture under section 7 of the Child Nutrition Act of 1966 for the fiscal year ending September 30, 1983, shall not be reduced because of a reduction in the amount of Federal funds expended as a result of the preceding sentence.

REDUCTION IN COMMUNITY ASSISTANCE

SEC. . (a) For the fiscal year ending September 30, 1981, the national average value of donated foods, or cash payments in lieu thereof, as determined under seciton 6(c) of the National School Lunch Act, shall be reduced by 2 cents.

INCOME ELIGIBILITY GUIDELINES

SEC. . (a) During the fiscal year ending September 30, 1981, the income poverty guidelines described in the second sentence of section 9(b)(1) of the National School Lunch Act shall be adjusted annually without regard to the proviso contained in such sentence.

(b) In computing household income under section 9(b) of the National School Lunch Act for the fiscal year ending September 30, 1981—

(1) in States other than Alaska, Hawaii, and Guam, the Secretary shall allow a standard deduction of $60 each month for each household, which standard deduction shall be adjusted to the nearest $5 on July 1, 1980, to reflect changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for items other than food for the period beginning September 1977 and ending March 1980;

(2) the monthly standard deduction allowed in Alaska shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Alaska bear to the applicable income poverty guidelines for such States; and

(3) the monthly standard deduction allowed in Hawaii and Guam shall bear the same ratio to the standard deduction allowed in the contiguous States as the applicable income poverty guidelines for Hawaii bear to the applicable income poverty guidelines for such States.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. . (a) For the fiscal year ending September 30, 1981, the income poverty guidelines described in the second sentence of section 9(b)(1) of the National School Lunch Act shall be the nonfarm income poverty guidelines prescribed by the Office of Management and Budget adjusted annually pursuant to section 625 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971 (d)) for the forty-eight States.

(b) For the fiscal year ending September 30, 1981, with respect to reduced price lunches, the income poverty guidelines referred to in the eighth and ninth sentences of section 9(b)(1) of the National School Lunch Act, shall be prescribed at 85 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary.

ANNUAL ADJUSTMENTS

SEC. . The proviso contained in the first sentence of the second paragraph under section 11(a) of the National School Lunch Act shall have no effect during the fiscal year ending September 30, 1981.

(b) During the fiscal year ending September 30, 1981—

(1) no semiannual adjustment required under the second sentence of the second paragraph under section 11(a) shall be made on January 1 of such fiscal year; and

(2) the adjustment required under the second sentence of the second paragraph under section 11(a) which is to be made on July 1 of such fiscal year shall reflect the changes in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor, for lunches served during the preceding 12-month period.

INELIGIBILITY OF JOB CORPS CENTERS

SEC. . During the fiscal year ending September 30, 1981, for purposes of the National School Lunch Act and the Child Nutrition Act of 1966, the term "school" shall not be considered to include Job Corps Centers funded by the Department of Labor.

FOOD SUPPLEMENTS

SEC. . (a) Section 13(b)(2) of the National School Lunch Act is amended by striking out "Any" and inserting in lieu thereof "Except during fiscal year 1981, any".

(b) During the fiscal year ending September 30, 1981, any service institution (as defined under section 13(a)(1)(B) of the National School Lunch Act) shall be permitted, under section 13 of the National School Lunch Act, to serve lunch and either breakfast or a meal supplement each day of operation, and any service institution that is a camp or that serves meals primarily to migrant children shall be permitted to serve not more than four meals each day of operation, if—

(1) the service institution has both the administrative capability to serve such meals, and the food preparation and food holding capabilities, where applicable, to manage more than one meal service each day; and

(2) the service period of different meals does not coincide or overlap.

Meals which camps and any such service institutions serving meals primarily to migrant children may serve shall include a breakfast, a lunch, a supper, and meal supplements.

NATIONAL AVERAGE PAYMENT FOR SUPPLEMENTS

SEC. . (a) During the fiscal year ending September 30, 1981, in determining under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act the national average payment rate for supplements served in institutions (other than family or group day care home sponsoring organizations)—

(1) no adjustment under such paragraphs shall be made on January 1 of such fiscal year; and

(2) the adjustment under such paragraphs required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

(b) For the fiscal year ending September 30, 1981, the average payment rate determined under paragraphs (1) through (3) of section 17(c) of the National School Lunch Act for supplements served in institutions (other than family or group day care home sponsoring organizations), taking into account any adjustment under such paragraphs in accordance with subsection (a) of this section, shall be reduced by 3 cents.

REDUCTION IN EQUIPMENT ASSISTANCE

SEC. . Notwithstanding the first sentence of section 17(n) of the National School Lunch Act, during the fiscal year ending September 30, 1981, only $4,000,000 shall be made available under such section for the purpose of providing equipment assistance to enable institutions to establish, maintain, and expand the child care food program.

PAYMENTS FOR FREE BREAKFASTS

SEC. . Notwithstanding section 4(b)(2)(B)(ii) of the Child Nutrition Act of 1966, in determining the maximum payment for free

breakfasts under such section for the fiscal year ending September 30, 1981—

(1) no adjustment under such section shall be made on January 1 of such fiscal year; and

(2) the adjustment under such section required to be made on July 1 of such fiscal year shall be computed to the nearest one-fourth cent based on changes, measured over the preceding twelve-month period for which data are available, in the series for food away from home of the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, Department of Labor.

Mr. HELMS. Mr. President, the Appropriations Committee yesterday moved to strike $364 million from the budget of the child nutrition programs. The amendment I have just introduced contains language to specify how that $364 million in savings will be achieved.

Those savings are to be made, under the provisions of this amendment, only through provisions which previously passed the Senate as a part of the Omnibus Reconciliation Act. It does not include all of those savings, however. Specifically, it omits language which would save an additional $22 million from the summer feeding program. In addition, it does not include savings which are already dealt with either in this bill or in previous legislation, such as savings from special milk, nutrition education and training, and food service equipment assistance.

I am introducing this amendment for a very specific reason. The budget reconciliation subconference on child nutrition is now held up in one of the most bizarre and disturbing conferences I have yet witnessed. The ostensible "conference report" which is now circulating—despite the fact that its provisions were never agreed to by any conference in which members of the authorizing committees were present—includes reauthorizations through 1984 of programs which are never even mentioned in the reconciliation package. It is my belief that these reauthorization dates are beyond the scope of a reconciliation conference. Every other minority member of the reconciliation conference committee seems to share my belief. Not a single one in either House or Senate has signed the report. In addition, not even a majority of the House Education and Labor Committee members have signed the report, and it is from that committee that this "conference report" originated.

In the event that that conference report is never put into law—and I hope it never is, as long as the reauthorization dates are attached—I believe we must insure that the intended savings are put into effect for this fiscal year at a minimum. To that end, I am offering specific language to save the $364 million called for in this bill.

I ask unanimous consent to have printed in the RECORD a table in connection with this matter.

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

Estimated savings from Helms child nutrition amendment to the agriculture appropriations bill

(CBO estimates assume a January 1, effective date)

[In millions of dollars]

Section 4 reimbursement rate reduction of 2½ cents	$60
2 cent reduction in commodity assistance	63
Elimination of poverty update; charge of 20 cents on reduced price lunches; participation response	97
Annualized indexing for all programs	108
Summer feeding meal changes	18
Expansion of child care feeding eligibility to Title XX for-profit sponsors	
Child care snacks	5
Child care equipment assistance	2
Job Corps Center restriction	11
Total entitlement savings	364

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. EAGLETON. Mr. President, what amendment are we talking about?

The PRESIDING OFFICER. To the bill.

Mr. EAGLETON. Mr. President, are we voting on Senator HELMS' amendment?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. EAGLETON. Mr. President, does the Senator care to explain his amendment any further?

Mr. HELMS. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER (Mr. BAUCUS). The Senate will be in order.

The Senator will not proceed until the Senate is in order.

The Senator from Missouri.

Mr. EAGLETON. Mr. President, the pending Helms amendment before us deals with the child nutrition program and is part of the reconciliation conference that is still in progress. Also included in that reconciliation conference are many other cuts and changes affecting other facets of public and social endeavor. For example, in the reconciliation conference are civil and military retirees' once-a-year cost of living only, changes in the tax laws to increase certain taxes, certain matters pertaining to veterans' benefits, matters pertaining to unemployment benefits, matters pertaining to Postal Service subsidies, and the like.

What the Senator from North Carolina is doing, if I understand it, is lifting out one of those changes, that is, child nutrition, and presenting it to us separately at this time.

Also in the reconciliation conference pertaining to agriculture and nutrition, in addition to these changes in child nutrition programs, is an extension of the WIC program to 1984.

Is that the understanding of the Senator from North Carolina?

Mr. HELMS. Mr. President, I am sorry. I cannot hear, and I did not understand the Senator's question.

The PRESIDING OFFICER. The Senator will please suspend until the Senate is in order.

Mr. EAGLETON. Mr. President, my question to the Senator from North Carolina is, is it his understanding that in the reconciliation conference, in addition to considering the matter that is before us in the Helms amendment the conferees have under consideration the extension of the WIC program to 1984?

Mr. HELMS. That is correct, I say to the Senator.

Mr. EAGLETON. Will the Senator object then, in order to make this thing balance and complete, if I amended his amendment to extend the WIC program as authorized to 1984?

Mr. HELMS. I say to the Senator that I will have to object. This is a program that we should take a look at in 1982 and not extend it as far in advance as 1984.

As the Senator knows, in the conference committee we are having a discussion about that, as well as, some disagreement.

So I have to object most respectfully to the Senator's suggestion.

Mr. EAGLETON. Mr. President, I am going to have to suggest the absence of a quorum. I wish to draw an amendment to the Senator's amendment to cover WIC, and I do not have it prepared at this moment. I wish the indulgence of the Senate a few moments to properly draw it.

Mr. HELMS. Mr. President, will the Senator withhold?

Mr. EAGLETON. Yes.

Mr. HELMS. Will it not be better for this amendment to be laid aside temporarily so the Senate can proceed to another amendment if it chooses to do so?

Mr. EAGLETON. That will be excellent if we have another Senator here prepared to propose an amendment. That will be very fine.

Mr. HELMS. Mr. President, I ask unanimous consent that my amendment be laid aside temporarily to be called up at the conclusion of action on the next succeeding amendment.

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

Mr. EAGLETON. I thank the Senator.

Mr. HELMS. I thank the Chair.

UP AMENDMENT NO. 1801

Mr. McCLURE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1801.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 13, line 18, prior to the period insert the following:

Provided further, That in addition to the funds provided under this head, the sum of $17,526,000 appropriated in the Department of the Interior and Related Agencies Appropriations Act, 1981, is hereby transferred and

merged with this appropriation to carry out the authorities rested in the Secretary of Agriculture by the Act of March 2, 1931 (46 Stat. 1468–1469; 7 U.S.C. 426–426B), except to the extent that such functions relate to research concerning, and the control of, migratory waterfowl depredations.

Mr. McCLURE. Mr. President, this amendment deals with what has proven to be a very controversial activity on the part of the Federal Government, and that is the animal damage control unit which is now reposed in the Department of the Interior where it runs into direct conflict with congressional mandates to the Fish and Wildlife Service to protect and enhance fish and wildlife, because a part of the animals and the control unit is that which its function is directed toward the control of predators that prey upon domestic livestock that are on public lands.

And the administration of it has been subject to that conflict ever since in 1939 when the unit was transferred by administrative action from the Department of Agriculture to the Department of the Interior.

I think there are good arguments on both sides of where it should be reposed, but the original action by Congress was to place it in the Department of Agriculture and it is only administrative action that long ago transferred it to the Department of the Interior.

My amendment would move the money back from the Department of the Interior appropriation to the Department of Agriculture appropriation which could now then be administered.

Mr. President, it is fair to say that many members of the Fish and Wildlife Service support this move. They think it is a constructive way of eliminating the conflict that now exists within the Fish and Wildlife Service and would permit them, with a much more direct approach and with less ambiguity, to deal with the questions of protecting fish and wildlife, while at the same time vesting in the Department of Agriculture a very unambiguous directive to protect the values of the domestic livestock industry upon the public lands.

It is further supported, I believe, by a memorandum dated May 6, 1980, to the Assistant Secretary of Policy, Budget, and Administration from the Director of the U.S. Fish and Wildlife Service, which memorandum, among other things, calls for the abolition of the Division of Animal Damage Control.

I am told that that memorandum has now been approved and is the official policy of the Department of the Interior and will be implemented.

If that is a fact, and I believe it to be a fact, then it seems to me that we should recognize that, instead of putting money into an agency of the Department of the Interior that they have already decided to abolish, we should put that function and the money to support that function in the Department of Agriculture where it was before.

That is the purpose of my amendment and that is the effect of it, and it simply transfers the money thus already authorized, already earmarked for this function, puts it where it will be implemented as the Department of the Interior has indicated they believe it should be done and the Department of Agriculture used to do before it was transferred by Executive order.

Mr. METZENBAUM. Mr. President, will the Senator from Idaho be good enough to advise as to how the Department of the Interior has made known its position? Is there a letter or some communication on it?

Mr. McCLURE. As I indicated, there is a memorandum of May 6, 1980, in which they indicated the recommendation of the Fish and Wildlife Service that the Division of Animal Damage Control should be abolished. That memorandum has now been adopted.

Mr. METZENBAUM. But would this not conflict with the usual inclination of the Senator from Idaho to try to save money? Is he actually not saying now because the money is hanging out there we should put it into the Agriculture Department?

Mr. McCLURE. No, not at all.

Mr. METZENBAUM. If we did not spend it, could we not save those dollars?

Mr. McCLURE. Not at all. Let me say to my friend from Ohio the function has been implemented. There is no question that the Congress of the United States has continuously and uninterruptedly recommended that there be such a division, that it be funded, and that the activity be undertaken.

This is not a question of whether or not it should be expended; it is a question of where it should be expended; whether it should be in a department that says they do not want it, they intend to abolish it and try to get out of it—they feel it is in conflict with what they are doing or what they have been doing—or to put it into a department that does not have that ambivalence and does not desire to have that ambivalence.

Mr. METZENBAUM. How much money is involved?

Mr. McCLURE. $17,526,000.

Mr. METZENBAUM. Do I understand this is an appropriation, not an authorization bill; is that correct?

Mr. McCLURE. That is correct.

Mr. METZENBAUM. Would not the authorizing committee, either the Committee on Agriculture or the Energy Committee, having to do with the Department of the Interior, would they not—have they taken any action with respect to this subject?

Mr. McCLURE. The Energy Committee has not. The Energy Committee is the committee of jurisdiction on the Interior side. The Agriculture Committee is the committee of jurisdiction on the Department of Agriculture side and has not, and I suspect the reason it has not is that the action by this administration has come so late that there was no opportunity for the authorizing committee to look at the decision they had made.

Mr. METZENBAUM. In view of the fact that this is an appropriation bill, it would seem to me that the Senator from Idaho is actually making a very substantive change. It would occur to me that since he is going to be the chairman-elect of the Energy Committee——

Mr. McCLURE. Mr. President, will the Senator yield at that point? I misspoke. I said the Energy Committee. The actual committee is the Environment and Public Works Committee on the Senate side.

Mr. METZENBAUM. In view of the fact that it is almost at the conclusion of the session, there obviously is no action required at the present time, and I must confess that I do not know nearly as much about this subject as does the Senator from Idaho, but I have real concern about making substantive changes in the closing hours of a session, and, whether those changes have to do with this subject or any other, I feel it is inappropriate and that it should not occur.

I think the appropriate committee ought to have an opportunity to consider it, and then this body ought not to be asked, with that kind of hasty action, to make a substantive change at this time.

I wonder whether the Senator from Idaho, who is going to be part of the majority come January 5, would not see fit to take this matter up in the usual course of events rather than attempting to make this change at his point?

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

Mr. METZENBAUM. Yes.

Mr. McCLURE. Mr. President, the Senator, as usual, knows a way to reach the sensibilities of the Senator from Idaho. Yes, under ordinary circumstances I would not even have brought this to the attention of the Senate or attempted to make a change. But a very critical problem exists there on the public lands that needs to be dealt with and does not wait. Congress can procrastinate over a long period of time, but things happen out there in the real world even while we wait to see that the proper procedures are followed or the proper jurisdictional committees are appealed to.

Certainly, if the amendment is not adopted, it would be the intention of the Senator from Idaho to call it to the attention of the appropriate committees for early action next year. But I hope we will not have to wait for that action. I hope the Senator from Ohio will be persuaded not to object to the amendment, and might indeed support the amendment, at least to this extent.

I understand what the Senator is saying about bringing things up at the last minute that have substance. This is not without substance, and I confess that if it be adopted here today that we be given an opportunity to take it to conference, and if, as a matter of fact, the Senator, looking at the amendment, might have very grave doubts or serious objections, he can then persuade the members of the conference to drop it in the conference or that the Members of the House resist the adoption of the amendment when it gets to conference.

But it is a matter that has had ongoing discussion of how we deal with the control of predators that are decimating the livestock industry in the western ranges. It is a critical problem. It is a problem now that exists; it is not a problem that does not exist or has not existed.

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

Mr. METZENBAUM. I yield.

Mr. MELCHER. I thank my friend from Ohio.

I want to say it is more than a western range problem. Predator control problems, long a burden in the West, are moving East. I very much regret the circumstances we are in here because I do not know what the Department of the Interior's intentions are in abolishing this group.

We have to control predators in some way. Whether we use 1080 or something that is better, predators must be controlled. If we are talking about the question of humaneness, I would point out then why predators are numerous, it is more humane to the lambs or to the ewes, to save their lives by reducing the predator population. The predator problem is certainly out of hand in Montana.

What the new Secretary of the Interior will do about this question I do not know. But under the circumstances, rather than having the group abolished, as outlined in the memorandum to which the Senator from Idaho has referred, I would like to hold them intact. This is the only vehicle we have to hold them intact, and I would suggest we vote for the amendment.

Mr. TOWER. Mr. President. I want to commend the Senator from Idaho for bringing up this amendment. I think maybe the urgency of the problem of the predator control might be brought home more graphically to the distinguished Senator from Ohio if we could import about 50,000 coyotes into his State and turn them loose in the suburbs. It would help to keep the population down, I can assure you.

But I ask you, have you ever looked into the eyes of little lambs? They look like little children. This coyote coming in there cutting and slashing at this poor little innocent lamb, kills it, and eats it, and unless the boarder hawks run him off he goes and kills another one.

We have a terrible problem, and it is driving up the cost of mutton and lamb to the good people of the State of Ohio. The consumers are paying when these coyotes get in there and kill maybe 40, 50 percent of the lamb crop. What they do not get the golden eagle does get, and they are protected.

So I would urge you folks in urban areas to think of the cost of meat on your table, and support us in trying to transfer predator control to the department where it belongs, where they understand it, and that is the Department of Agriculture.

So I hope the distinguished Senator from Idaho will prevail in his amendment.

Mr. METZENBAUM. Mr. President, I would just like to say to my friend from Texas and my friend from Idaho, where have you been? Where is the authorizing legislation? Why do you not put a bill in or why did you not and why did you not get it? Why all of a sudden at 3:15 of the afternoon of the day we are about to recess do you suddenly come up with a new idea? If there is pending legislation, you have not said so, and if that is the case I would appreciate the Senator from Idaho advising me.

Mr. McCLURE. Mr. President, this is not a new proposal. It has been published for months. It has been discussed widely for months, and the urgency only comes about because the Department of the Interior has decided to abolish the unit.

Mr. METZENBAUM. When did they do that?

Mr. McCLURE. What?

Mr. METZENBAUM. When did they do that?

Mr. McCLURE. I do not have the action date upon which the memorandum was adopted by the Department as their official policy, at least this portion of it. I am sorry I cannot give that information to the Senator from Ohio. I wish I could.

Mr. METZENBAUM. What is the date of the memorandum?

Mr. McCLURE. The memorandum is dated May 6. The action by which it was adopted as the policy of the Department is somewhat later than that, and I cannot tell you the exact date. But let me say to my friend from Ohio it is not just a western issue. Certainly as the Senator from Ohio knows, there is a great deal of concern about the cost of living these days, and I am sure the Senator from Ohio has heard that even in his own districts in his own State. One of the components of the cost-of-living index that is going to rise more rapidly in the months just ahead of us than any other is that of food, food on the table, meat for American families.

That is part of what is involved in this issue here today. We can talk all we want about due deliberation and appropriate legislative vehicles, but people out there who are buying food for their families are going to do so at a meat market that does not wait for our initiatives here.

We can procrastinate on that and see the food supply is reduced. We can slow down the process here and see the price of meat on the tables go up. And we can see the diets of Americans begin to change as they find less costly substitutes for the meat that otherwise would be more abundantly available to them.

I suggest we should not do that. I suggest, and I hope the House would agree, that we can move now in an affirmative way to tell the American people that there will be a better supply of meat on their tables next year as a result of the action that we take here, rather than to say, "I'm sorry. We found it inconvenient to act because it was not brought up in the right way at the right time and at an earlier date in a different bill."

I think the people of America want action. They do not want us to debate over procedural formats.

● Mr. SIMPSON. Mr. President, I wish to express my most enthusiastic support for the amendment offered by the Senator from Idaho. As a member of the Senate Committee on Environment and Public Works, which is the authorizing committee for the animal damage control program, I chaired 2 days of oversight hearings on the subject of the efficiency and responsiveness of the program now administered by the U.S. Fish and Wildlife Service.

Over the course of this extensive presentation of testimony from all interests: stockmen, scientists, conservationists, environmentalists, and administrators—I became very firmly convinced that the Department of the Interior either did not have all of the pertinent facts or simply did not wish to even consider the good judgment of its own agency experts when a revised predator control program was unveiled in its November 1979 policy memorandum. The real issue is one of protecting wildlife and domestic livestock from excessive coyote predation—just what the original act required—rather than just keeping a "body count" of coyotes killed by government trappers.

The adaptability and cunning of the coyote requires that all possible methods, lethal and nonlethal, be used in a manner that provides protection to big game and domestic livestock during such critical periods as lambing, fawning, and rearing. No one is calling for extinction of that wily adversary.

The November policy memorandum is now on the verge of implementation. The most absurd part of it sets levels of acceptable losses for the American livestock industry at a figure which will amount to over $100 million in this coming year. I believe that it would be absolutely irresponsible to permit any agency which takes such a callous and arrogant attitude toward our domestic livestock producers to continue to manage such a program, which has been so thoroughly misguided and mismanaged.

The Animal Damage Control Act and total disregard of it by this administrative secretarial policy has been a matter of some controversy. Yet, the predator damage control program as set out in the 1931 legislation remains the sole expression of Congress in this area. I think this administration has forgotten that it directs Federal cooperation of all affected interests in bringing predation under control and it even permits—although I certainly do not advocate it—the eradication of animals which are damaging important agriculture interests. If the Department of the Interior is unwilling to fulfill congressional directives on the issue then those functions for predator control must be transferred to an agency of our government that is prepared to do just that. Let us do it.●

Mr. METZENBAUM. Mr. President, since my first Senate session, nothing irritates this Senator more than finding legislation adopted as substantive issues on appropriations bills. We do it and we should not do it.

I have asked the Senator from Idaho if he would be good enough to withdraw this amendment so that the matter might be processed before the committee in a regular manner. I, frankly, do not know whether the amendment is good or bad. I cannot believe all the impact that the Senator says would ensue or result from this amendment would, indeed result. I doubt it; but the Senator might be right. He knows more about the subject than I do. But I do not believe this is the way to deal with this subject.

Under the circumstances, Mr. President, I raise a point of order The point of

order is this is legislation under an appropriations bill

The PRESIDING OFFICER The point of order is, Does the pending amendment constitute legislation because it amends existing law?

The Chair sustains the point of order because the amendment does amend existing law.

Mr. McCLURE. Mr. President, I appeal the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Idaho appeal the ruling of the Chair?

Mr. McCLURE. I appeal the ruling of the Chair.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. 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. EAGLETON. Mr. President, Senator METZENBAUM asked my view as to whether the committee supports the position of the Chair and the committee does. I suggest, then, that we proceed to the vote on the appeal of the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? On this question, 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhole Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

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

The result was announced—yeas 33, nays 49, as follows:

[Rollcall Vote No. 490 Leg.]

YEAS—33

Bumpers	Huddleston	Proxmire
Byrd, Harry F., Jr.	Inouye	Pryor
Byrd, Robert C.	Levin	Randolph
Chafee	Long	Riegle
Chiles	Magnuson	Sarbanes
Cranston	Matsunaga	Sasser
Durkin	McGovern	Stennis
Eagleton	Metzenbaum	Stevenson
Glenn	Mitchell	Stone
Heflin	Morgan	Williams
Hollings	Moynihan	
	Nelson	

NAYS—49

Armstrong	Ford	Melcher
Baker	Goldwater	Nunn
Baucus	Hatch	Pressler
Bayh	Hatfield	Roth
Bellmon	Hayakawa	Schmitt
Boren	Heinz	Schweiker
Boschwitz	Helms	Simpson
Bradley	Humphrey	Stafford
Burdick	Jackson	Stevens
Cochran	Javits	Thurmond
Cohen	Jepsen	Tower
Danforth	Johnston	Warner
DeConcini	Kassebaum	Weicker
Dole	Laxalt	Young
Domenici	Leahy	Zorinsky
Durenberger	Lugar	
Exon	McClure	

NOT VOTING—18

Bentsen	Gravel	Percy
Biden	Hart	Ribicoff
Cannon	Kennedy	Stewart
Church	Mathias	Talmadge
Culver	Packwood	Tsongas
Garn	Pell	Wallop

So, the ruling of the Chair was not sustained as the judgment of the Senate.

The PRESIDING OFFICER. The decision of the Chair does not stand as the judgment of the Senate.

The question is on the amendment of the Senator from Idaho.

Mr. MORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. MORGAN. Mr. President, I am sure some Senators know by now that I ran out of votes on election night, shortly before I obtained enough to win the election. But I thought I ought to take this opportunity to enlighten some of my colleagues, especially some here who are targeted for next year, as to what can happen to us on these so-called parliamentary votes.

For instance, today I voted to sustain the Chair, which I always was taught I should do unless I clearly thought the Chair was in error. However, unless a rollcall vote is made on the next vote, my vote to sustain the Chair may be interpreted as being in a contrary position.

I want to give an example. On one of the fliers that my opposition put out against me, it had this chart, "Voted against limiting the power of the OSHA bureaucracy to inspect small businesses with good safety records," dated July 20, 1979, and then in fine print it had H.R. 4389.

Most of us remember the debate going on here in the Senate during the 6 years I was here as to where we were going to draw the line applying to OSHA. I think most Senators who know me will recall it has generally been my view that with small businesses, 10 or less, that OSHA should not apply, unless it had a bad record.

Not only had that been my point of view, but I had even sponsored amendments to that effect.

So Senators can imagine the chagrin or surprise I had when I found my opposition distributing leaflets which said that I had opposed limiting the bureaucracy with regard to OSHA.

So I immediately got on the telephone and said to the research staff, "Pray tell me, what happened on July 20, 1979?" Because I certainly did not intend to do that. Here is what it was, and I am reading now from my own memorandum:

During the consideration of the appropriations bill for the Department of Labor and HEW, an amendment was proposed by Senator FRANK CHURCH of Idaho to exempt "safe" small businesses from the coverage of the occupational Safety and Health Act. Senator MORGAN supported this approach and had supported it in 1978 when the same amendment was attached to the Small Business Administration bill.

In 1979, there was objection to this amendment being offered to an appropriation bill on the grounds that it was not germane.

That is my understanding, I say to the Senator from Ohio, that that was the objection to this bill. In other words, the objection was that it was legislating on an appropriations bill.

The Parliamentarian so ruled, and Senator Morgan voted to support the Chair, which is generally customary.

I am reading from my staff memorandum.

However, the Senate ignored the Parliamentarian ruling of germaneness.

I believe we did that again today.

When the amendment was submitted on its merits, the very next vote, Senator MORGAN voted for the amendment. To claim that he voted against the proposal on the basis of a Parliamentary vote is a distortion of the record.

Again, I am reading from my memorandum. I go on to state that this had happened quite frequently.

So what I am saying is that I just want to caution my colleagues that when you are playing with parliamentary moves, you are giving potential opposition ammunition to throw at you; because in a one-line excerpt—and I say to Senator McGOVERN that I had his picture and Senator KENNEDY's picture at the top of it. We distributed their pictures quite frequently in North Carolina. [Laughter.]

Some of my friends down there were surprised to know how close we were. [Laughter.]

Nevertheless, this one line generated an impression that was directly contrary to what my own opinion was and what I had supported and had voted for and had even introduced. Once that impression is created, it takes an awful lot of explaining to try to explain it or to make it understood.

So we have been playing rather loosely with parliamentary moves. I am just citing his one example, and I will cite many more to the Senate next week.

For that reason, I now make this inquiry of the Chair: Does the question

now revolve back to the adoption of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. MORGAN. Because of what possibly might be interpreted later as a vote one way or the other because of the vote on the parliamentary rule, I ask for the yeas and nays on the amendment.

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 amendment of the Senator from Idaho. 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. WALLOP) would vote "yea."

The PRESIDING OFFICER (Mr. MITCHELL). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 53, nays 29, as follows:

[Rollcall Vote No. 491 Leg.]

YEAS—53

Armstrong	Ford	McClure
Baker	Goldwater	Melcher
Baucus	Hatch	Moynihan
Bellmon	Hayakawa	Nunn
Boren	Heflin	Pressler
Boschwitz	Heinz	Roth
Bradley	Helms	Schmitt
Burdick	Huddleston	Schweiker
Byrd, Harry F., Jr.	Humphrey	Simpson
Cochran	Jackson	Stafford
Cohen	Javits	Stevens
Danforth	Jepsen	Stone
DeConcini	Johnston	Thurmond
Dole	Kassebaum	Tower
Domenici	Laxalt	Warner
Durenberger	Leahy	Weicker
Exon	Long	Young
	Lugar	Zorinsky

NAYS—29

Bayh	Hatfield	Proxmire
Bumpers	Inouye	Pryor
Byrd, Robert C.	Kennedy	Randolph
Chafee	Levin	Riegle
Chiles	Magnuson	Sarbanes
Cranston	Matsunaga	Sasser
Culver	McGovern	Stennis
Durkin	Metzenbaum	Stevenson
Eagleton	Mitchell	Williams
Glenn	Morgan	

NOT VOTING—18

Bentsen	Hart	Percy
Biden	Hollings	Ribicoff
Cannon	Mathias	Stewart
Church	Nelson	Talmadge
Garn	Packwood	Tsongas
Gravel	Pell	Wallop

So Mr. McCLURE's amendment (UP No. 1801) was agreed to.

Mr. McCLURE. Mr. President I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I ask unanimous consent that Senators PRESSLER, SIMPSON, MELCHER, and LAXALT be added as original cosponsors.

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

Mr. DeCONCINI. Mr. President, if the Senator will yield, I would ask the Senator to add my name.

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

Mr. McCLURE. And add Senator GOLDWATER.

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

The question recurs on the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I may yield to the senior Senator from Kentucky (Mr. HUDDLESTON) for his submitting an amendment, following which, and upon the disposition of which, my amendment would be the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 1802

(Purpose: To increase the amount of administrative and operating funds for the Federal Crop Insurance Corporation)

Mr. HUDDLESTON. Mr. President, on behalf of myself, the Senator from North Carolina (Mr. HELMS) and the Senator from Georgia (Mr. TALMADGE) I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Kentucky (Mr. HUDDLESTON), for himself, Mr. HELMS, and Mr. TALMADGE, proposes an unprinted amendment numbered 1802:

On page 23, line 15, strike out "$29,558,000" and insert in lieu thereof "$78,228,000".

Mr. HUDDLESTON. Mr. President, what this amendment does is to correct the Department of Agriculture's failure to provide in adequate time a justification for a budget request for the Federal Crop Insurance Corporation. Senator EAGLETON's subcommittee did not have an opportunity to review this request, as I understand it, and to provide for this funding.

As all my colleagues know, we have passed and sent to the President, and it has been signed into law, a new crop insurance program to replace the disaster program that has been in effect for so many years and has been very costly to the taxpayers of the country. At the same time that it has been costly, it has not been adequate in meeting the needs of our farmers to compensate for natural disasters or for other reasons which their production is severely reduced.

So the comprehensive crop insurance program will enable the agriculture producers of the country to insure their crops with premiums subsidized by this program for all kinds of losses that may occur and for virtually all types of crops. The disaster program is limited to a relatively few number of crops and, in looking over the history of it, has served a relatively few number of farmers.

This is an effort to save money and at the same time extend to the farmer an opportunity to purchase insurance for his crops. What we are asking is that an additional approximately $49 million be added so that this program can be implemented in this coming fiscal year.

It is very important that the program be implemented effectively and correctly, because it is not unlike at all the starting of a new business venture. Its success will depend on its acceptance by the farmers throughout the country. The premiums are determined on an actuarial basis depending on the history of crop grown in the various areas of the country.

If we do not have adequate participation, if a farmer is unable to understand this new program and does not avail himself of it, then the chances of success will be diminished and likewise the cost will be increased. So it is vital that we provide this funding so that all of the machinery can be set up and put into action so that this will be a successful program.

I recognize that we have to go to conference on this figure. During that period of time the Department will have adequate opportunity to come before the members of the conference to more adequately explain the need for this funding.

So——

Mr. EAGLETON. It speaks for itself.

Mr. HUDDLESTON. It speaks for itself, as my colleague has said. I move the adoption of the amendment.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. This is not much more than another $50 million increase; really not very much at all, the way we do business around here.

Our committee was informed of this request by the administration last Friday. I guess they could have waited until January 19. As best we can decipher this $50 million appropriation, it includes some of the following:

It includes $14 million for reimbursement to the ASCS office employees. Well, that is all well and good, except that such reimbursement is specifically prohibited in this bill by section 611 thereof.

Then it has a questionable item of $10 million for "advertising," to tell farmers about the new crop insurance program. As one of my colleagues has whispered at my side, Mr. Rafshoon could possibly use that $10 million since I noticed in the morning paper he is losing some of his advertising accounts.

One of the other items in the bill is $7 million for printing costs. I hear Senator after Senator rail against paperwork, forms, and all of that.

So here it is. We get an amendment on Friday of last week and are told that this is a must item that we have to put in the bill. Even our rather hasty perusal of it causes us to believe that this is a less than perfect expenditure of $50 million.

So I am going to oppose the amendment. The hour is getting reasonably late. I have said what I have to say on it. Let us have a vote on it.

Mr. HUDDLESTON. Mr. President, if the Senator will yield for just one response to the Senator's concerns, let me point out again that this is a new program and it is very much like starting a new commercial enterprise. Certainly we have to have forms for application. The ASCS offices which will handle some of the sales and some of the applications will have to secure the crop reports so that an actuarial finding can be made on the potential loss of each crop in each section of the country. All of these things have to be done to put this program in operation.

And then, of course, advertising is necessary. As I say, you have to convince the farmer or sell the farmer on the program in order to make it effective and to reduce the cost of the program.

The whole enterprise is for the purpose of doing two things: No. 1, from my standpoint, it is going to give the farmers of the Nation an opportunity to buy protection which they will pay the largest part of, buy protection against all kinds of things that can happen to a crop during its growing year.

As the situation is now with the disaster program, there has to be a disaster declared by the President before funding will be made available to them. Well, that is little comfort to a farmer who may, for some particular localized reason, wipe out his crops through some natural disaster or natural disorder but not sufficient enough in area to merit a declaration of a natural disaster.

So this will offer the opportunity that is not now available to the American farmer to secure protection against total loss from his crop being damaged by a natural cause.

The second purpose of it is to save money. The disaster program is growing in cost. As I mentioned before, it is limited in application, affecting only a few crops, and is not providing the kind of protection that our growers need. That is the reason for the need for the program itself.

As I say, it is important to get the program started correctly. This funding is needed, the advertising is needed, and the forms are needed. All of this is needed to put into place a new program.

I make no apologies for the Department of Agriculture for being tardy in getting to the subcommittee chairman on the need for this appropriation. I would say that if they cannot do that satisfactorily between now and the time for the conference, then they would have little chance in holding this in the conference. That is their responsibility. I hope they will fulfill it. But at this point I see no way of assuring that we are going to have a crop insurance program which farmers have been led to believe will be available to them without these funds being made available and the purposes for which the funds are designated put into effect.

Mr. EAGLETON. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL), would vote "nay."

Mr. BAKER. I announce that the Senator From Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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

The result was announced—yeas 38, nays 44, as follows:

[Rollcall Vote No. 492 Leg.]

YEAS—38

Baucus	Huddleston	Nelson
Bayh	Inouye	Nunn
Bumpers	Jackson	Pressler
Burdick	Johnston	Pryor
Chiles	Kassebaum	Randolph
Cochran	Levin	Sarbanes
Dole	Long	Sasser
Durenberger	Magnuson	Stennis
Exon	Matsunaga	Stone
Glenn	McClure	Thurmond
Hayakawa	McGovern	Warner
Heflin	Melcher	Young
Helms	Morgan	

NAYS—44

Armstrong	Domenici	Mitchell
Baker	Durkin	Moynihan
Bellmon	Eagleton	Proxmire
Boren	Goldwater	Riegle
Boschwitz	Hatch	Roth
Bradley	Hatfield	Schmitt
Byrd, Harry F., Jr.	Heinz	Schweiker
Byrd, Robert C.	Humphrey	Simpson
Chafee	Javits	Stafford
Cohen	Jepsen	Stevenson
Cranston	Kennedy	Tower
Culver	Laxalt	Wallop
Danforth	Leahy	Weicker
DeConcini	Lugar	Williams
	Metzenbaum	Zorinsky

ANSWERED "PRESENT"—1

Ford

NOT VOTING—17

Bentsen	Hart	Ribicoff
Biden	Hollings	Stevens
Cannon	Mathias	Stewart
Church	Packwood	Talmadge
Garn	Pell	Tsongas
Gravel	Percy	

So Mr. HUDDLESTON's amendment (UP No. 1802) was rejected.

UP AMENDMENT NO. 1800

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from North Carolina.

The Senator from North Carolina.

Mr. HELMS. The distinguished occupant of the chair may wish to check with the Parliamentarian on the parliamentary——

The PRESIDING OFFICER. The Senate will be in order. Senators will clear the well and suspend conversation.

The Senator from North Carolina.

Mr. HELMS. I am about to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. I ask the Chair if the Chair agrees with the Senator from North Carolina that the pending amendment is, in fact, legislation on an appropriation bill.

The PRESIDING OFFICER. It is.

Mr. HELMS. I thank the Chair, and I agree. So I shall not delay the Senate further. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 1803

(Purpose: To increase funding for Rural Water and Waste Disposal Grants)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1803:

On page 26, line 23, strike out "$200,000,000" and insert in lieu thereof "$250,000,000".

Mr. DOLE. Mr. President, I do not intend to press this amendment, but I do want to point up the fact that this amendment would restore the funding level of a program vital to Kansas and all rural America—the rural water program. This program authorizes grants to be made to associations, public, and quasi-public agencies and certain Indian tribes to finance projects for the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

My amendment would add $50 million to the $200 million recommended by the Appropriations Committee. Even with the adoption of my amendment, this program will still be funded at a level 12 percent lower than the $290 million allocated in fiscal 1980. Accepting the committee's recommendation will result in a 30-percent decrease in this critical rural program.

Mr. President, those of us who live most of our lives in cities take access to pure, running water for granted. We assume that everyone in our country can go to the sink for a glass of water. We

also assume that every home that so desires has access to a sewage disposal system.

This simply is not true. Thousands of rural American homes have only recently received access to these basic necessities of life. Much of the progress we have made can be attributed to the rural water grants program Congress has been funding for years. With this money, rural water districts have been formed all across the country to develop water distribution and waste disposal systems. The impact has been great. One in ten Kansans receive their water from a rural water district.

But the job is far from complete. Water and waste systems are still desperately needed in many sparsely populated set areas of the country. We are now going into counties where the cost per unit is high, but the need is equally great. The work must continue.

We simply cannot cut this many dollars from the rural water grants program. We must restore at least the $50 million provided for in my amendment. I can think of no more important role for Government than assuring each and every American citizen access to water. Before any other kind of progress or development can occur, we must take care of the basics. The recent drought in the Midwest and South only serve to underline this great need.

I hope that those here in the Senate today who take their water for granted will not turn their backs on the thousands of Americans who have yet to receive this most basic service.

I understand the budget constraints, but I wanted to make the point that I believe this is a very important program—one that concerns a great many Americans.

Mr. BELLMON. Will the Senator yield?

Mr. DOLE. Yes.

Mr. BELLMON. I will explain what the committee has done insofar as this program is concerned in fiscal year 1980.

The grant program was $290 million. The budget request was to go down to $100 million. The committee put in $200 million for grants.

In the loan provision of the program in fiscal year 1980, the level was $700 million. These are 5 percent loans, not grants, but, certainly, very advantageous loans. That was $700 million.

We have increased it in 1981 to $900 million.

So, actually, there is more money available by some $110 million in this program than was available in 1980.

There are fewer funds available as grants, but more money is available as 5-percent loans.

Mr. DOLE. I thank my distinguished colleague for that explanation.

I certainly share his view that the 5-percent money is still a good bargain.

Based on that explanation and my previous statement, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 1804

Mr. DOLE. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an unprinted amendment numbered 1804:

On page 46, line 16, strike out "$9,451,276,000" and insert in lieu thereof "$10,712,000,000".

Mr. DOLE. Mr. President, this unprinted amendment would raise the $9.7 billion allotted to the food stamp program to $11 billion, which it is estimated will be necessary to fully fund the program for fiscal year 1981, at current levels.

Last May, we witnessed a serious crisis in food stamp program funding that almost cut off benefits to recipients beginning in June. However, the Congress acted at the very last minute to provide the funding necessary to prevent a suspension of benefits to needy recipients.

We already know that the $9.7 billion which the agriculture appropriations bill provides for is $1.3 billion short of the amount that would be necessary to adequately fund the program.

I recall the conversations with reference to the funding levels. I know the desire to hold the funding level below $10 billion for a certain period of time. I do not believe anybody suggests we can go through the next year with a $9.7 billion figure. We cannot justify taking inadequate action at this time, which would imply a reduction or suspension of benefits to needy individuals and families.

I also suggest some say that we will have 5 or 6 months of full funding next year. This is enough to fund the program at current levels for that period of time, and then the new administration can address the problem.

I hope the new administration will begin immediately to address not only this area, but other areas and, generally, our entire economic situation. But this amendment would avert a funding crisis in fiscal year 1981. It would seem to me this is action that should be taken today to forestall any crisis that might occur next June or July, about the time Congress may be going out for an August recess.

If we permit this appropriations bill to pass, knowing that at some point down the line, we will encounter a funding crisis similar to that in fiscal 1980, then we will be responsible for intentionally bringing on a suspension or reduction of benefits. I strongly recommend that we take action now to avert a future funding crisis in fiscal year 1981.

Although we hope the new administration will begin immediately to address our current economic woes, we can at best anticipate that our Nation's economy will remain unstable for quite some time. We owe it to our low-income citizens, especially the elderly and disabled, to insure that they will not be threatened by further hardship somewhere down the road. Until our economy is well along the route to recovery, we can anticipate high expenditures in the food stamp program, and we should take action now to protect the interests of those who fall victim to economic circumstances beyond their control.

I yield to the distinguished Senator from North Carolina.

UP AMENDMENT NO. 1805

Mr. HELMS. Mr. President, I send to the desk an amendment to the amendment offered by the distinguished Senator from Kansas.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1805:

In lieu of the matter proposed to be inserted by the amendment of Mr. DOLE, insert the following: "$10,212,000,000. It is the intent of Congress that there shall be no further appropriations for purposes of this program and that the Secretary act accordingly."

Mr. HELMS. Mr. President, the Senator from North Carolina is trying to reach an accord with those who favor substantially higher funding for the food stamp program than I do. I say to Senators that the pending amendment to the Dole amendment would reduce the funding available for the food stamp program to $10.5 billion.

Mr. President, the point is this: The Secretary of Agriculture has the capability to restrict food stamp expenditures to that level, and language is included in my amendment directing him to do so.

Mr. President, $10.5 billion is the maximum food stamp spending stipulated by the second concurrent budget resolution. Restricting this program to that figure, $10.5 billion, in the judgment of the Senator from North Carolina, is very generous. Indeed, it is some $800 million higher than the level recommended by the House and Senate Appropriation Committees. Moreover, it is approximately $1.1 billion more than the program cost during the last fiscal year ending September 30. In fact, when the so-called benefit reductions required by my amendment are implemented in January, no food stamp household will see a decrease in the size of its food stamp allotment from the previous month. Actually, there will be a January increase in food stamp benefits under my amendment. I mention that to emphasize that I am trying to be reasonable—but at the same time protect the taxpayers as much as I can.

In simple terms, the Secretary will prevent the increase in food stamps allotments from being as great as the increase otherwise would be. Thereby, the pending Helms amendment will save the taxpayers $500 million.

Mr. President, I understand that the administrative remedies available to the Secretary will restrict expenditures, including an adjustment in the value of the thrifty food plan. This would cause those recipients with the lowest income to experience the lowest percentage reductions in benefits. At any rate, the so-called benefit reductions required under the pending amendment would offset the Consumer Price Index adjustment that is scheduled to substantially increase benefits.

Furthermore, Senators should be aware that the Secretary's discretion in directing benefit reductions is very broad. For example, it is clear that the Secretary could achieve the required savings by delaying the Consumer Price

Index adjustment now scheduled for January 1.

Mr. President, this amendment is proposed in lieu of a supplemental food stamp appropriation next year. It simply restricts food stamp expenditures to a level consistent with our brandnew budget. This is the first major test of our new budget. Do we intend to comply with that budget? Senators will honestly answer that question when they vote on this amendment.

Now is the time to act on this issue. Those who propose to wait until next year to address the issue are asking that we delay the decision until such a late date in the fiscal year that a reduction in program expenditures would stand as a drastic cut that would hurt the truly needy—or perhaps we would again face the possibility of a complete program shutdown.

In the interest of the truly needy who rely on this program, the Senate should resolve the food stamp funding issue now rather than waiting until consideration of a supplemental appropriation bill.

I urge the adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BOREN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand, the practical effect of this would be to raise the cap from the present level, $9.7 billion, to about $10.5 billion.

Mr. HELMS. That is correct.

Mr. DOLE. Though savings have been referred to, there are no specific areas where that might be achieved. However, as I understand, it would give the incoming administration some more time next year to take a look at the program—to suggest areas of savings, or maybe no savings. In any event, the practical effect of it is to raise the cap by about $800 million.

Mr. HELMS. That is correct. I believe the Senator will agree that that is a rather major concession on the part of the Senator from North Carolina. I went to protect the taxpayers as much as possible.

Mr. DOLE. If that is the way the Senator from Kansas understands it, I will be willing to accept the amendment.

Mr. EAGLETON. Mr. President, will the Senator yield for a question?

Mr. HELMS. I yield.

Mr. EAGLETON. I was interested in the exchange between Senator DOLE and Senator HELMS. That is not how I read the Helms amendment.

If the Helms amendment prevails, it would provide a limit of $10.5 billion for food stamps. That is clearly inadequate for the remainder of fiscal year 1981. The Secretary would be obliged to act at the earliest possible opportunity to immediately cut benefits.

Let me cite some examples of what the cut in benefits would be. Let us take an example in Mississippi: A mother with three young children and no outside income would be eligible for the maximum welfare AFDC benefit of $120 a month. Assuming eligibility for a $40 excess shelter deduction, this family of four would currently be eligible for $208 a month in food stamps. Thus, the family's total monthly income, to cover all living expenses, would be $328 a month.

Under the Helms amendment, which is in effect a 10-percent cut over the remaining 6 months of the program—the family's monthly food stamp allotment would be reduced to $187 a month; and its total monthly income would be reduced to $307 a month.

Another example supplied by the Department of Agriculture: An elderly couple whose sole income is $250 a month from social security would be eligible for $84 a month in food stamps, assuming moderate excess shelter allowance of $50 and medical allowance of $20. Their total monthly income would be $334. Under the Helms amendment, that $334 would be cut to $323.

Finally, a single, disabled person who currently has only $200 a month in SSI benefits would qualify for $47 a month of food stamp benefits, assuming excess shelter allowance of $50 and medical of $20.

Under the Helms proposal, the monthly food stamp benefits for such an individual would be cut from $47 to $41.

So the information we have, with the language that Senator HELMS has added to his dollar figure, is that the aforementioned cuts that I give by way of illustration would have to be made, and they would have to be made at the earliest opportunity for the Secretary to act. I believe that is within 30 days of when the bill will be signed by the President.

Mr. DOLE. Mr. President, I shall pose a question to the distinguished Senator from North Carolina. This does not mean that Congress is locked in at that figure. Does Congress still have a right to change this figure or any other figure we might arrive at?

Mr. HELMS. Of course the Senator is absolutely correct. The problem the Senator from Missouri has with his facts is that they are incorrect. In the first place, it is not 10 percent; it is 5 percent, assuming the worst case scenario.

Mr. EAGLETON. Three months have already gone in this fiscal year.

Mr. HELMS. I understand, but the Senator is still incorrect in his information. I know where he got it. He got it from the same seemingly incompetent Federal food stamp administrators who have been running the food stamp program all these years. If the Lord lets us live long enough we are going to have a different set of administrators in the Agriculture Department running the food stamp program. There will not be any difficulty in cutting off those whom so many local food stamp administrators have characterized as parasites who have infested the food stamp program. I wish Senators could hear the candid assessments by local administrators.

So the Senate is running no risk. The poor who are so often referred to in these debates run no risk. We just are hearing today a repetition of the same old rhetoric that has come out of that Department all these years. I think it is time to put an end to the rhetoric. The American people are expecting us to tighten this program up, reduce it to the truly needy, and stop there.

Mr. DOLE. Mr. President, the Senator from Kansas has more than a passing interest in the program. It seems to me what we are doing here is simply changing the cap, in fact adding to the cap about $800 million, which seems to me to be a positive step forward.

Mr. HELMS. Of course, it is.

Mr. DOLE. It may be interpreted differently by different Members, but as I view it as I have discussed it with the distinguished Senator from North Carolina, as I understand the ability of Congress to change anything next year and as I understand the need for a new administration to have some time to review the program and suggest where changes might be made, it occurred to me that by increasing the funding to $800 million we would not be caught in the same near crisis that prevailed last May. As most Members of the Senate perceive this or many Members perceive it, it will not be received positively, because I think we are going to be adding to the cost of the food stamp program by $800 million. But we are discussing funding of the program and how we can best do that by avoiding a crisis sometime next summer.

I yield the floor.

Mr. CHAFEE. Mr. President, I wish to direct a couple of questions, if I might, to the distinguished Senator from North Carolina.

The food stamp program is an entitlement program and the entitlement program, as I understand it, is based on the eligibility criteria that is set forth. By putting a cap on a program, as I understand it, just means that that is the extent of the money that can be spent, and when that money runs out, be it in April, or May, or whenever, it is those who are eligible under our criteria who cannot collect. In other words, it seems to me if there is a cry to tighten up in this program the way to proceed is to tighten up on the eligibility criteria, not on the amount that is provided which sets an artificial cap.

The Senator may correct me if I am wrong, but as I recall we went through this last year or this past summer. We had a cap, and those eligible came in and collected their food stamps. Then the cap is reached, and we have to provide for those in the remaining months, and we have to add some to it.

So I cannot see that this is the correct way to proceed.

Mr. DOLE. There is already a cap on it.

Mr. CHAFEE. I understand there is already a cap on it. But that to me is not the correct way to tackle this problem. The correct way to tackle it is in the committee that the distinguished Senator will be chairman of where he sets the criteria, does he not, in that committee?

Mr. HELMS. The Senator is right. I have tried to tighten up on the criteria time and time again. I have been on the losing side most of the time. I do not think I will be on the losing side next year. But the Senator is correct. It seems to be an entitlement program, but it really is not because of the cap. The cap is historic in this program, and I think it will be continued.

But I do not disagree for one moment with the Senator's assertion that we should tighten the eligibility requirements. That is precisely what is wrong, but right now all we can do in the appropriations bill is to try to limit it to a reasonable amount of spending. That is all we can do right here.

Mr. CHAFEE. Mr. President, is that the way to proceed? Those who are eligible, who are deserving under the program, as we set it forth in this Congress and indeed passed in this Senate, come forward to receive their stamps and they are entitled to them. Then what we are saying under the proposal the Senator from North Carolina is making is that those on the tail end of the line, namely, those who would happen to come forward in July, August, and September, get none.

Mr. HELMS. The same argument can be made against the amendment by the Senator from Kansas. He also proposes a cap, and I imagine that the distinguished Senator from Missouri proposes a cap.

What does the Senator from Rhode Island propose that we do here in an appropriations bill when it has been reported out of the committee with the cap making it a limited entitlement, not an entitlement bill? It is limited by a cap.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. CHAFEE. I yield.

Mr. DOLE. As a practical matter in passing any food stamp legislation, the House insists on the cap. When we have set an unrealistic cap at $9.7 billion, it was because of the insistence of the distinguished chairman of the House Ag Committee, a friend of mine, TOM FOLEY, and he knew no way of passing that bill in the House of Representatives if the cap exceeded $10 billion. So we agreed on a figure of $9.7 billion.

To fully fund the program under current levels would be about anywhere from $10.8 billion to $11.3 billion. We are not certain what the exact dollar figure would be.

But by increasing the cap to $10.5 billion from $9.7 billion we give the new administration the time to do those very things, and I agree with the distinguished Senator from Rhode Island that we should be changing eligibility requirements, but that would give the new administration several months in which to do that. But the cap is there and all we propose to do is, as I understand it, to increase the funding by $800 billion.

Mr. MCGOVERN. Mr. President, I wish to make a quick observation and perhaps ask a question of the Senator from North Carolina or the Senator from Kansas.

I wish to say, first of all, that as one who has been rather intimately involved in these nutritional programs, I continue to consider them the most successful of all of our Government programs. We do not have a great many success stories these days, but if one looks back over the last 12 years there has been a bipartisan effort, led, I think it is fair to say, by the Senate, in which we have committed this country to win the war against hunger in the United States.

I think we have largely won that war by the programs that are now in place. They are a marvelous demonstration of what Government can do when it is run with some commonsense and with some sense of compassion. There are not better programs on the statute books today than these nutritional programs that enable even low-income Americans to avoid hunger and starvation. When one looks at the success that we had in the child nutrition programs, in the school lunch program, the special supplemental feeding program for women, infants, and children, and the food stamp program, that package of nutritional programs has enabled Congress to say that we have led the way in a very successful and victorious effort to put an end to hunger in the United States.

It would be the height of folly just at the moment that this victory has been achieved and this very successful program has achieved the effectiveness that it has for us to do anything that would destroy that effectiveness.

The problem that I personally have with the amendment offered by the Senator from North Carolina—and I am not so sure about the proposal by the Senator from Kansas—is that it not only sets a cap, but, if I read the amendment correctly, it also adds this language:

> It is the intent of Congress that there shall be no further appropriations for purposes of this program, and that the Secretary shall act accordingly.

What that means, in effect, Mr. President, is if we adopt this amendment today with the arbitrary ceiling that is being proposed in this amendment, you, in effect, flaunt the previous language in the authorization bill which said, in effect, it is all right to set a cap but do not tie the hands of the administrators or of the Congress in such a way as to reduce the benefits of people who are participating in the program.

In other words, what is the justice in saying, on the one hand, we are going to provide a thrifty meal plan for food stamp participants—and nobody in the Government has ever devised a more economical low-cost meal plan than that—and then saying in the next breath, "Provided we authorize enough money to pay for it"?

That is the problem, as I see it, with this amendment. It will have the effect, if the projected inflation does its work—and we have projections on food inflation that run as high as 14 percent in the year ahead, and none of us knows where the unemployment level is going to be—but those are the two factors that are most likely to increase food stamp participation.

With all due respect to the critics of this program, it is not laziness, it is not dishonesty, it is not a collapse of American values that are responsible for the increase in participation in the program; it is the fact that Congress has wisely recognized that no one ought to go hungry in a country as affluent and as blessed as the United States. But the effect of this amendment may be to take away with one hand what we offer with another.

I know the Senator from Kansas has been committed to this program from the very beginning, and has participated not only in strengthening the program but in leading some of the reforms that have corrected some of the abuses that needed to be corrected in the program.

But I do not think it is a mistake to say, in effect, that we are going to see to it that no American family falls below a certain dietary level. No matter what the situation, if they fall below an income of a certain level we have all agreed upon is a humane level, we are going to guarantee that they will at least have the so-called thrifty plan diet.

I think I can say here without any real fear of being proved wrong that there probably is not a Senate family that eats that thrifty diet multiplied by two. I also think I am on fairly sound ground in saying that this dining room, those of us who have used it, probably returned more to us in the way of subsidized meals than any families now receiving aid in the way of food stamp families.

I am not one of the departing Senators trying to embarrass anyone or suggesting that we change that arrangement in the dining room, but I do want to say that it bothers me to see a program which has gone thus far suddenly the subject of so much criticism that I think, in effect, denies the commitment we have made to low-income families across the country.

Most of the people benefiting from food stamps are children, they are old people, they are handicapped people. All of them are poor people, and it just seems to me that it is a mistake to include this language.

If the Senate wants to set some kind of cap, that is one thing. But we ought not to have this language as the amendment is now drafted, "It is the intent of Congress that there shall be no further appropriations for purposes of this program."

I think that is a bad precedent in any event. It does not take into account the contingencies that could confront the administrators of the program.

Under those circumstances, if I understand the amendment properly, and if I misunderstand it I hope I will be corrected, I hope the Senate will reject it.

Mr. EAGLETON. Mr. President, I have an amendment to the Helms amendment.

The PRESIDING OFFICER. The clerk will report.

The Chair will announce that the Chair stands corrected. The Helms amendment is an amendment in the second degree, and an amendment thereto would be in the third degree and, therefore, not in order.

Mr. EAGLETON. All right. Then I wish to speak in opposition to the Helms amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. The remarks of Senator MCGOVERN are preeminently correct. He has put his finger, and properly so, on the mischief of the Helms amendment.

At first blush and after only a superficial reading it even smacks of belated

humanitarianism on the part of the Senator from North Carolina. He is going to increase appropriations for food stamps. Religion has come late unto him.

Senator DOLE was delighted to see what at first blush appeared to be an improvement. But it is the additional language in the Helms amendment, of course, which has the lethal effect that apparently the Senator intends in order to eradicate from this country those to whom he refers as parasites—poor people, young people, elderly people, disabled people—the parasites upon whom he wishes to impose his wrath.

Thirty-eight cents a meal. That is what the thrifty food plan allows, 38 cents a meal to the very young, the very old, the very poor, and the disabled, the parasites of America. That is what he is after in this language which is innocently added to what at first blush appears to be an unexpectedly generous figure.

That is exactly what that amendment will do. It will require an immediate cut of the type I have mentioned.

An elderly couple on social security, are they parasites, because all they get out of social security is $250 a month and if that is the sole source of their income, they get $84 a month in food stamps? Senator HELMS says that is too much. He says they ought to be cut to $73 a month, those parasites. That is just what he is attempting to do with this amendment.

Let us strip it of any humanitarianism or any warmth. It is to get the parasites that he describes.

So I think the amendment ought to be identified for precisely what it is. At an appropriate time I will move to table the Helms amendment, but I do not want to cut off debate.

Mr. CHAFEE. Mr. President, I have great trouble with this amendment. It seems to me that the people can get some satisfaction in voting for a cap, but if we really want to get at the problems of the program that are suggested to exist—and I am not espousing an argument that there are not all kinds of problems in the program, it is expensive, and it is expensive because there appear to be a lot of poor people out there in America—then let us vote on the criteria; let us vote, have a vote, on who is eligible, should such and such a person be eligible. We have had such votes here in the past. We voted 2 years ago, I believe, that there would not be any cash payment required for the stamps. We voted in connection with students, and we have had all sorts of votes, and I think that is the correct way to proceed.

But I do not think it is correct to proceed with this cap business, which can only cause trouble, cause misery, for those who are eligible under the present criteria, and who will lose out in the closing months of the fiscal year when there is no more money but the people are still there.

Now, one of the problems that is raised is in January of this year there will be an 11-percent cost-of-living increase for the beneficiaries of the program. I am not sure that that has been taken into consideration in this cap. But I am just opposed to this business of placing a cap on what is, in fact, an entitlement program, and let us get to the entitlement part if we so choose, but not proceed in this manner.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I would much prefer to speak for myself than to have the distinguished Senator from Missouri speak for me. He is entitled to his views, even as to what he thinks is my intent on this or any other matter. He may even be sincere, but he is sincerely wrong.

The fact is, Mr. President, that the truly needy of this country are being deprived of the kind of help they need by such foolish administration of the food stamp program as has been so apparent all these years.

Mr. President, do you want to know whose voices are among the strongest in criticism of the food stamp program? I will tell you—the local administrators of the program, the people in the local communities who are locked in by the regulations and the rules that come down from Washington, D.C.

These local administrators have repeatedly said that if they did not have to hand out food stamps to people who just do not want to work, there would be more help for needy children and others about whom Senator EAGLETON weeps such copious tears. We could extend more help to the crippled and the blind. The local administrators know that the food stamp program is out of control. And so do the American people, Mr. President.

If the Senator from Missouri or any other Senator doubts it, let him ask his local administrators. Come to my office, Senator, and I will show you what local administrators all over this country have written to me.

This food stamp program is running wild. I believe, Mr. President, that there are millions of Americans across this country who have seen the abuse of this program at the supermarket.

Let us look at the practical effect of my amendment, which the Senator from Missouri criticizes so vehemently. This amendment will assure that the truly needy people in the program will not—let me repeat, will not—face a shutdown in July or August. By addressing this issue now, we will be telling the Secretary of Agriculture how much tax money he should expect to receive for food stamps this fiscal year.

And Congress, as the Senator from Kansas said, can appropriate more money if Congress decides later to do it. The hands of Congress are not being tied by this amendment. But the Secretary should not plan on additional appropriations. He should, instead, send to this Congress, including the Senate Committee on Agriculture, his detailed plan to tighten up this program. And I believe that any reasonable recommendation will receive earnest consideration, by the committee, by this Senate, and certainly by this Senator from North Carolina.

To plan now, Mr. President, to appropriate more than the generous $10.5 billion specified by my amendment is simply a plan to do violence to the budget that we passed in this Chamber just 1 week ago.

I do not want to be offensive to my friend from Missouri, but his suggestion that I lack compassion for the poor is unseemly. It is simply not so. I think he knows that. If he wants to compare his record of compassion with mine I will be glad to have him do so.

We have a duty to the poor, certainly. But we have a duty also to the working taxpayers of this country who are fed up to here, Mr. President, with overruns in the cost of this and other welfare programs. It is time that commonsense was restored. It is time that we dropped some of the pious cliches, and leveled with the American people. It is time that we faced the reality of what this food stamp program is and how it has been so badly abused.

The Senator from Missouri claims that the thrifty food plan provides for only 38 cents per meal. That is another incorrect statement on his part. The per meal per person value of the thrifty food plan is almost twice that amount. So here we have the same old rhetoric that anybody who tries to put a limit on this food stamp program is hardhearted and against the poor and all of that. It simply is not so. What the Senator from North Carolina favors is fiscal responsibility. That can be done and that can be achieved with commonsense. We should get about it.

Mr. President, if the Senator wants to move to table the amendment, that is his privilege. But I say again that the Secretary of Agriculture has discretion in making benefit reductions so that the truly needy will be protected. That is what I expect him to do. I think that effective January 20 we will have a Secretary of Agriculture who will do precisely that.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I think we have probably discussed the merits. Again, I want the record to reflect my agreement in principle with the remarks of the distinguished Senator from South Dakota, Senator MCGOVERN. I know of no one who has had a more constructive role in this effort over the past 12 years than the distinguished Senator from South Dakota.

The Senator from Kansas found himself in agreement—sometimes a lonely voice in agreement—with the Senator from South Dakota, because I share the view that there is a great deal of merit in this program. I can understand the differences we may have as to how we achieve a balance and how we protect the interest of the taxpayers on the one hand and those who may be in need on the other.

It is a very expensive process. No one has ever denied that it is not an expensive program. There have been efforts made in the Agriculture Committee, the authorizing committee, to tighten up the program. There have been efforts made in the Appropriations Committee to tighten up the program. Some of those

efforts were led by different members of the committee, by the Senator from North Carolina, by the Senator from Kansas, the Senator from South Dakota, the Senator from Georgia, Senator TALMADGE, and others.

Having said that, let us go back to what I thought I was suggesting after much discussion in offering my amendment which would effectively fully fund the program but still with a cap—because whether we do anything with the amendment or not there is still going to be a cap—there is a cap right now, and that cap is $9.7 billion. The Senator from Kansas sought to raise that to about $11 billion, which, according to most estimates, would fully fund the program.

An amendment to my amendment has been offered by the distinguished Senator from North Carolina which would reduce that figure to effectively $10.5 billion, still $800 million above the cap in the bill before us. So I suggest the Senator from North Carolina is trying to make certain that the program will be funded.

With reference to the additional language, this Senator reads it one way. I read earlier language in a way that I could not accept, because it was very specific about what may or may not be done. But as this Senator interprets this language, and as I have been reassured by the Senator from North Carolina, there is nothing in the additional language, and could be nothing in the additional language, that would bind the next Congress, which will start here on January 5, 1981.

For that reason, I have concluded, maybe improperly, that we are in effect raising the cap by $800 million, that we are providing some more flexibility for the incoming administration, and that we are sayng to the incoming administration: Do as has been suggested by the Senator from Rhode Island, Senator CHAFEE—either appropriate more funds to fully fund this program or come in with appropriate changes or modifications that will provide savings to prevent any need for increases in appropriations.

Having said that, this is the way the Senator interprets the amendment.

I will further say that we have a responsibility this next year in this program to make certain that we do not try to become fiscal conservatives at the expense of low income Americans. This Senator has indicated publicly that, as a member of the Nutrition Subcommittee, and perhaps the chairman of that subcommittee (though that is yet to be determined), it will be my purpose to make certain we improve the program. We can do that, and it can be done, in my view, without doing harm and without jeopardizing the rights of those who rely on this program for the very reasons stated by the Senator from South Dakota.

Mr. BELLMON. Mr. President, I would like to make a very short comment and then ask a question of the distinguished Senators from Kansas and North Carolina.

The official estimates I have been furnished on the cost of the food stamp program for fiscal 1981 shows the program is likely to cost $11 billion. I do not know where Senator DOLE gets his information, but that is my information. Limiting appropriations to $10.5 billion would require a $0.5 billion cut. To obtain that cut, we are always talking about how it can be done—by changing eligibility, by putting in a means test and all kinds of ways. Frankly, I am in favor of trying to get the program under control. It has gone up since the Dole-McGovern amendment was adopted. The cost has almost doubled. Something has to be done.

The committee recommendation of $9.7 billion is all that is authorized. That puts us up to the authorization.

If we go ahead and adopt the Dole amendment, as modified by the Senator from North Carolina, would the sponsors, both of whom are members of the Agriculture Committee, and the Senator from North Carolina will be chairman next year, agree to make this change subject to authorization, which would mean that the program would have to be examined by the authorizing committee before the money is available? That would put the Senator into the position of almost immediately reviewing the program.

Mr. HELMS. I would say in answer to the Senator, yes, but it is going to be examined anyhow.

Mr. BELLMON. Perhaps it would be the same on the Senate side. If we made it subject to authorization, it would also require the House to get into the authorization review.

Mr. HELMS. I am advised that the authorization will expire next year and the program will have to be reauthorized next year.

Mr. BELLMON. The current authorization runs through fiscal 1981, does it not?

Mr. HELMS. Yes.

Mr. BELLMON. This money would be available in fiscal 1981.

Mr. HELMS. That is correct.

Mr. BELLMON. So if we required this money to be authorized, then it would require that the program be reexamined before the fiscal year was over.

Mr. HELMS. I see the Senator's point and I agree with him.

Mr. BELLMON. Can we so amend the amendment to make it subject to authorization?

Mr. HELMS. 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. HELMS. 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. HELMS. Mr. President, I ask unanimous consent that the pending amendment be laid aside temporarily so that the distinguished Senator from California (Mr. HAYAKAWA) can offer an amendment which I understand will be accepted.

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

Mr. HELMS. At the conclusion of action on the amendment of the Senator from California, I ask that we return to this amendment.

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

UP AMENDMENT NO. 1806

Mr. HAYAKAWA. Mr. President, I want to offer an amendment which amends two figures previously amended.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HAYAKAWA. I ask unanimous consent to consider my amendments en bloc.

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

Mr. HAYAKAWA. My amendment is as follows:

On page 9, line 2, strike out "$10,575,000" and insert "$11,075,000."

On page 9, line 20, strike out "$214,014,000" and insert instead "$214,514,000".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk? The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. HAYAKAWA) proposes an unprinted amendment numbered 1806.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 9, line 2, strike out "$10,575,000" and insert "$11,075,000".

On page 9, line 20, strike out "$214,014,000" and insert "$214,514,000".

Mr. HAYAKAWA. This amendment restores to the agricultural appropriation bill $500,000 for cooperative research for germ plasm.

This money was recommended in the President's budget. It was also included in the bill as it passed the House. The $500,000 I want to restore to the agricultural appropriations bill will actually provide funds for the States' share of germ plasm research facilities, and it will complement the money, that is, $13.1 million, that was included under the agriculture research section of the bill for germ plasm research. Once the proper facilities are constructed, the money must be provided to staff and maintain a germ plasm repository for this research.

I shall explain in a moment, Mr. President, what germ plasm means, in case it is not clear to others.

In this case, we need to provide the funding for the States' share of the clonal repositories and fruit trees. These facilities are actually located in various parts of the country but they serve the entire Nation.

These facilities are in Davis, Calif.; Corvallis, Oreg.; and Geneva, N.Y.

Further facilities are planned for Riverside, Calif.

The program is already underway.

Mr. President, this is an ongoing program and the research is long-term with long-term benefits. But the research involves, and this is what germ plasm is about, developing fruit and nut trees that

are disease resistant and pest resistant. We cannot interrupt this research and expect any kind of results.

I hope you understand, Mr. President, that when they are disease resistant and pest resistant, then the use of chemical pesticides and chemical insecticides disappear because they are, by nature, resistant to these dangers.

Our producers rely very heavily on such research in order to stay competitive. As you know, our producers are constantly facing stiff competition from other countries. We must do what we can to help our growers. I believe it would be foolish to cut these research funds for a program that is successful and ongoing.

As I said, Mr. President, the House has already included this money in the bill that it passed, and the money was also recommended in the President's budget. I implore the present managers of this bill to join in this appropriation.

In Davis, Calif., they store germ plasm for apricots, almonds, walnuts, peaches, pistachios and European wine grapes.

As I mentioned, there are other kinds of crops whose germ plasm is stored in other parts of the country, wherever they are needed and important.

The Environmental Protection Agency has become more stringent in its regulation of pesticides. Therefore, further research in this kind of disease resistant and pest resistant plants is of great importance, especially if we are to have stronger and more stringent environmental controls over the use of pesticides and insecticides.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from California.

Mr. HUMPHREY. Mr. President, have the yeas and nays been ordered on these amendments?

The PRESIDING OFFICER. The yeas and nays have not been ordered on these amendments.

Mr. HAYAKAWA. Mr. President, I do not think I need the yeas and nays.

Mr. BELLMON. We accept the amendment.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Do I maintain the right to ask for the yeas and nays at this juncture?

The PRESIDING OFFICER. The Senator has that right.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. 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. HELMS. 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 question is on agreeing to the amendments en bloc of the Senator from California.

The amendments were agreed to.

Mr. HAYAKAWA. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1805

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from North Carolina.

Mr. HELMS. Mr. President, I have done the best I know how to assure responsible funding for this program. In fact, I have gone far beyond what I think it ought to be and I have met the usual kind of heavy-handed criticism. I am left with no recourse. In a moment, I am going to make a suggestion to the Senator from Kansas for his consideration, but first I simply say, as I said earlier, some of the strongest criticisms of the operation of the food stamp program come from the administrators on the local level, level-headed and dedicated public servants who know what is going on. They do not have to have a Senator from North Carolina or a Senator from Kansas or Missouri or anybody else to tell them what is going on. They know. They see the abuses of the food stamp program every day. And so do housewives in the supermarket. So we ought to put an end to the nonsense that we have heard today—that those of us who are trying to control this program are somewhat lacking in compassion. It is time that we showed some compassion for the forgotten American, the taxpayer.

I want to point out a few things about the food stamp program. In 1967, I ask the Chair if he knows how many people were receiving food stamps? One out of 157. By 1970, because of eligibility requirements being relaxed, it was 1 in 47; in 1973, 1 in 17; in 1975, 1 in 13. Now, today, one out of every seven Americans is eligible.

We talk about being tightfisted. My soul, Mr. President, $10.5 billion for a program—how in the world can that be characterized as tightfisted? Even the Senator from Missouri must be straining to come up with that conclusion. I cannot believe he was serious.

Just last week, Congress adopted the second concurrent budget resolution. That resolution allowed what? Precisely the figure that the Senator from North Carolina has proposed in his amendment—$10.5 billion in food stamp funding. So, in the name of consistency—and we ought to be consistent around this place—we ought to be attentive to what we did last week. All I am saying is that food stamp spending must at least be limited to that level.

So what do I hear? I hear insulting suggestions that I lack compassion, that I have no concern for the poor. I would never say that about another Senator, Mr. President. I never have and never will. I think I ought to say for the record that I resent it.

What we are talking about is trying to do something to get this country straightened out again, in terms of this program and all the rest of them that——

Mr. EAGLETON. Will the Senator yield for a question?

Mr. HELMS. No, sir, I did not interrupt the Senator when he was making his unfortunate statements.

Mr. EAGLETON. Did the Senator use the word "parasite"?

Mr. HELMS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAGLETON. Mr. President——

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The word "parasite" did not originate with JESSE HELMS. It originated with administrators on the local level.

Mr. President, I say again, to be consistent with the budget that we just adopted last week, I believe that food stamp spending must be limited to that level. Make no mistake about it, Mr. President, this is not—repeat, it is not—a harsh or unreasonable change in the food stamp program; $10.5 billion is the full amount of funding allowed in our budget. It is an increase of $800 million above the appropriation level recommended by the Appropriations Committees of both the House and the Senate; $10.5 billion is $1,100,000,000 above the food stamp funding of last year. Who will seriously suggest that such an enormous sum is hardhearted?

Let the record be clear, Mr. President. Notwithstanding the rhetoric that we have heard on this floor today, no food stamp recipient will receive a lesser amount of food stamps than in a previous month when this change is implemented in January. It simply reduces the amount of increase that recipients will receive in January because of the regular Consumer Price Index adjustments. Therefore, no adverse action notices need be sent to recipients advising them of a change in benefits.

We must keep expenditures within the level that we provide in the budget, Mr. President. That is the intent of my amendment and that is the sole intent.

Mr. President, the Senator from Rhode Island described the food stamp program in the technical term as being an entitlement program. I say to him that in technical terms, it is a limited entitlement program. That ought to be made clear.

Let me say again, Mr. President, that I have tried to be cooperative in this matter. I have gone far beyond what I would like to see done in terms of bringing this program under control. I have done the best I know how. I wonder if the distinguished Senator from Kansas would be willing to consider withdrawing his amendment, which would, of course, bring down my amendment? Then we can proceed from there.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. I think the distinguished Senator from North Carolina has probably made a good suggestion. I think it would most likely be preliminary to what we are going to have early next year. There is still going to be a cap on the bill. It is going to be $800 million less than suggested by the Senator from New York, about $1.3 billion less than suggested by the Senator from Kansas. But there is still a cap. That cap is $9.7 billion.

Come next July, we could be facing the same crisis we faced last year when the Secretary had no discretion but to send out notices to start reducing benefits. The Congress met that crisis somewhat belatedly.

It was in order to avoid such a crisis, that the Senator from Kansas stood up about an hour and a half ago and suggested that maybe we ought to increase the cap. I agree with the Senator from Rhode Island that perhaps the cap is arbitrary. The best way to make permanent changes is in program eligibility and other benefit provisions.

I believe we have had a good airing of what will be discussed time and time again on the Senate floor. I think everyone understands we are going back to $9.7 billion—not to the $10.5 billion suggested by the Senator from North Carolina, not to the $11 billion suggested by the Senator from Kansas, but back to the $9.7 billion as originally authorized.

Come next year, it will be incumbent on the incoming Reagan administration to face up to this problem very early, because, as I have indicated, if that is not done, there will be a crisis in this program insofar as the beneficiaries are concerned come July, August, and September.

There is such a thing as compassion for the taxpayers as well as low-income Americans. I do not know of anyone in this body who lacks compassion.

But I will be working closely with the distinguished Senator from North Carolina and everyone else on the Senate Agriculture Committee next year to try to improve the program and not deprive low-income Americans, senior citizens, the handicapped, and others who are beneficiaries of this program, not because they want to be but because of necessity, so that their rights and their benefits will be preserved.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. EAGLETON. Mr. President, I have remarks at this juncture on this bill.

I make no apology to anyone with respect to any rhetoric that has been used. The inflammatory rhetoric was injected into this debate by the Senator from North Carolina referring to food stamp recipients as parasites.

I want to clarify for the RECORD, and these are the facts, exactly who are the recipients of food stamps and some highlights from the program.

Twenty-two million people are recipients of food stamps, three-fifths of all recipients are either the elderly, disabled, or very young children; 2½ million of them are elderly; 10 million of the 22 million are children.

The average benefit received by all of the participants is 38 cents per meal—I stand by that figure, that is the established figure. It has been widely publicized.

Further, there has not been a benefit increase for food stamp recipients since January 1980, and food prices have already gone up in the intervening months, over 10 percent.

So I am delighted with the action now taken jointly by Senator DOLE and Senator HELMS, thereby, in withdrawing their amendments, leaving the bill in its original posture.

Mr. BELLMON. Mr. President, before we leave this subject, I ask unanimous consent that a table showing the trends and cost of the food stamp program be printed in the RECORD.

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

C.B.O.

FOOD STAMP EXPENDITURES

[Fiscal years]

	Total expenditures (billions)	Percent increase over prior year	Recipients (millions)
1975	$4.7	63.3	17.1
1976	5.7	22.0	18.6
1977	5.4	−5.2	17.1
1978	5.6	3.7	15.8
1979	6.9	23.2	20.2
1980	9.2	33.3	21.2
1981 [1]	10.8	17.3	23.0

[1] Estimate.

Mr. BELLMON. Mr. President, I will cite a couple of facts.

In fiscal year 1975, the cost of the food stamp program was $4.7 billion. In 1978, it was $5.6 billion. It had grown modestly during that 4-year period, but that was the year when the Dole-McGovern amendment began its impact.

Between 1978 and 1980, the cost had grown to $9.2 billion. It is estimated that for 1981, the cost would be $10.8 billion.

So it is obvious to me that here is a program that does need careful reexamination. I am hopeful that the new administration will work carefully to see if there are places where some saving can be made without working a hardship on people who genuinely need the benefits this program provides.

UP AMENDMENT NO. 1807

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG), on behalf of himself and Mr. HATCH, proposes an unprinted amendment numbered 1807:

At the appropriate place in the bill, insert the following:

Sec. . None of the funds herein appropriated shall be available to pay the expenses of—

(1) parties intervening in any regulatory proceeding; or

(2) any person acting as a witness, expert, or advisor; for or on behalf of any public or private organization appearing before the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration.

Mr. ARMSTRONG. Mr. President, the amendment I am now offering to the agriculture appropriations bill (H.R. 7591) will insure that the USDA does not attempt to implement a program of intervenor funding, for which the Department does not have statutory authority. This amendment prohibits the Agriculture Department from using Federal tax dollars to initiate a proposed departmental public intervention program.

In March 1978, President Carter issued Executive Order 12044 which directed each executive agency to adopt procedures to improve existing and future regulations. Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. Suggested procedures include the issuance of advance notices of proposed rulemaking, the holding of open conferences or public hearings, notifying interested parties directly, et cetera.

The Agriculture Department has implemented this Executive order and has developed an Office of Public Participation to enhance public participation and awareness of USDA policies. This Office provides decision calendars informing the public of proposed USDA hearings and actions, provides statements describing the impact of proposed regulations, and attempts to insure that regulations are written in "plain English."

Mr. President, I would like to emphasize that my amendment does not attempt to shut down the USDA Office of Public Participation. I commend the Department for its efforts to improve and increase public participation. Better decisions can be achieved as a result of increased opportunities for discussion and debate. The Department has taken significant strides in this direction. The establishment of decision calendars will help inform the public about what is being planned and by whom. Impact analysis statements and additional press releases will help provide a full explanation of the implications of proposed actions and will aid in explaining how a decision was made. Also, the writing of regulations in "plain English" will lead to an improved understanding of the regulations that are issued. The allowance of at least 60 days for public comments, with regional public hearings, will provide the public adequate time and opportunity to respond to most proposed regulations. These proposals for increased public participation are worthwhile and will provide the Department with additional information in its rulemaking proceedings.

However, the USDA has also interpreted that Executive Order 12044 authorizes the Department to use Federal funds to pay the expenses of individuals, private or public organizations who participate in USDA hearings or participate in the Department's rulemaking process.

In 1978, the USDA began to develop a program to reimburse certain "qualified" people and organizations which participate in departmental hearings. In May 1980, the USDA published final regulations for the repayment of certain participants in the USDA rulemaking proceedings.

Mr. President, I believe the concept of public intervenor funding is flawed and represents a misdirection of public funds. American farmers have been hard hit by inflation. Congress must take the responsibility to bring inflation to a halt through the adoption of sound fiscal policies. Reimbursing participants in rulemaking proceedings is one that we can least afford. It results in the diversion of budget dollars from other agriculturally related programs. As an example, the expenditure of such funding in areas of research and education would have a more beneficial impact on agriculture than the reimbursement of participants.

Second, since the Department weighs evenly oral and written comments on proposed rulemakings, the submission of a written comment will assure that any and all participants have the opportunity to participate in the regulatory process. Reimbursement of participants is unnecessary to insure representations of a public interest.

Third, the public intervenor program is susceptible to widespread abuse and fraud. For example, the regulations provide that the final decision as to who will receive such moneys will be decided upon by some official within the Department. There are no safeguards to prevent moneys under this program from simply being awarded to organizations supportive of the regulatory proposal. There is a probability that the intervenor money will be doled out to USDA favorites in the self-proclaimed professional public interest community, who will support USDA regulatory proposals. No matter how carefully devised the criteria for public intervenors can be abused and subverted to funnel Federal tax dollars to favored organizations.

Obviously, the concept of this program is wasteful, unworkable, and open to possible abuse and fraud. However, an even greater concern is the fact that the USDA public intervenor program is another example of the Federal bureaucracy initiating a program without congressional authority. Indeed, I would like to emphasize that Congress in the past has voted against the initiation of such programs.

Mr. President, on Monday, September 22, 1980, the Senate once again addressed the question of intervenor funding. On this day, the distinguished Senator from Missouri, Senator DANFORTH, offered an amendment to the HUD appropriations bill which prohibited the Office of Consumer Affairs from spending Federal funds to initiate an intervenor program. The Senate adopted this amendment.

I would like to point out to my colleagues that the United States Code provides that no Federal funds shall be expended except as provided by the Congress. I do not believe USDA has the statutory authority to spend funds for the public intervenor program. The Department has relied upon the Comptroller General's ruling that a Federal agency may find that it has implied authority to pay the costs of participants in agency proceedings. In addition, the USDA Public Participation Steering Committee report stated that "the USDA would seem to have authority to pay these costs."

There is no line item in the Agriculture appropriations budget for the implementation of the intervenor program. However, it is quite obvious that the Department intends to implement the intervenor program this year. The USDA handbook entitled "Reimbursement of Participants in USDA Rulemaking Proceeding—A Handbook for Applicants," states:

> The availability of funds for participation in particular USDA rulemaking proceedings will be determined by the agency involved and induced in the notice of rulemaking which is announced in various ways.

In other words, each agency with USDA will establish its own spending level for this intervenor funding. This action completely circumvents the congressional appropriations process and is an attempt by the USDA to completely ignore congressional opposition to such a program.

Mr. President, this program is being implemented without statutory authority but only on solicitors' opinions. This program is in direct defiance of Congress which has on numerous occasions opposed such a program.

The adoption of this amendment which prohibits the implementation of the USDA intervenor funding program is another step in bringing the Federal bureaucracy back under control. I urge my colleagues to adopt this amendment to the Agriculture appropriations bill.

Mr. President, it would be my purpose not to discuss this matter at length in the hope that it could be accepted without lengthy argument.

I express this hope, although my amendment addresses itself to an important and sometimes controversial issue. The reason I think perhaps this could be accepted without much controversy or detailed discussion is that it is a matter which has been discussed recently in the Senate and voted on recently in the Senate. That is, the question of whether or not we ought to have Federal payments for professional witnesses and intervenors.

It is my belief that to do so would be a mistake.

The USDA has shown a certain tendency to want to establish a program of federally funded intervenors, notwithstanding the fact that Congress has declined to provide such funding.

The purpose of my amendment is to simply make it absolutely clear that in no event will any of the funds contained herein be used for that purpose.

Unless there is objection, I would like to stop at that point and go on to other business. If there are those who would like to have a more detailed explanation, I will be happy to speak on this matter at length.

Mr. MORGAN. Mr. President, I apologize for failing to hear the first part of the Senator's explanation. I was otherwise engaged.

But is this the part that relates to an appropriation that could be used for consumer affairs, consumer activities?

Mr. ARMSTRONG. No. I have another amendment, I say to the Senator, which addresses that issue.

This amendment prohibits the use of any Federal funds for intervenors in any regulatory proceedings, or paying any person acting as a witness, expert or advisory, in proceedings before the USDA.

It does not address itself to the question of consumer affairs.

Mr. MORGAN. What kind of proceeding before the USDA would they normally have? There must be dozens of them, but I cannot think of them offhand.

Mr. ARMSTRONG. We are talking about rulemaking proceedings of various kinds. In fact, just to give the background of it, in March 1978 the President issued an Executive order which directed each executive agency to adopt procedures respecting the rulemaking process.

Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations.

That is a purpose I am sure we all agree with, and which is commendable.

Unfortunately, in implementing this provision the Department of Agriculture has interpreted it to mean they were permitted to pay witnesses to come before the Department in its rulemaking proceedings, to pay people to come forward and give their opinions on matters which were under decision by the Department.

In my opinion, this is wasteful. But the thing really concerning me is not the potential for the waste of Federal money, but the fact that it is open to simply being used as a way to pay professional witnesses who are in agreement with proposals advanced by the Department.

It is an unwholesome kind of relationship between a rulemaking body and the witnesses. It could be—and I suspect that in some cases might well become—merely a payoff to self-appointed public interest groups and, in fact, could become an important source of funding for such groups if this practice became widespread.

The Senate considered this matter most recently on September 22, when the distinguished Senator from Missouri (Mr. DANFORTH) offered an amendment to the HUD bill which prohibited the Office of Consumer Affairs from spending Federal funds to initiate an intervenor program. The Senate adopted this amendment.

This brings me back, Mr. President, to the point at which I began, that since the Senate previously has considered this proposal, it is not my purpose to discuss it at length or to ask for a rollcall vote, unless there is an objection to the issue.

Mr. MORGAN. Under the illustration given by the Senator from Colorado, I could not agree more readily with him.

The only thing about it is this: Suppose the USDA is called upon to adopt

trade regulations or regulations with regard to beef or soybeans or tobacco or corn, and they really need some expertise in order to work out those regulations. Would they be forbidden, under the amendment of the Senator from Colorado, from bringing in that kind of expertise?

I use as my background the years when I was attorney general of North Carolina and acted as a public advocate with regard to ratemaking. Quite often, we had to bring in economists and experts who held expertise in utility rates and profits, and so forth. Without them, I would have been helpless.

Would this amendment prohibit the kind of case I am talking about, where you need particular expertise, and at the same time accomplish what the Senator would like to have accomplished?

Mr. ARMSTRONG. Mr. President, the answer is that the legitimate needs of the Department can be accommodated notwithstanding the pending amendment.

As a matter of fact, it is my position—and I believe it is a sound legal position—that the Department is acting well beyond its legal authority in undertaking a program of paying witnesses. That is what we really are talking about—paid witnesses. We are talking about consultants; we are talking about staffers. We are talking about people who come before rulemaking proceedings to testify and who are paid for doing so. In my opinion, there is no statutory authority for the Department to do so; therefore, such expenditures violate the law.

However, the Department is relying upon the Comptroller General's ruling that the Department may imply that it has the authority to pay the costs.

In addition, the USDA Public Participation Steering Committee report states:

> The USDA would seem to have the authority to pay these costs.

So there has been an interpretation which at least hints that they have the authority to pay these witnesses—an interpretation with which I disagree.

However, rather than leave it a grey area, it seems to me wise to make a definitive statement and simply say that none of the funds in this bill shall be used for that purpose.

In my opinion, it would not affect the ability of the Department to hire consultants or to proceed as they have proceeded for many years. This is aimed at a specific program and a specific executive order which I believe has been misinterpreted.

Mr. MORGAN. I could not agree more, for the purpose expressed by the Senator from Colorado, except that I have some concern that there might be some areas where it might be helpful.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. MORGAN. I yield.

Mr. STEVENSON. If this amendment is going to take some time, I wonder whether the distinguished Senator from Colorado would permit his amendment to be laid aside temporarily, in order that I might offer an amendment to which I believe there is no objection and which I believe the managers will accept.

Mr. ARMSTRONG. I inquire of the managers: Is it their intention to object to this amendment?

Mr. EAGLETON. Yes.

Mr. ARMSTRONG. In that case, I am happy to comply with the request of the Senator from Illinois that this amendment be laid aside temporarily, with the understanding that upon the completion of his amendment, this amendment will be the pending business.

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

Mr. STEVENSON. I thank the Senator from Colorado.

UP AMENDMENT NO. 1808

Mr. STEVENSON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Illinois (Mr. STEVENSON) proposes an unprinted amendment numbered 1808.

Mr. STEVENSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> At Sec. 624, p. 61, line 20, delete the phrase, "and Upper Mud River, West Virginia," and insert in lieu thereof "Upper Mud River, West Virginia; South Zumbro Watershed, Dodge and Olmstead Counties, Minnesota; Elk Creek Watershed, Kansas; and Little Calumet Watershed, Illinois."

Mr. STEVENSON. Mr. President, I offer this amendment on behalf of myself, Senator DURENBERGER, and Senator KASSEBAUM.

The amendment simply expands the waiver in section 624 to permit three additional watersheds to be considered for funding. Those watersheds are the South Zumbro watershed in Minnesota, the Elk Creek watershed in Kansas, and the Little Calumet watershed in Illinois.

The amendment adds no money to the bill. It simply permits these watersheds to be considered along with the others for funding. They are good projects, and all have been approved by the Soil Conservation Association.

I do not know of any objection to this amendment.

Mr. BOSCHWITZ. Mr. President, there was reference a little earlier to the distinguished Senator from Illinois offering an amendment that exempted certain watershed projects from review by the Water Resources Council. I ask unanimous consent that my name be added as a cosponsor to that amendment.

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

Mr. EAGLETON. Mr. President, I have no objection to the amendment. These items come under the same waiver that already has been applied to several other projects. They do not come under any direct funding in the bill.

Mr. STEVENSON. The Senator is correct.

Mr. BELLMON. Mr. President, the Senator from Oklahoma has no objection to this amendment.

However, the reason these projects are held up is due to the inability or the unwillingness of the Water Resources Council to act.

I am not sure that the Senate is wise in overriding an executive agency which was set up for the specific purpose of looking into these water projects. I do not know why they have not approved or disapproved these, but I hope we will not be faced with this in the future. The agency should make the decision in a timely way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (UP No. 1808) was agreed to.

Mr. STEVENSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1807

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Colorado.

Mr. ARMSTRONG. Mr. President, having at least set the stage for discussion of this amendment, I will be interested to learn what objection the Senator from Missouri has, and I retain the hope that, upon reflection, he will be inclined to support the amendment.

Mr. EAGLETON. My objection to the Senator's amendment, in its total substance, is to disagree with what the Senator is trying to do.

I ask the Senator from Colorado what the vote on the amendment was on September 22. Was it a voice vote?

Mr. ARMSTRONG. Mr. President, the Senator from Colorado will have to research that question, and I shall report presently.

Mr. EAGLETON. Did the amendment stay in the final bill? Does anyone know that? Did it survive?

I understand that the conference report on the HUD bill has been filed. Perhaps someone could check to see if it remained in the bill.

In any event, while that is being ascertained—if it can be ascertained—in essence, this amendment would deny the use of funds so that outside witnesses, experts, or advisers could appear before departmental proceedings.

This matter was discussed and dealt with in the fiscal year 1979 Agriculture appropriations bill, a rider similar to this. I do not know the exact wording, but a similar rider was added over on the House side, and we agreed to this compromise language in the conference on the 1979 bill.

The proposed rider was deleted, but this language was put in the conference report:

> Any public participation programs utilizing funds provided in this act shall not be operative until the department or agency has promulgated regulations that comply with the Comptroller General's rulings on this matter.

The Comptroller General had raised some objections, so we wrote into the report that those objections had to be dealt with directly.

> Furthermore, except for an expert witness whose technical expertise is required no applicant shall be eligible to receive reimbursement if he is not a resident of the locality to

be affected or if the interest he seeks to represent is already adequately represented by the department or other participant.

We tried in that language, however well or however poorly, to try to put some constraints on the possible indiscriminate funding of any old expert from any where to come in and testify at some interdepartment hearing. But there are many legitimate times when an individual from an affected State, who does not have the financial wherewithal on his or her own to make a trip to Washington to appear in a matter before the Department, nevertheless has a legitimate interest and a legitimate viewpoint that should be heard.

I think what is being proposed in this amendment will deny people access to the governmental system by, in essence, saying that only those who have the financial wherewithal for the round trip plane ticket may attend. To deny access to people less well off and thus make them unable to participate because of financial inadequacy is to foreclose the system to individuals. Therefore, I disagree with the substance of what the Senator from Colorado has attempted to do.

Mr. ARMSTRONG. Mr. President, I appreciate the thoughtful remarks of the Senator from Missouri. He referred to a document and I was not clear what he was referring to.

But the question I raise just to be sure I am on solid ground is this: Could he cite any statutory authority for the expenditure of funds in this matter? This is a matter that I have been causally interested in for some years. I am not aware of any statutory authority for the expenditure of funds in this manner.

Of course, a long established law is that one cannot spend money for something that is not authorized. I wonder if the Senator could cite any provision of the United States Code that permits this funding. Was he reading from some statute?

Mr. EAGLETON. It is the General Accounting Office rule that expenditure of funds for these purposes is legal. I do not know if we have the GAO report with us in the Chamber. That is my recollection from the time we were debating this on the fiscal year 1979 bill, that GAO attested to the fact that the expenditures for these purposes which were then going on were in fact legal. I do not have the document with me. I am sorry.

Mr. ARMSTRONG. I thought that was what the Senator was referring to. That is the same report which I referred to in my opening remarks and which I think is law for the reasons that I stated at that time.

However, the Senator avoids the necessity of someone having to litigate the issue to make a legal determination of whether or not such authority exists.

In view of what has been said, Mr. President, let me begin again. I think I have taken more time perhaps by trying to take a shortcut rather than laying out clearly the reasons why this amendment should be adopted which I now wish to do.

In fact, I have not yet pinned down for the Senator, and we will do so shortly, what the vote was on September 22, 1980, on the HUD bill when this same issue was raised. I only mentioned that not as a justification for the merits of this amendment but simply as a reason why I thought perhaps it could be handled expeditiously and without detailed argument on either side.

Let me now explain in some detail the purpose of this amendment. The purpose of my amendment is to assure that the USDA does not attempt to implement or continue a program of intervenor funding for which, in my opinion, the Department does not have statutory authority.

This amendment prohibits the Agriculture Department from using Federal tax dollars to initiate a proposed departmental public intervention program.

In March 1978 President Carter issued Executive Order 12,044 which directed each executive agency to adopt procedures to improve existing and future regulations. Section 2(c) of this order stated that agencies shall give the public an early and meaningful opportunity to participate in the development of agency regulations. Suggested procedures include the issuance of advance notices of proposed rulemaking, the holding of open conferences or public hearings, notifying interested parties directly and other procedures.

The Department of Agriculture has implemented this executive order and developed an office of public participation to enhance the public participation and awareness of USDA policies. This office provides decision calendars informing the public of proposed USDA hearings and actions, describes statements describing the impact of proposed legislation and attempts to assure that regulations are written in plain English, all worthy, commendable objectives.

Mr. President, I wish to emphasize that my amendment does not in any sense infringe upon or attempt to shut down the USDA Office of Public Participation. Indeed, I compliment and commend the Department for its efforts to improve the public's understanding of the proposal which is pending before the USDA.

However, my concern goes to another aspect of the interpretation. The USDA has interpreted this Executive Order 12044 to authorize the Department to use Federal funds to pay the expenses of individuals, private or public organizations, that participate in USDA hearings or participate in the Department's rulemaking process.

In 1978, the USDA began to develop a program to reimburse what we termed qualified people and organizations which participate in departmental hearings.

In May, 1980 the USDA published final regulations for the repayment of certain participants in USDA rulemaking proceedings.

Mr. President, I believe that the concept of intervenor funding is seriously flawed and represents a misdirection of public funds. I am not going to labor that point because the possibility of spending funds unwisely is not the serious concern which I feel here, although it is not a trivial one.

Second, I observe that the Senator from Missouri, I think, has emphasized wrongly the role of coming to Washington to testify. I believe it is the duty and practice of the Department to weigh evenly oral and written comments on proposed rulemakings. Therefore, the submission of a written comment should assure and I believe in most instances will assure the active participation of people all over the country without the necessity of coming to Washington or other locations where hearings may be held.

Indeed those of us who have participated in such hearings often feel that a well-written statement submitted in the proper form will have more actual weight than a personal appearance.

Third, and this is the thing that really concerns me and motivates my amendment, the public intervenor program is susceptible to widespread abuse. For example, the regulations which have been adopted provide that the final decision as to who will receive such moneys will be decided upon by an official of the Department. The same official in many cases is the person who is proposing the rulemaking on which the hearing is being held.

There are no safeguards to prevent moneys under this program from simply being awarded to organizations or individuals who are supportive of the pending regulatory proposal. Indeed there is probability that the intervenor money will be doled out to USDA favorites in the self-proclaimed professional public interest community, in other words, to, in effect, create a paid lobby, a paid witness for USDA proposals.

It seems to me that this is an inevitable consequence of such intervenor funding no matter how carefully just criteria might be revised to prevent abuse.

However, as far as I am aware there are even no proposals in the Department for preventing this kind of abuse.

Under the circumstances, it seems to me that the Senate acted wisely on the 22d of September when we adopted an amendment by the Senator from Missouri (Mr. DANFORTH) which prohibited intervenor funding in the Department of HUD.

I wish to point out, as I mentioned a moment ago, that the U.S. Code provides that no Federal funds shall be expended except as provided by law. I am aware of any statutory backing for the concept of intervenor funding which is now being pursued by USDA.

The Department, as the Senator from Missouri has pointed out, is relying upon the Comptroller General ruling that a Federal agency may find that it has implied authority to pay the cost of participance in agency proceedings. In addition, the USDA public participation steering committee report states:

The USDA would seem to have authority to pay these costs.

There is, however, so far as I am aware no line item in the Agriculture appropriations bill nor in the budget of the Department of Agriculture for implementation of this program.

Under the circumstances, Mr. President, at very best the legal ground for implementing this kind of a program is shaky.

The policy issue, it seems to me, is an important departure from the norm for us to begin to pay witnesses to come before a rulemaking proceeding within the Department of Agriculture or other Federal departments.

So while the amount of dollars involved is not very large, it seems to me that the principle is a very important one, and one upon which the Congress should express itself. If we wish to pay intervenors to take part in these hearings, we ought to set guidelines and establish some safeguards so that there is a fair balance of which witnesses get paid and which witnesses do not. That is the background of this amendment. I hope under the circumstances the managers will be willing to accept this amendment.

Mr. President, I also ask unanimous consent that Senator THURMOND be added as a cosponsor of the pending amendment.

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

Mr. EAGLETON. Mr. President, I have said what I had to say in my earlier remarks, and I need not repeat them.

The Armstrong amendment as it is drawn means that even an expert witness could not be reimbursed for coming before the Department. And, in my opinion, even more important than the problem this would create for the so-called expert is the fact that the average person would not be able to participate in a departmental hearing if that average person happens to live in Missouri or Colorado unless, of course, that average person happened to have an above-average income and could hire himself an above-average Washington lawyer to represent his point of view.

I do not subscribe at all to the notion that mailing in a well-prepared statement is just as efficacious and just as effective as coming and appearing at some proceeding in person. We get statements by the baleful in our various committee hearings. But when a live witness comes before the committee and has a prepared statement, by reason of his very presence we are obliged to at least pay him some attention.

So if access to Government is to be for those who have the financial wherewithal to hire a lawyer, then so be it. But I think in the interests of the democratization of governmental procedures we would want to provide some minimal access to the less affluent to get their point of view before an appropriate bureaucrat.

That is why I think the Armstrong amendment, although well-intentioned, is nonetheless misdirected.

As best we can ascertain, the provision to which Senator ARMSTRONG referred in the HUD appropriations bill was adopted by the Senate on a voice vote, and then later was dropped in the HUD conference. That is the best we can piece together with the information we have. We may be in error, but that is how it appears to us.

Mr. ARMSTRONG. Mr. President, if the Senator will yield briefly, I now have before me the RECORD of September 22, 1980. The Senator was correct. The amendment was adopted on a voice vote because immediately preceding the adoption of the amendment there was an amendment adopted relating to the Office of Consumer Affairs, which was adopted by a vote of 42 to 36, and then by a vote of 37 yeas to 39 nays the Senate failed to agree to a motion to table the amendment, and by 38 yeas and 39 nays the Senate failed to agree to a motion to reconsider the motion to table.

The reason I think it was adopted by voice vote was that it had been voted on in principle immediately prior to that time. So I think that straightens up the RECORD.

The only reason I raised that issue was to save time. It does not bear on the merits of the issue or the substance of it. But I thought since it had been voted on previously by the Senate we could avoid an extended debate.

Mr. President, unless there is further debate, I am ready to proceed to a vote on this, and I would be glad to ask for a division vote.

Mr. EAGLETON. We might as well have the yeas and nays. You gave such a recital that I am excited to see how this might come out. [Laughter.]

Mr. ARMSTRONG. I join the Senator from Missouri in asking for the yeas and nays.

The PRESIDING OFFICER (Mr. LEAHY). 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 amendment of the Senator from Colorado. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. STEWART), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Mississippi (Mr. STENNIS), the Senator from Florida (Mr. STONE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

Mr. BAKER. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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

The result was announced—yeas 36, nays 38, as follows:

[Rollcall Vote No. 493 Leg.]

YEAS—36

Armstrong	Goldwater	Proxmire
Baker	Hatch	Roth
Boren	Hayakawa	Sasser
Boschwitz	Helms	Schmitt
Byrd, Harry F., Jr.	Humphrey	Schweiker
Chiles	Jepsen	Simpson
Cochran	Kassebaum	Thurmond
Cohen	Laxalt	Tower
Danforth	Lugar	Wallop
Dole	McClure	Warner
Domenici	Melcher	Zorinsky
Exon	Morgan	
	Pressler	

NAYS—38

Baucus	Eagleton	Metzenbaum
Bayh	Ford	Mitchell
Belmon	Glenn	Nelson
Bradley	Hatfield	Nunn
Bumpers	Heinz	Pryor
Burdick	Inouye	Randolph
Byrd, Robert C.	Jackson	Riegle
Chafee	Javits	Sarbanes
Cranston	Kennedy	Stafford
Culver	Leahy	Stevenson
DeConcini	Levin	Weicker
Durenberger	Matsunaga	Young
Durkin	McGovern	

NOT VOTING—26

Bentsen	Huddleston	Ribicoff
Biden	Johnston	Stennis
Cannon	Long	Stevens
Church	Magnuson	Stewart
Garn	Mathias	Stone
Gravel	Moynihan	Talmadge
Hart	Packwood	Tsongas
Heflin	Pell	Williams
Hollings	Percy	

So Mr. ARMSTRONG's amendment (UP No. 1807) was rejected.

Mr. EAGLETON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. METZENBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Will the Senate be in order?

Mr. EAGLETON. Mr. President, it is my understanding that Senator ARMSTRONG has one additional amendment which will probably require a vote. Senator LEVIN also has an amendment.

The PRESIDING OFFICER. Will the Senator from Missouri withhold for a moment?

Will the Senate be in order?

Mr. EAGLETON. Mr. President, I believe there is one additional Armstrong amendment which will require a vote, a Levin matter that will not require a vote, and then final passage. That is the best we can ascertain as to the intent of our colleagues.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Department of Agriculture has a responsibility to be sure that food stamps are not

accepted for noneligible items such as soap, paper towels and toothpaste. Accepting the food stamps for those purposes can lead to a fine and suspension of license. In the process, the Department has, in many instances, denied the most fundamental right of business people, the right to defend themselves.

Frequently, small business people are sent citations 6 months after the transaction being complained about by the Department of Agriculture.

There is no way that a small business person or even a large business person can go back 6 months before and reconstruct all the sales to determine whether or not a noneligible item such as a roll of toilet paper, a towel, a tube of toothpaste, or a soap pad was sold and food stamps accepted for them.

It may be easier for a government agency to proceed against a small person, but I think it is intolerable, unconscionable, and a practice which should end.

The answer to this problem, and it is a real problem and it is pervasive, is prompt notice by the Department of Agriculture after the alleged incident.

That was the purpose of the amendment which I had planned to offer, Mr. President, an amendment which I now ask unanimous consent to be printed at this point in the RECORD.

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

At the appropriate place insert the following:

None of the available funds under this or any other act shall be available to the Department of Agriculture to assess a penalty to a retailer based on a violation of a regulation or regulations governing the food products for which food stamps can be utilized unless said notification of said violation is delivered to said retailer or his agent or employee on the premises within one working day following the events which are the subject matter of the notification—unless the notification is based upon a complaint of someone other than an employee or agent of the United States Department of Agriculture. Nothing herein shall prevent the utilization at any proceeding of evidence of earlier alleged violations if such evidence is otherwise permitted by the rules of evidence applicable to the proceeding.

Mr. LEVIN. I am not going to offer this amendment today because the committee should have the opportunity, and I have spoken to both managers on this matter, to review the matter which I am raising here, to seek guidance from whatever source they may want to seek guidance on this matter, and to report back to the full Senate on their findings.

I do hope, however, Mr. President, that the managers of the bill will get the committee and the staff of the committee cracking on this matter so that a clear, fundamental violation of rights, which I believe exists in this type of aproach, will be corrected, and so that the Senate will go on record some day soon next year as saying no to a practice which makes it absolutely impossible for small business people to defend themselves against this type of a charge.

Mr. EAGLETON. Mr. President, I think the Senator from Michigan has raised a valid inquiry. He has expressed his concern over this matter to the Department of Agriculture and they responded to him in a letter dated November 25, 1980. I do not deem the response to be adequate. The Department states:

I believe that such a delay is unusual. However, let me assure you we will make every effort to lessen the gap between the time stores are investigated and notified of their disqualification.

I think a gap of weeks or months, or whatever the time frame was in the examples that the Senator from Michigan offered, is an undue length of time. If the Senator would permit us, I would like to request the Inspector General of the U.S. Department of Agriculture, who is a very professional individual, I can assure the Senator, for his appraisal and his inquiry into the matter as raised by the Senator from Michigan.

Mr. LEVIN. I thank my friend from Missouri. I would welcome that investigation report. I intend also, Mr. President, to pursue this matter with vigor so that an injustice to the small business people particularly in this country can be corrected. We obviously must put an end to the use of food stamps for an ineligible purpose. No one wants them used in that way. We must also put an end to a practice which cannot be justified, although the end is clearly one that we all support and endorse.

I thank again the floor manager of the bill on our side and I look forward to the report of the Inspector General of the Department of Agriculture.

UP AMENDMENT NO. 1809

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG) proposes an unprinted amendment numbered 1809:

At the appropriate place in the bill, insert the following:

SEC. . None of the funds appropriated in this act may be used for an Office of Consumer Affairs as directed by Executive Order 12160.

Mr. ARMSTRONG. Mr. President, the amendment speaks for itself. My amendment will simply prohibit the Department of Agriculture from using any of the appropriated funds in this bill for establishing or maintaining an Office of Consumer Affairs.

The question of creating a consumer affairs agency has been debated on many occasions by Congress. On the most recent occasion that this was voted on—February 8, 1978—the House of Representatives defeated the administration's proposed Office of Consumer Affairs by a vote of 189 to 227. It seems to me that this action clearly indicates Congress opposition to the establishment of an Office of Consumer Affairs.

Mr. President, it is a debatable issue whether or not such an office or department or bureau is a good idea. I was one of those who thought it was misnamed, that it would not aid in any known consumer interest; it would, indeed, be just another layer of costly and unnecessary bureaucracy. My purpose tonight is not to go back and litigate the policy issue, but merely to point out that Congress made a decision not to create a consumer affairs agency.

However, the administration has refused to heed Congress position on this issue. On September 26, 1979, President Carter issued Executive Order 12160 entitled, "Providing for Enhancement and Coordination of Federal Consumer Programs" which directed the Secretary of the major departments to establish in each department an Office of Consumer Affairs.

As a result of this directive, the Secretary of Agriculture appointed a special assistant to develop a USDA Office of Consumer Affairs. In fiscal year 1980, USDA spent $40,000 from the Office of the Secretary's fund to implement this program. On June 9, 1980, USDA published in the Federal Register, its "Final Consumer Affairs Plan."

To fully implement this program in fiscal year 1981, USDA requested $200,000 in its budget submission for an Office of Consumer Affairs, although this money has not, so far as I am aware, been provided in this budget. I should like to ask the Appropriations Committee if I am correct in that understanding. It has not been provided. In fact, I understand it was considered by the House and taken out.

My concern is that even without any specific funding by the Congress, nonetheless, the Department may go ahead, as it did last year, and spend from the fund of the Office of the Secretary.

That is the reason for the amendment, simply to prevent spending that was not contemplated or approved by Congress nor authorized by law.

Mr. BELLMON. Mr. President, I believe the Senator from Colorado has a valid point here. In my judgment, most of the agencies in the USDA are consumer affairs agencies. That is the reason they are there, to look after the interests of consumers. I see no reason to set up another agency for this purpose.

As I understand it, it is planned by the Department to set up an office of consumer affairs. As a matter of fact, it is discussed in some of the explanations we have been given. I was not aware of this until the Senator from Colorado raised the issue. I can see some merit in what the Senator is attempting to do.

Mr. President, on page 8 of a document called the 1981 budget explanatory notes, there is talked about an increase of $220,000 for the Consumer Affairs Office.

Mr. ARMSTRONG. I thank the Senator for his contribution and I appreciate his support.

Mr. EAGLETON. Mr. President, the House has not deleted money for the Office of Consumer Affairs. If the amendment of the Senator from Colorado prevails, it will continue to be funded. It was established pursuant to Executive order. Its purpose will be to have general oversight over the Department's consumer outreach and involvement actions and procedures, including establishing departmentwide policy and philosophy

on involving consumers in decisions and programs.

The budget request that the Senator seeks to delete is intended to provide funding for three positions in the Office of Consumer Affairs to enable the Secretary to carry out the responsibility created under Executive Order 12160.

Mr. President, I oppose the amendment of the Senator from Colorado and I ask for the yeas and nays.

Before we go to this vote, Mr. President, may we dispose of any other matters, then have back-to-back votes on the Armstrong amendment and passage so as to expedite everyone's departure?

Mr. HUMPHREY. Mr. President, reserving the right to object, I shall not object provided I can be assured that the Chair will recognize me before passage of H.R. 7591.

Mr. EAGLETON. What I am suggesting is that we dispose of as many matters as we can and then vote on the Armstrong amendment and passage—whatever is the desire is all right with me.

Let me ask the Senator from Colorado, will he be willing to lay aside his amendment temporarily and dispose of a few matters, then go to it?

Mr. ARMSTRONG. Mr. President, I shall be happy to cooperate in any way. I am not sure that will get fully the purpose of the Senator from New Hampshire, but I am at the disposal of Senators. It does not matter to me when we vote on it.

Mr. EAGLETON. May we get the yeas and nays on this amendment?

The PRESIDING OFFICER (Mr. BUMPERS). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, was there a unanimous-consent request pending?

The PRESIDING OFFICER. Did the Senator from Missouri make his request in the form of a unanimous-consent request?

Mr. EAGLETON. I did not want to impose on the Senator from Colorado and his amendment. I was going to ask unanimous consent that it be temporarily laid aside so that we can dispose of other matters. I make such a request.

Mr. HUMPHREY. Will the Senator state it, please?

Mr. EAGLETON. I ask unanimous consent that the amendment of the Senator from Colorado be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

The bill is open to further amendment.

UP AMENDMENT NO. 1810

Mr. BELLMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BELLMON) proposes an unprinted amendment numbered 1810.

Mr. BELLMON. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

On page 61, after line 20, add the following new section:

"SEC. . None of the funds appropriated in this Act may be used to administer any peanut price support program which provides loans to recipients other than farmers, except that this proviso shall not apply to organizations currently eligible for such payments."

Mr. BELLMON. Mr. President, this amendment relates to the administration of the peanut price program. Over the years, the program has been satisfactorily administered, with grower organizations providing certain services to the Department. There is a proposal now to change that administratively. The effect of this amendment will be to maintain the status quo. It will give us a chance to look into what the effect of the proposed change will be on the program and if it develops that the change is in the national interest, the amendment could be dropped in conference. If not, perhaps the House will go along with this change.

Mr. EAGLETON. Mr. President, with the understanding described by the Senator from Oklahoma, we shall take the matter to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BELLMON. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BELLMON. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico (Mr. DOMENICI) be added as a cosponsor to my amendment.

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

The question now recurs——

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Is the Chair about to go to third reading?

The PRESIDING OFFICER. The question will recur at this point on the amendment of the Senator from Colorado.

The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. STENNIS), the Senator from Alabama (Mr. STEWART), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Hampshire (Mr. DURKIN), the Senator from Illinois (Mr. STEVENSON), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PELL) would vote "nay."

Mr. BAKER. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

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

The result was announced—yeas 39, nays 32, as follows:

[Rollcall Vote No. 494 Leg.]

YEAS—39

Armstrong	Ford	Nunn
Baker	Goldwater	Pressler
Bellmon	Hatch	Proxmire
Boren	Hayakawa	Roth
Boschwitz	Heinz	Schmitt
Byrd, Harry F., Jr.	Helms	Schweiker
Chafee	Humphrey	Simpson
Cochran	Jepsen	Thurmond
Danforth	Kassebaum	Tower
Dole	Laxalt	Wallop
Domenici	Lugar	Young
Durenberger	McClure	Zorinsky
Exon	Melcher	
	Morgan	

NAYS—32

Baucus	Eagleton	Metzenbaum
Bayh	Glenn	Mitchell
Bradley	Hatfield	Pryor
Bumpers	Inouye	Randolph
Burdick	Jackson	Riegle
Byrd, Robert C.	Javits	Sarbanes
Chiles	Kennedy	Sasser
Cohen	Leahy	Stafford
Cranston	Levin	Warner
Culver	Matsunaga	Weicker
DeConcini	McGovern	

NOT VOTING—29

Bentsen	Huddleston	Ribicoff
Biden	Johnston	Stennis
Cannon	Long	Stevens
Church	Magnuson	Stevenson
Durkin	Mathias	Stewart
Garn	Moynihan	Stone
Gravel	Nelson	Talmadge
Hart	Packwood	Tsongas
Heflin	Pell	Williams
Hollings	Percy	

So Mr. ARMSTRONG's amendment (UP No. 1809) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

● Mr. JOHNSTON. Mr. President, I am particularly pleased to note that the Ag-

riculture appropriations bill, as reported, contains a small add on I offered during full committee markup for one of the most efficient and effective nutrition programs we have, the commodity supplemental feeding program. This program provides supplementary food packages to low income pregnant and nursing women and children under the age of 6 who are certified as being at nutritional risk. The food which is distributed is bought at wholesale, not retail, prices and is therefore very cost effective. Moreover, food—not coupons—is given directly to these women and children, assuring that what is prescribed for them is consumed.

New Orleans has participated in this program since 1969 and this remains a program having widespread support throughout the city, from participants to the business community. We have experienced tremendous growth—over 500 percent—in the last year for a number of reasons including certification problems which almost crippled our program but have now been resolved, an influx of Cuban refugees and other Central American immigrants and the recession. The $2.5 million I added will accommodate this increase, but will not accommodate food price inflation. Thus, strong program management will be needed to make sure that these funds cover those now on the rolls. Without this small addition—10 percent—there would be severe cutbacks and mothers would face a choice of keeping their 3-year-old on, but delaying enrollment of an infant. And in some cases, women approaching their third trimester would find that they had been dropped, during one of the most critical stages of their pregnancy.

Mr. President, this addition is critical to the continued operation of CSFP and I urge my colleagues who will be conferees to see that it is retained.●

Mr. ROBERT C. BYRD. Mr. President, American agriculture is one of our most important national assets. Our farmers' produce contributes to the good health and well-being of every American. American agriculture also contributes significantly to the relief of world hunger.

I commend the efforts of Senator EAGLETON, chairman of the Appropriations Subcommittee on Agriculture, and the able assistance of Senator BELLMON, ranking minority member on the subcommittee. As representatives of farm States, both gentlemen have firsthand knowledge of farmers' needs. They have had the cooperation of the other members on the subcommittee and the full committee in preparing a bill which addresses the problems of farmers and agriculture-related programs.

American agriculture touches the lives of every person—the food placed on a family's dinner table, the agricultural products sent overseas, the food stamp and special milk programs—all have, in one way or another, affected our lives.

One need only think of the food-for-peace program, which has helped to reduce world hunger for over a quarter century.

There are other important agriculture-related programs funded in this bill. The Farmers Home Administration and the Soil Conservation Service are two agencies which have been essential to the development of rural America.

Agricultural research is an important component of a healthy American agriculture industry. There are agricultural research activities in my own State of West Virginia. The Appalachian Regional Soil, Water, and Air Research Laboratory at Beckley, W. Va., is currently under construction, and the funds provided in this bill will help both to complete construction of the laboratory and provide it with necessary equipment. Soil, water and air research, and conservation are essential to growing healthy crops and devising ways to use our land resources effectively.

The Appalachian fruit research station in Kearneysville, W. Va., is funded in this bill. In operation for just over 1 year, the facility has contributed much to research in improving the quality of apples, peaches, apricots, and other fruits and berries.

The Federal Crop Insurance Corporation and the Commodity Credit Corporation are funded in this bill. Both are important to improving the stability of agricultural activities and products. The Federal Crop Insurance Corporation was authorized by the 1980 Federal Crop Insurance Act, an important achievement of the 96th Congress. The purpose of this act is to promote the national welfare by improving the economic stability of agriculture through a sound system of crop insurance, and to provide for the research and experience helpful in devising and establishing such insurance. The Commodity Credit Corporation helps stabilize and support farm prices, and maintains balanced supplies of agricultural commodities.

There are other important programs funded in this bill, too numerous to name. Each is important to maintaining a strong American agricultural industry and improving our agricultural products. The Appropriations Subcommittee on Agriculture has done a good job of seeing that these programs are adequately funded. The subcommittee has eliminated unnecessary funding by strengthening efforts to reduce fraud, waste, abuse, and error. The Appropriations Committee deserves a vote of thanks for its hard work and realistic recommendations.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question 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 Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. STEVENSON), the Senator from Alabama (Mr. STEWART), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from New Hampshire (Mr. DURKIN) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PELL) is absent on official business.

Mr. BAKER. I announce that the Senator from Utah (Mr. GARN), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Vermont (Mr. STAFFORD), the Senator from Alaska (Mr. STEVENS) and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

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

The result was announced—yeas 58, nays 11, as follows:

[Rollcall Vote No. 495 Leg.]

YEAS—58

Baker	Exon	Mitchell
Baucus	Ford	Morgan
Bayh	Glenn	Nunn
Bellmon	Hatch	Pressler
Boren	Hatfield	Pryor
Boschwitz	Hayakawa	Randolph
Bradley	Heinz	Riegle
Bumpers	Inouye	Sarbanes
Burdick	Jackson	Sasser
Byrd, Robert C.	Javits	Schweiker
Chafee	Jepsen	Simpson
Chiles	Kassebaum	Stennis
Cochran	Kennedy	Thurmond
Cohen	Laxalt	Tower
Cranston	Leahy	Wallop
Culver	Levin	Warner
Danforth	Lugar	Weicker
Dole	Matsunaga	Zorinsky
Durenberger	Melcher	
Eagleton	Metzenbaum	

NAYS—11

Armstrong	Domenici	McClure
Byrd, Harry F., Jr.	Goldwater	Proxmire
DeConcini	Helms	Roth
	Humphrey	Schmitt

NOT VOTING—31

Bentsen	Johnston	Stafford
Biden	Long	Stevens
Cannon	Magnuson	Stevenson
Church	Mathias	Stewart
Durkin	McGovern	Stone
Garn	Moynihan	Talmadge
Gravel	Nelson	Tsongas
Hart	Packwood	Williams
Heflin	Pell	Young
Hollings	Percy	
Huddleston	Ribicoff	

So the bill (H.R. 7591), as amended, was passed.

Mr. EAGLETON. Mr. President, I move

to reconsider the vote by which the bill was passed.

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. Mr. President, I yield to the Senator from Missouri, without losing my right to the floor.

Mr. EAGLETON. Mr. President, I move that the Senate insist upon its amendments to H.R. 7591 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. BUMPERS) appointed Mr. EAGLETON, Mr. STENNIS, Mr. PROXMIRE, Mr. ROBERT C. BYRD, Mr. BAYH, Mr. CHILES, Mr. BURDICK, Mr. SASSER, Mr. MAGNUSON, Mr. BELLMON, Mr. YOUNG, Mr. MCCLURE, Mr. GARN, and Mr. SCHMITT conferees on the part of the Senate.

AUTHORIZATION FOR SENATORS TO SUBMIT STATEMENTS AND INTRODUCE BILLS AND RESOLUTIONS UNTIL 9 P.M. TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may insert statements in the RECORD and that there may be bills and resolutions introduced until 9 p.m. tonight.

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

Mr. HELMS. Mr. President, reserving the right to object, I did not hear the Senator.

Mr. ROBERT C. BYRD. I merely asked that Senators might have until 9 o'clock tonight to introduce bills and resolutions.

Mr. HELMS. Very well.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until midnight tonight to file reports.

Mr. HUMPHREY. Mr. President, reserving the right to object, I wonder if the distinguished majority leader will consent to modify his request to exclude from it reports from the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Not at this time.

Mr. HUMPHREY. Then I am afraid I must object to the request, Mr President.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees other than the Committee on the Judiciary may have until midnight tonight to file reports.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE, THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO TAKE CERTAIN ACTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until 11 a.m. on December 1 the Secretary of the Senate may be authorized to receive messages from the other body and from the President of the United States, and that they may be appropriately referred.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that throughout the recess over until 11 a.m. on Monday, December 1, the Vice President of the United States, the President of the Senate pro tempore, and the Acting President pro tempore may be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATOR ABRAHAM RIBICOFF

Mr. BUMPERS. Mr. President, it has been my rare privilege to serve 6 years in the U.S. Senate with the senior Senator from Connecticut, ABRAHAM RIBICOFF. ABE was born in a city tenement in the early years of this century and proved that the American dream was no fiction. He became one of the most successful, and certainly one of the most admired, public figures of his time.

Senator RIBICOFF is the only active American to have served as a State legislator, a judge, a Congressman, a Governor, a Cabinet officer, and a U.S. Senator. I think we should all be humbled to know that he has said it is the Senate that will leave him with his fondest memories.

ABE will be remembered in part from his role in establishing the Department of Housing and Urban Development, the Department of Transportation, the Department of Education, the Department of Energy, and in enacting civil service reform and in getting the regulatory reform movement off the ground. But most of all ABE will be remembered for his combination of qualities that are so rarely found and so desperately needed: That of the intellectual, who read everything he could get his hands on in the public library as soon as he learned to read, and that of the man of good common horsesense who would never be swayed by the fashions of the moment. ABE has been a real trial to those observers of politics who can only see their subjects through ideological labels.

I think it is to ABE's great credit that he has brought many fine, talented men and women into public service. From his Senate staff alone have come a Federal district judge, a U.S. attorney, a U.S. Congressman, a provost at Wesleyan University, and a host of others. What ABE has contributed to the Senate and to the body politic is permanent. We will miss him here, but hope we will not be completely cut off from his counsel.

RETIREMENT OF ABRAHAM RIBICOFF, SENATOR FROM CONNECTICUT

Mr. DOLE. Mr. President, the Senate has often been called a club. But, for anyone who spends more than a few weeks in this Chamber or in the office or committee rooms, where much of the Senate's work is done, the club is also a family and, as in a family, one of the hardest words in the English language to pronounce is goodbye. It will be said many times in this city, by and to good men and women of both parties. Their departures may be entirely voluntary or they may be the result of a realinement of voter sentiment by which our system periodically refreshes itself, but, whatever, the reason, they cannot depart from this family without an expression of our gratitude and our lasting affection.

The Senate is not a vacuum; just the opposite, there are differences here. There is partisanship, and as the late Adlai Stevenson once said, "Thank God for partisanship for it is the life blood of democracy." Here, however profound our disagreements, they are tempered by civility and administered by friendship. No party affiliation, no ideological labor can begin to match our common allegiance to the country or the political process we try to make reflect the best within each of us.

ABRAHAM RIBICOFF is such a man, admired by his colleagues for his reason, his ability to bring opposing views together, and his capacity to discover new needs, including an economy less regulated and more productive.

I am proud and honored to have had the opportunity to serve on the Finance Committee with my good friend from Connecticut, and I can say unequivocably that his presence will be greatly missed.

For the past 18 years Senator RIBICOFF has served his State and his Nation with dignity and decency. His record of public service is a litany of superior achievement: the Governor of his State, a Member of the House of Representatives, a Cabinet officer during the Kennedy administration and, as a Member of the Senate for the past 18 years. Although he will be elsewhere, ABE's record of public service will stand the test of time as an enduring standard for all who strive to serve their fellow countrymen.

Over our years of service together I have come to admire ABE RIBICOFF as an imaginative legislator, as a man who was always willing to set aside partisan differences for the sake of principle, and as a man who always put the good of our Nation above all else.

In closing I will simply add that the laws ABE has written or helped to write

and the example of service to his country will extend to influence future generations and help to shape the customs and attitudes of future Senates.

And so, Mr. President, although it is difficult to do, I say goodbye to ABE RIBICOFF and wish he and his lovely wife Casey a happy, fruitful, and successful future.

EFFECT OF PAPERWORK REDUCTION ACT ON TVA

Mr. BAKER. Mr. President, I was pleased with the Senate's recent action in passing the Paperwork Reduction Act of 1980. It is essential that the amount of time and money expended by Federal agencies in disseminating information be limited to essential and effective transactions.

However, I am concerned about the possible impact of this legislation on the Tennessee Valley Authority's electric power program. The TVA power program is financed solely by the ratepayers of the Tennessee Valley region and does not receive appropriated funds. Congress has required TVA to keep its power rates as low as possible and has delegated this responsibility to the TVA Board of Directors. In carrying out this responsibility, the Board has found certain types of information to be necessary in managing the power program in a businesslike manner.

In this matter, I am speaking specifically of such things as, first, the annual and monthly financial reports filed with TVA by TVA's municipal and cooperative distributors; second, the research surveys used in conjunction with TVA's solar programs; third, the customer response forms and surveys used in conjunction with TVA's load-management demonstration activities; fourth, the collection of information from homeowners and businesses in conjunction with TVA's home weatherization and commercial and industrial conservation programs; and fifth, other collections, management, or use of information necessary for the economical and efficient operation of the TVA power program.

Under the Paperwork Reduction Act of 1980, the Director of the Office of Management and Budget has the authority to review the routine information flow from Federal agencies. However, in light of the unique nature of the TVA power program, I would ask that the Director give TVA every consideration for exemption from this act in the previously mentioned areas.

Mr. CHILES. Mr. President, I would like to assure the Senator from Tennessee that the Director of OMB does have the authority to act expeditiously on the kind of information collection requests you have listed. It was not the intent of the committee to hamper necessary information flow in Federal agencies. I believe the Senator will find that the legislation is designed to eliminate duplicative and unnecessary burdensome information requests of the citizens of Tennessee.

I would say further to the Senator from Tennessee that I agree that the requirements of the TVA power program are different than other Federal programs and that the Director of OMB should carefully consider how to insure that the TVA's information needs are met without unnecessarily burdening the citizens of Tennessee or unduly hampering the operations of the Tennessee Valley Authority.

WORLDWIDE COAL USE

Mr. ROBERT C. BYRD. Mr. President, the Senate coal caucus was pleased to meet today with the American representatives to the Coal Industry Advisory Board, an advisory board to the International Energy Agency. The CIAB was established to provide practical advice on how the IEA objective of doubling coal production and use by 1990 is to be achieved. The board is composed of 33 individuals from major coal-related industries around the world, including coal companies, electric utilities, manufacturing companies and national coal and electric boards, who have volunteered their services in this effort.

In May 1979, member nations of the IEA adopted a set of principles calling for the doubling of coal production and use by 1990, consistent with the requirements of preserving the environment. These principles were affirmed by the participants at the Venice summit meeting in June 1980. This goal of increased coal use is to be accomplished primarily through minimizing the use of oil for electricity generation and encouraging the construction of new coal-fired powerplants. In addition, high priority is to be placed on research and development and the rapid commercialization of advanced coal technologies.

The Coal Industry Advisory Board has concentrated its initial study on obstacles which constrain increased coal use. It established six working groups to examine the problems of production, environmental restraints, transportation requirements, international trade, coal use and research and development. The findings of these working groups have provided the basis for the first report of the board to the IEA.

This report is valuable for every Member of the Senate concerned with the problem of international energy security. The study concludes that prompt and positive action is required to accelerate the worldwide shift from oil to coal, and sets forth a series of recommendations to advance that goal. The 97th Congress will be asked to address the issues of port improvements, upgrading rail facilities, and unwinding excessive environmental and land use regulations. I commend the American representatives to this important international commission for their hard work and significant contribution and I urge my colleagues to study their recommendations carefully.

I ask unanimous consent that the material entitled "Report of the Coal Industry Advisory Board to the International Energy Agency Ministers" be printed in the RECORD in its entirety.

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

REPORT OF THE COAL INDUSTRY ADVISORY BOARD TO THE INTERNATIONAL ENERGY AGENCY MINISTERS

PART I—COAL ACTION PROGRAMME

Increased coal production and use: An international objective

The world energy outlook has worsened considerably over the past two years and the IEA believes that the world oil market will be in a very fragile balance at best over the coming decade. Basic changes in the use of energy are needed if we are to reduce dependence on oil. Stronger conservation measures and determined efforts to accelerate the development of all energy sources are essential to provide the foundation for sustained and balanced economic growth.

There is a great danger that the effect of the current recession will remove the sense of urgency in developing alternative sources of energy. It is critical that the impetus toward reducing reliance on oil be maintained.

Coal has a particularly important role to play in this process for the following reasons:

Reserves are abundant and widely dispersed, mostly within the industrialised countries.

Coal is already widely used for electricity generation and large industrial installations. In the long term, new combustion technologies and the conversion of coal to synthetic gas and liquid fuel will lead to an even greater market penetration of coal.

Coal is and should continue to be commercially attractive for utilities and large industrial users in most nations, providing the additional costs necessary to meet environmental standards are not excessive.

Expanded production, trade and use of coal would have a major positive influence on economic growth.

Although primarily concerned with the development of coal within the OECD, the CIAB recognises the importance of coal as an energy option and potential export commodity for many developing countries where growth expectations are currently constrained by the high price of oil. A substantial increase in coal production, use and trade should lead to increased opportunities for such countries, thus further easing the world energy situation.

The role of the CIAB

The CIAB was established by the International Energy Agency to provide practical advice on how the objective of doubling coal production and use by 1990 and tripling it by the end of the century is to be achieved. The Board is composed of 33 individuals from major coal-related industries around the world, including coal companies; electric utilities; steel, oil and manufacturing companies; and national coal and electric boards, who have volunteered their services for the work of the CIAB.

At its first meeting, in April of 1980, the Board agreed that it would concentrate its attention on the potential for a substantial expansion in the production, use and trade of thermal coal and on how obstacles that might constrain such expansion could be constructively addressed. It established six Working Groups to examine coal use; production; environmental issues; infrastructure requirements; international trade; and research and development. The findings of these Working Groups, summarized in Part II, have provided the basis for this first report of the CIAB to IEA Energy Ministers.

The Working Groups have drawn heavily on the data in the World Coal Study—"Coal—Bridge to the Future"—for their working assumptions. The CIAB appreciates the cooperation of the WOCOL staff.

The CIAB has thus far focused its attention on thermal coal and its ability to reduce oil consumption. While some oil is used in blast furnaces, the quantities are small in comparison to the total. Therefore, metallurgical coal has not been the subject of direct study by the CIAB except where its production or transportation may have impact on the growth in the use of thermal coal.

The CIAB wishes to thank associates of the members and the IEA Secretariat for the assistance provided to the Working Groups.

Conclusions of the CIAB

The Coal Industry Advisory Board welcomes the commitment by governments to the Principles for IEA Action on Coal in May 1979 and the more recent Declaration of the Venice Summit which called for the doubling of coal production and use by 1990, consistent with the requirements of preserving our environment. While the coal reserves to support this expansion exist, the CIAB finds that prompt and positive action is required to accelerate the shift from oil to coal. If this does not happen, the goal for 1990 will not be met.

The main use for thermal coal until 2000 will be in electric utilities for which coal is an economically attractive fuel. Industrial markets, although occupying a smaller role, represent an important and growing sector. In some countries, space heating requirements which now rely heavily on oil as a source of energy can be met by using coal through district heating, combined heat and power, electricity, etc. The conversion of coal to gas and liquid form will become an increasingly important factor.

The objective of tripling coal use by 2000 requires that major actions be taken. Most important, coal-fired generating capacity within the OECD must increase significantly and many existing facilities must be converted to coal-firing. It now appears that coal-fired generating capacity will have to be increased over the next 20 years from 350 GWe at present to about 1100 GWe.

The objective of doubling coal use by 1990 will be difficult to achieve as there is some doubt as to whether, given the present state of planning and required lead times, sufficient coal-fired generating capacity can be in operation by 1990.

The major constraint for achieving doubling and tripling of coal use by 1990 and 2000 respectively may well be the existence of uncertainties facing electric utilities that are inhibiting investments in generating capacity. These uncertainties arise from a number of sources including:

The future demand for electricity

The relative roles of coal and nuclear power

Environmental concerns about emissions, waste disposal and land use

Lengthening lead times caused by regulatory procedures

Questions arising about the future availability of natural gas.

The CIAB concludes that these uncertainties can be significantly reduced by firm and prompt government and industry action.

Substantial investments will also have to be made in other parts of the coal chain, in particular for coal logistic infrastructure which is currently a major bottleneck, and development of coal mines. At the present time, coal producers and investors in the infrastructure chain, public or private, are hesitant to make the necessary investments in view of the above uncertainties and lack of clear long-term government policies.

Achievement of these objectives will also require the development of a free and competitive international trade in thermal coal. This is particularly challenging since, until recently, virtually all coal moving in seaborne international trade has been metallurgical coal. The characteristics of metallurgical coal trade are different from those of thermal coal in terms of quality, the customers, and the handling requirements. Therefore, the development of a trade in thermal coal is not merely an extension of the present trade in metallurgical coal.

There are a number of existing and potential obstacles to the timely development of the capability to mine and trade coal in the required amounts. In addition to the market uncertainties noted above, these include concerns about:

Environmental, land use and permitting procedures that delay the development of new mines and associated infrastructure in some cases more than necessary

The stability of royalty and taxation policies

Reliability of international contracts

Shortages of skilled manpower

Transportation costs

In some cases, limitations on access to reserves which derive from government leasing policies

Availability of capital in those countries which limit participation in mining projects by foreign investors.

These concerns must be addressed simultaneously and urgently in order for coal to play its role. A coordinated and comprehensive action programme for governments and industry is necessary.

The CIAB recognizes that industry and government both have important roles in dealing with these obstacles. The principal role the CIAB believes governments can play is to provide a stable business environment and framework within which investment decisions about the coal chain can be made. Within this framework, industry should be willing to make the necessary long-term commitments. Furthermore, the CIAB believes that financing for the necessary investments can be found provided that there is a stable and attractive business environment and that appropriate and secure long-term commitments are made.

There is insufficient emphasis at present on coal-related research, development and demonstration. Efficient and aggressive research, development and demonstration programmes along the whole coal chain should be given higher priority by both industry and governments. This can lead to greatly increased coal use in existing and new markets under conditions of improved costs and environmental acceptability.

Generally speaking, the environmental problems attendant on coal mining, transportation and use can be resolved with presently available technologies. The costs to consumers of complying with increasingly tighter environmental protection laws are high and are likely to get higher. In some cases, standards have been formulated with little or no assessment of the costs involved. The CIAB believes that appropriate environmental standards, taking into account overall costs and the impact on improved health and safety, need to be a continuing area for government attention. However, the CIAB supports further efforts to increase the cost-effectiveness of solving these environmental problems through further research and process development.

The CIAB members recognize that in order to fulfil the IEA coal objective and to resolve the problems identified above, there should be strengthened, consistent and effective cooperation between governments and industry to stimulate and encourage the coal industry. There is also need for greater cooperation between producers and consumers, including joint participation in projects as appropriate. Such cooperation will contribute to a progressive removal of uncertainties related to coal development.

Recommendations to governments

The CIAB recommends that:

1. Governments adopt measures to ensure an increase in coal use compatible with the IEA's objectives. Implicit in the IEA's goals to double coal use by 1990 and triple it by the year 2000 is a requirement for coal-fired generating capacity within the OECD countries to increase from the current level of about 350 GWe to about 1100 GWe by the end of the century. Although expressed intentions suggest that this level is attainable, corresponding commitments are lacking.

The CIAB therefore recommends that OECD countries make specific commitments to create conditions under which the necessary coal-fired generating capacity can be put in place. This commitment must be backed up by measures to:

Allow oil and gas prices to adjust to world levels;

Prohibit the construction of new oil-fired utility boilers for baseload and, wherever possible, for intermediate power generation;

Encourage the planned conversion of existing oil-fired boilers to coal, for both utilities and large industrial users;

Maximize coal use in large new industrial boilers;

Convert boiler facilities on government premises to coal.

2. Information about coal use needs to be made available as a top priority. Regular reports, of a more specific nature than presently available, of future plans for electricity generation including new capacity, retirements and existing capacity by type (i.e. energy source and load type) should be reported to the IEA for subsequent publication. Procedure should also be instituted for the collection and publication of data concerning coal use capabilities in the industrial and space heating sector.

3. The coal producing and exporting governments adopt measures to permit an increase in coal production and transportation capabilities compatible with the needs of the coal-using sectors. These measures should include:

Provision of a stable climate in each of their countries for investment in coal production and transportation;

Clarity and continuity of energy policies;

Expanded and clarified leasing policies;

Clear and stable royalty and taxation policies.

4. Governments take urgent action to streamline and coordinate administrative procedures at central and local levels influencing efficient production, transportation and use of coal. This recommendation addresses itself particularly to regulatory and planning procedures, including those concerned with protection of the environment.

5. Governments report in more detail than at present to the IEA, for subsequent publication, the capabilities of and plans for coal production and for improvement to the coal transportation infrastructure (in particular, railroads, pipelines and ports) to move the required amount of coal into export markets.

6. In countries where expansion of production is likely to outstrip the availability of manpower, governments should consider undertaking steps, together with industry, to alleviate this constraint. Such steps could include:

Support for accelerated training programs at all levels of technical, managerial and production skills;

Cooperating with industry to develop improvements in productivity commensurate

with maintenance of health and safety standards;

Reviewing immigration policies where appropriate.

7. Governments should be prepared where necessary to give adequate assurances that coal trade will not be disrupted or restricted and that they will not take action to alter the terms of existing contracts.

8. Governments with specific restrictions on foreign investment and ownership should consider whether or not such barriers are impeding the development of coal mines and infrastructure. If they are impeding development, then the governments should examine the need to alleviate the barriers.

9. To the degree that a government is directly involved in the coal chain, funds be made available for expansion as required to meet the IEA's coal use objectives. Governments should also provide appropriate support for the private sector to accelerate the shift from oil to coal, for example by means of fiscal incentives to encourage such a shift.

10. Industry should be allowed sufficient flexibility to develop technical solutions for meeting environmental requirements. Stability of regulations be sought so as not to encumber present investment decisions or penalise previous ones.

11. Governments should take action to solve and coordinate land-use conflicts, primarily in densely populated areas, with respect to the planning and construction of new transportation systems, coal-use facilities and coal mines. They should also encourage, where necessary, regional and local development programmes which involve coal facilities and required social and physical infrastructure.

12. Governments should stimulate research, development and demonstration into new, more efficient and environmentally acceptable systems for mining, transporting and using coal, bearing in mind the long-term nature of these programmes. They should encourage international collaboration in such RD&D programmes and joint projects to ensure the development of new technologies without unnecessary duplication of effort.

13. Governments should facilitate the provision of finances and technology to Third-World countries where opportunities exist for coal production and use.

14. Comprehensive public information programmes be initiated by industry and governments to obtain broader public support for and commitment to greatly increased coal use.

Recommendations to industry

The CIAB recommends that:

1. Suppliers, transporters and users of coal explore and enter into, as appropriate to the specific situation, long-term relationships such as long-term contracts, joint ventures, etc., around which decisions concerning investments in the mining, movement and use of coal can be easily made.

2. Electric utilities thoroughly examine further opportunities for reducing the use of oil by using more coal not only in conventional coal-burning units, but also by exploring and adopting new technologies and systems as they become commercially available.

3. Industry urgently examine the shift from oil to coal as a matter of the highest priority.

4. Industry be alert and responsive to the opportunities that expanded use of coal will create for provision of equipment, supplies and services (such as mining equipment, delivery systems, coal combustion and processing equipment, etc.). Early involvement of manufacturers in development projects will facilitate the timely supply of equipment.

5. Participants in various parts of the coal transportation infrastructure be alert and responsive to opportunities that an expanded use of and trade in coal will provide. Of particular concern to the CIAB is the responsiveness of the railroads and ports, and the availability of coal slurry pipelines, to fulfilling the requirements of a rapidly growing trade in thermal coal on land and on the seas.

6. Industry take the initiative in acting together with the responsible authorities to minimise health and safety and environmental hazards associated with the mining, movement and use of coal.

7. Industry ensure that training programmes are developed to secure an adequate supply of technicians, skilled workers and managers which will be required with the expansion in the mining, movement and use of coal.

8. Research, development and demonstration be aggressively pursued in all aspects of the mining, processing and movement of coal. The benefits from such efforts may be expected to include:

Wider outlets for the use of coal

Lower costs to the final consumer

Higher labour productivity, especially in underground coal mining

Greater safety for those employed in the industry

Amelioration of the environmental impact of the coal chain.

9. There is a need to intensify efforts to monitor, stimulate and publish R & D work in all segments of the coal chain. We suggest that this could be achieved both through the increased activity of existing IEA organisations and through the formation of a professional body for the participation of individuals. A group should be formed to investigate and develop this concept.

10. Industry develop more effective management methods and programmes to promote better industrial relations and stability of coal supply.

11. Industry cooperate with governments by providing the appropriate information concerning capabilities and facilities in place and planned for the mining, processing, movement and use of coal so that governments have the information necessary to implement our recommendations.

12. Industry establish effective communication programmes to advise the general public of the necessity for using coal and for assuring the general public that industry can do what is required in a responsible fashion.

13. In order to enhance the consistency and reliability of supply, those in the coal chain, especially users and suppliers, improve definitions of coal quality for specification and measurement purposes. Coal-use installations should be designed in such a way as to use as broad a range of coals as possible.

Next steps for the CIAB

Convey the Findings of the CIAB to Individual Countries

This Report contains no recommendations aimed directly at specific problems in particular countries. It was considered appropriate to focus the conclusions and reommendations for action in this first Report at the overall problems, although their resolution will clearly require each country to undertake its own programmes.

However, the six Working Groups of the CIAB considered a number of issues and recommendations specific to one country or another. The discussions at the various Working Group meetings have given the members new perspectives and insights into probems in their own countries. The CIAB believes that these insights and the recommendations for action in specific countries are of critical importance. They should be followed up by the IEA in its review of member countries' coal policies, and by both government and industry in each country.

Therefore, the CIAB is suggesting that its members meet as soon as possible with energy ministers to discuss the specific conclusions and recommendations for action in that country as developed by the six Working Groups.

Convey the Conclusions and Recommendations to Industry

The individual members of the CIAB are involved in industry affairs in their own countries in many different ways. Each member of the CIAB has the task to convey the findings, conclusions and recommendations of the CIAB to industry. Special attention should be paid to finding ways to implement the recommendations to industry in this report.

Examine the IEA Review of Member Countries' Performance in Accordance With the Principles for IEA Action on Coal

The CIAB has concluded that the 1990 coal use objective may not be achieved unless investment in coal use facilities is substantially increased in the near future. The IEA will be conducting a review of each country's progress in meeting that objective. The CIAB recommends that it examine the results of this review at an early stage and report at its next meeting on its recommendations for solving problems identified in the review process.

Follow-up This Report

At its next meeting, CIAB members will also report on:

The results of their efforts to convey the country-specific conclusions and recommendations to governments

Conclusions about progress being made in implementing the recommendations to government and industry in this Report

Recommendations for further actions to resolve specific bottlenecks in the coal chain.

Set Up Task Forces to Examine Issues Related to Coal Use, Production and Infrastructure

The CIAB has concluded that a regular flow of improved information on aspects of the coal chain is necessary. It has recommended that governments submit such information to the IEA; that industry cooperate in providing such information to governments, and that this information be published by the IEA.

In addition, the CIAB has concluded that further consideration will have to be given to the substance of several matters on which Working Groups have already reported, on a global and country-specific basis.

The CIAB has therefore set up continuing task forces on coal use, production and infrastructure, both to advise and assist the IEA as to its methods and structures for collecting, analysing and publishing information on those subjects, and to continue consideration of substantive issues in the areas of coal use, production and infrastructure.

Neither the CIAB nor these task forces will be involved in the collection or use of any specific data, nor will the confidential or proprietary data of any company or entity collected by the IEA be made available to them.

Study Industrial Use of Coal

Time has not permitted the CIAB to focus on the use of coal in industry to the desired extent. A Task Force has been set up to examine this important issue and, in particular, to review—

The potential for coal use in large energy-intensive industries (such as iron and steel, cement, chemicals, pulp and paper);

Obstacles to increased coal use and ways in which they might be reduced.

The study will focus on both new and existing processes, both for industrial production and for coal use. Results will be reported to the next meeting of the CIAB.

PART II—EXECUTIVE SUMMARY OF THE FINDINGS OF THE CIAB WORKING GROUPS

The CIAB in April established six Working Groups to assess potential constraints to expanded coal use and advise on how such constraints might be alleviated.

These Groups addressed the subject areas of use; production; infrastructure; trade; environment; and R. & D.

These Reports are summarised in this section of the CIAB Report.

Working Group on Coal Use

The Working Group on Coal Use assessed the prospects for coal use in 1990 and 2000, on the basis of a questionnaire sent to 14 countries which, in 1978, accounted for 87 percent of total coal use within the OECD. The questionnaire asked for a breakdown of coal use according to 4 major categories: electricity and heat; industrial steam and hot water use; iron and steel industry use; and coal processing. Countries were also requested to comment on the supporting policy framework and potential obstacles to increased coal use. The Working Group compared the results of the questionnaire with the results of the recent World Coal Study (WOCOL).

The summary results are shown in Table 1 below:

TABLE 1.—PROJECTED COAL USE, 1990 AND 2000

[Mtce]

	1978 actual	1990 CIAB questionnaire	1990 WOCOL report	2000 CIAB questionnaire	2000 WOCOL report
Electricity and heat	597	1,194–1,231	860–1,131	1,557–1,625	1,243–1,748
Industry:					
Steam and hot water	82	193– 198	145– 201	308– 335	219– 378
Iron and steel	205	261	272– 279	304– 311	297– 313
Coal conversion	1	40	10– 26	166– 187	156– 353
Total	884	1,688–1,730	1,287–1,637	2,335–2,459	1,915–2,792

The responses to the CIAB questionnaire indicate a potential to double coal use by 1990 and almost triple it by 2000. The estimates for 1990 are considerably higher than the estimates presented in the WOCOL report, particularly for electricity and heat generation. This difference is almost entirely attributable to a much higher estimate for the United States in the case of the CIAB questionnaire than was made in the WOCOL report. But the report cautions that the estimates do not appear to be based on investment decisions. The Working Group on Coal Use did not collect detailed information on expected capacity expansion in the electricity generating sector and this has created some difficulty in evaluating the feasibility of the country projections for coal use in that sector.

Both the report of the Working Group and the WOCOL study show a greatly increased role for coal conversion towards the end of the century, but it is clear that this will not play a major role in the tripling of coal use by that date.

The Working Group report notes a number of potential obstacles that might constrain the use of coal. There was general agreement that the most serious were long and costly delays brought about by environmental and permitting procedural requirements, as well as difficulties in dealing with the disposal of ash and other wastes from burning coal. It was also recognized that the potential for coal use in electricity generation is affected by the current uncertainty in many countries over the pace at which nuclear power is likely to expand.

Working group on coal production

The Working Group used as a bench-mark the higher set of estimates of production capability contained in the World Coal Study (WOCOL-Case B), which approximates to the target adopted by Heads of State at Venice in June of 1980. It identified and marked a number of potential constraints to coal production and recommended actions aimed at the removal of these constraints. The Group concluded that without such action, coal availability to OECD countries could fall short of the target adopted by some 10 percent of the total.

Market uncertainty was considered the single most important constraint by this Working Group. While coal producers are prepared to make the investments required to expand coal production they have yet to see firm commitments to build coal-fired capacity on the scale required. There is a real danger that this absence of commitment will delay investment in new production facilities and create a supply shortfall. If this delay extends to infrastructure facilities the resulting inefficiencies in the supply chain could exacerbate the situation. Uncertainty could be reduced by the publication of information about existing and planned investments in coal using facilities, particularly in the electric utility market, the largest coal market in the next two decades.

Costs and pricing emerged as the second most serious potential constraint on several counts. In some countries the competitive position of coal is distorted by the control of oil and gas prices below world levels. However, of more general significance, several countries expressed concern that arbitrary increases in governmental taxation and royalty policies would distort their competitive position and reduce or delay investment; on a world scale the consequence would be a supply shortfall.

Inadequate infrastructure facilities were noted as a problem since they could increase the costs to consumers and destabilise the market. The patential impact of this constraint is expected to be greatest in the two countries expected to make the greatest contribution to world trade in coal in the next twenty years—the United States and Australia. Indeed, it is estimated that United States exports of steam coal in 1980 will be some 10 million tons less than they might have been without existing port congestion.

Environmental constraints related to coal production are seen as moderate or serious constraints by several Working Group members and regarded as requiring continuous review as output expands to ensure that the OECD recommendations on coal and the environment, regarding the adoption of a cost-benefit approach, are followed.

Proposals for the opening of new mines are required to go through increasingly lengthy consultation procedures to obtain the necessary permits and planning permission. At present these procedures account for some 20–30 percent of the total lead time between the decision to invest and the commencement of production. The need for some form of procedure to consider the interest of those involved is not questioned but positive steps to streamline the process are strongly recommended.

While a shortage of investment funds is not considered as a general constraint to the expansion of coal output the Group noted that restrictions on foreign capital investment in Australia and Canada would exclude certain capital resources that could otherwise play an important role in the expansion of coal production.

Several countries, notably Australia and Canada regard labour as a serious constraint and concern is expressed that an adequate supply of suitably trained technicians, managers and skilled workers will not be available unless specific initiatives are undertaken by private industry and/or by government.

Physical reserves are not considered a constraint in any of the five major OECD coal-producing countries in the 20-year time frame considered in this study. However, due to the leasing and land-use policies of the United States government, access to reserves is viewed as a moderate constraint on United States coal output after 1990. Fifty percent of United States coal reserves are located in the western United States where 65 percent of the coal is on government-owned lands and development of an additional 15–25 percent of non-federal western coal is directly controlled by the government by virtue of the chequerboard ownership patterns.

Infrastructure working group

The Working Group on Infrastructure assessed inland transportation capabilities and port facilities with the view to determining their adequacy to support a substantial increase in international trade in thermal coal. In this assessment, the Group gave heavy emphasis to the very significant economies of scale that would accompany an increase in use of very large vessels, estimating that ships of 150,000 dwt would reduce unit transportation costs by 25 to 50 percent as compared to ships of 70,000 dwt. The Group expressed concern that infrastructure could become the most serious bottleneck in the entire coal chain and, if this were to happen, it could be difficult to maintain reasonable landed coal prices when considering the need for a rapidly growing market for thermal coal.

The Group felt, in general, that many of the potential difficulties associated with the timely development of adequate inland delivery and port systems could and would be resolved so long as:

Adequate long-term arrangements between buyers and sellers could be agreed as a basis of support for the necessary investments; and

An overall public policy framework exists that would provide certainty that the rules of the game would not be changed in a way that rendered necessary infrastructure development unprofitable.

It was recognised, however, that providing the required infrastructure, given the very rapid growth envisaged in thermal coal movement, would require a coherent policy approach to infrastructure development, together with measures to reduce the long lead times that exist in some countries.

The Working Group also made a number of observations regarding the situation in particular countries. For example:

(a) with regard to port facilities, it was felt that existing ports on the east and south coasts of the United States should be deepened to provide access for larger vessels. The lack of adequate port facilities in the western United States was also noted. It was felt

that Prince Rupert (on the west coast of Canada) should be developed as a major export port. The Group also felt that a high priority needs to be given to expanding Australian ports to deal with anticipated coal exports in the period after 1985 and, in particular, that Australian authorities should give greater consideration to larger ships in their port planning.

On the importing side, the Group expressed the view that the most economical way of receiving coal would appear to be by superports and suggested that consideration should be given to the development of at least one superport in north-west Europe and one superport in the Mediterranean.

(b) with regard to inland transportation networks, considerable concern was expressed that the existing railroad network might prove to be a serious constraint on coal movement, particularly in the United States and western Canada. Potential impediments to expansion of rail capacity in these areas require attention, together with alternative means of inland transportation such as slurry pipelines.

Further consideration of inland transportation problems in Europe is also required, taking into account the possible movement towards superports. It was suggested that internal distribution systems need improvement in Germany, Switzerland and Austria.

The report noted the challenge and opportunities for the shipbuilding industry that would arise from expansion of trade in thermal coal on the scale envisaged. A trend to much larger ships will probably require commitments by users to either ownership or long-term charter arrangements.

International trade working group

The Working Group addressed the international trade implications of the working assumption adopted at the first meeting of the CIAB that world coal consumption could double by 1990 and triple by 2000. This implies a higher rate of increase for international trade, from the present level of 200 million tons to 485 million tons in 1990 and 1000 million tons in 2000. Trade in thermal coal is likely to grow more quickly than trade in metallurgical coal, which today accounts for about two-thirds of total coal trade.

The Working Group decided to make the figures contained in the report of the World Coal Study and examine and express its views on these including:

Requirements for shipping and port loading and unloading facilities

Finance for international trade including transport

Flows of coal in international trade including economics

Special factors in the Third World

Government contribution to achieving the general objectives

Actions by industry.

It was considered that the very ambitious targets for the growth in international trade could be achieved provided that governments and industry take the required action forthwith to establish an international climate which will permit expansion of trade on this scale, to convince the public that the export of natural resources which this implies is acceptable, and to make the necessary investments. In particular, in view of the lead times involved, early decisions need to be made on the necessary investments, both at the producing and consuming ends and the governments concerned must take prompt steps to establish a favourable international regime.

There is a danger that the effect of the current recession and of energy conservation may remove the sense of urgency in developing coal supplies to substitute for oil, our prime objective. The current recession also seems likely to delay business decisions on the necessary investment, particularly on the installation of new coal buring equipment and this may delay the achievement of the targets unless specific measures are taken to counteract it.

Another cause of uncertainty is the question whether the expected volumes can be loaded out of ports in the United States. There were similar concerns expressed about Australia and South Africa.

The Working Group concluded that internationally traded coal is and will remain competitive with other forms of energy for many users, especially steam raising in electricity generation and industry, and that financing of ships and ports is not likely to be a problem. The Group emphasized the need for a stable investment climate, since the lead times for coal development and infrastructure are long.

The Group also noted that potential investors in certain Third World countries need to be encouraged to face the increased risks and uncertainties which tend to be associated with projects in these countries. One contribution to this could be the participation of the World Bank. In addition, there will be a need for transfer of technology by governments and industry.

The Group welcomed the commitment made by the governments represented on the Governing Board of the IEA to promote coal trade; it observed that the practice of extraterritorial application of United States legislation may be considered a potential constraint to world coal trade.

The Group also recommended that governments act to overcome environmental problems; create a stable regulatory and fiscal climate; enforce contractual obligations; and break the circle of inaction which arises when importers and exporters each wait for the other to make the first investment decision.

Finally the Working Group believes that industry itself has a major contribution to make, in particular with respect to the design and construction of ports and infrastructure; ordering, building and operating ships; research and development; and coal specification and quality control.

Working group on environmental issues

All industrial activity including energy supply systems has an impact on the environment. Each energy source creates its own particular environmental, health and safety concerns. Coal is a versatile fuel that can be used in many ways and at each stage, from coal in the ground to final consumption, environmental, health and safety issues are raised.

The effects of coal production, transportation and use on the environment have to be examined in the context of impacts from all other sources and a balance should be struck between the environmental, health and safety implications on the one hand and the energy and economic implications on the other.

The Working Group has not treated the possibility of reducing the environmental impact by increased efficiency or conservation, but the potential for more efficient and effective use of coal at all points along the chain to minimize the environmental impacts should be recognized. The Working Group did not consider the environmental effects of technologies now under development for the production of synthetic fuels.

In general the impacts of coal extraction and transportation and the deposition of solid waste are of a local nature and are considered only briefly in this report. Emission into the atmosphere can result in local, regional and global effects. The control measures differ by countries both because of circumstances — geographical, climatic, ecological and industrial—of each region and because of differing approaches.

For CO_2 theoretical models indicate that increased use of fossil fuel might in the long run result in increased temperature and movements of climatic zones. The Working Group urged that international research efforts in this field be continued. However, according to the Working Group the CO_2 question will not necessarily be a hindrance to increased coal use in the coming decades.

The Working Group concluded that emission of SO_2 gives widespread effects and is the major cause for the formation of acid rain now occurring in some regions and that acid rain is a significant contributing factor to the acidification of lakes in areas with low buffering capacity. According to the Working Group, the most cost effective way to handle this problem is a programme which combines reduced emissions, emission through high stacks and liming in sensitive areas. These programmes must be established in international cooperation and according to local conditions.

The magnitude of the different emissions with flue gases is determined by combustion technology, type of coal used and flue gas cleaning. The technology exists at a moderate cost to reduce the emission of particulates and NO_x to the same as from oil-fired equipment. It is possible to extract SO_2 and NO_x from the flue gas by chemical processes. The cost for these processes, however, is very high. In some densely populated and industrialized regions this technology could be a necessary step in order to maintain environmental quality when the consumption of fossil fuels increases. Processes that promise a reduction in cost are at present under development.

The Working Group noted that knowledge and scientific agreement is not complete about characteristics and effects of emission. However, the present knowledge provides a sufficient base for establishing priorities and a relevant description of the major emissions. There are a great number of compounds occurring in very minute quantities in flue gases. Our knowledge about these compounds and the potential adverse effects is scarce. However, there is no scientific reason to assume that these substances contribute significantly to total risk of impact on environment and health.

Some emissions from the use of coal give only a small contribution to the total emission load compared with other sources of emission, such as traffic or industrial processes.

The Working Group concluded that there are no environmental reasons to prevent coal from substituting for oil and from meeting increasing demands for energy in the coming decades if due environmental consideration is taken in design and operation of installations for production, transport and use of coal. The Group recommended a number of actions which are reflected in the body of this report.

R & D working group

The Working Group's remit was to survey the status of current R & D, the likely timing of commercialisation of new and improved technologies and to identify areas where R & D can contribute to overcoming the constraints that could hinder the growth of coal production and use.

The Group agreed to survey selected technologies relating to all the links in the chain from coal in the ground to fuel delivered to the final user. The survey attempted to identify for each technology the status of the R & D, some of the centres of current research programmes and the priority that the development should receive. For each technology coal quality limitations were indicated and the time frame for commercialisation was estimated. In addition, the Group was concerned that many problems and constraints would be encountered in scaling up and commercialising the new technologies now at the pilot stage. The sums of capital required are very large, the scientific,

technical and managerial skills requested are scarce and the engineering construction capabilities world wide will need enlarging.

The Group was particularly concerned that even the major countries' manufacturers are not developing components and materials that may be required in full-scale fuel conversion plants. The Group suggested that manufacturers be brought into the development projects early enough to have time to do their development work.

The subject of coal chemistry and physics was identified as one that would benefit substantially from increased research effort. In particular, the application of polymer chemistry holds out the possibility of greatly increasing the selectivity and control of synfuel processes. The Group recommended that private companies and governments who promote grants to university and research institutions stipulate that all or a portion of the grants be directed to coal chemistry and physical research.

The priorities assigned to the selected technologies and the discussions of the Group indicated that the highest priority should be given in the area of mining, to developing and automating continuous and longwall mining systems; in the area of coal cleaning to automation and control; in transport, to all aspects of slurry pipelines. In the key R & D area of utilisation, the commercialisation of current developments would be achieved during the period 1980–2000 in the following order:

Improved efficiencies of coal combustion including fluidised bed systems;

Utilisation of coal/oil mixtures in utility and industrial boilers;

Coal conversion processes (not directed towards the production of electricity) with:

Gasification and indirect liquefaction;

Catalytic hydrogenation for direct liquefaction; and

Pyrolysis (around the turn of the century);

Integrated combined cycle gasification and pressurised fluidised bed systems.

The Group concluded that in the period 1990–2000, a rapid increase in overall coal use can be achieved if the constraints can be resolved. It felt that the problems of infrastructure and the early introduction of fuel conversion projects could be resolved only through accelerated research and the knowledge that capital will be available.

ADDENDUM 1—TEXT OF THE PRINCIPLES FOR IEA ACTION ON COAL

(Adopted by the Governing Board of the International Energy Agency meeting at Ministerial Level 21–22 May, 1979)

PRINCIPLES FOR IEA ACTION ON COAL

I. Coal in the Overall Energy Context.—

The Governing Board at Ministerial level:

1. Has reassessed the overall energy prospects to 1985 and beyond, and concludes:

(a) The basic prospects for energy market developments have not improved since the meeting of the Governing Board at Ministerial level in October, 1977.

(b) The world is still confronted with the serious risk that within the decade of the 1980's it will not have sufficient oil and other forms of energy available at reasonable prices unless present energy policies are strengthened. Such a situation would have severe economic, social and political repercussions in all Member countries and throughout the world.

(c) Developments in international oil markets during recent months have demonstrated how difficult it is to predict accurately when such a situation might arise. They have, moreover, shown clearly how exposed the world's oil supply system is, even in the short term, to unexpected supply disruptions.

2. Recognises and reaffirms the continuing need for strong policy action in all sectors of energy policy.

3. With regard to coal in particular, notes the study "Steam Coal Prospects to 2000" in which the Secretariat, on the basis of its own analysis, presents views on the potential contribution of coal to the future energy supply and demand balance.

4. Assesses the future potential for coal as follows:

(a) Conventional oil supplies will not be available at reasonable prices and in sufficient quantities to meet the growing needs of the world during the medium and longer term.

(b) Coal, nuclear power and energy conservation are the principal energy options with major potential for reducing oil dependence and thus improving the overall energy position in the medium term.

(c) In many areas of the world, coal is now economically competitive with oil in major energy consumption sectors. The competitiveness of coal is likely to improve in the future. Moreover, the coal resource base is extensive and could sustain a greatly increased production of coal.

(d) Long lead times for investment in coal utilisation equipment on the demand side and in mining and transportation on the supply side limit the short-term potential to expand coal's contribution. Beyond 1985, coal could provide a substantially greater contribution to the energy needs of IEA countries. This depends on the adoption by governments now of appropriate coal policies which stimulate capital investments on a scale commensurate with the long-term potential of this energy source.

5. Considers that with action along the lines set forth below, thermal coal utilisation in the IEA area, which in 1976 was 475 Mtoe, could, by adoption of strong national coal policies, increase beyond the 900 Mtoe for 1990 in current forecasts based on country submissions towards the 1500 Mtoe level for 2000 projected in the Secretariat's accelerated policy case in "Steam Coal Prospects to 2000".

6. Recognizes that the achievement of a rate of steam coal utilization of this order will require long term policies conducive to increased coal utilization, trade, and production in order to encourage the necessary capital investment.

7. Recognizes, however, that countries with different constitutional structures, with different national economic systems, or with differing forms of organisation of their coal industries, whether private, public or mixed, will, in their endeavours to increase coal utilisation, trade and production, necessarily have to implement and apply these Principles for IEA Action on Coal in ways which are compatible with these situations.

8. Recognises that some significant coal producers, particularly the United Kingdom and Germany, will wish to maintain policies for safeguarding their domestic coal production at levels required for energy, social or regional policy reasons.

9. Recognizes that increased coal utilisation, trade and production must proceed under acceptable environmental conditions. This will require careful planning from the beginning in order to assure a reasonable and continuing balance between energy requirements and environmental requirements.

10. Concludes that long-term oriented, effective and reliable action by Governments of IEA countries is necessary to reduce the uncertainties associated with the coal option and to improve the conditions under which enterprises develop coal utilisation, production and trade, including action to ensure the environmental acceptability of coal.

11. Concludes that in order for national coal policy measures of individual IEA countries to reinforce each other and achieve their full potential, their adoption and implementation should be on the basis of international cooperation within the IEA along the following lines:

(a) Coal will be established as a major energy source within the IEA group, and countries where coal does not at present contribute significantly to energy balances will consider it as one of the primary alternative energy choices.

(b) Countries with the potential for large increases in coal production, in particular Australia, Canada and the United States, will extend their coal production facilities and infrastructure to permit increased domestic use of coal as well as exports consistent with economic and social costs.

(c) Other significant coal producing countries, in particular and the United Kingdom and Germany, while securing the level of their coal production required by energy, social and regional policies, will accept imported coal rather than oil to meet demand in excess of this level.

(d) All IEA countries will enlarge their use of coal; where insufficient coal is available domestically, countries will seek long-term secure supplies of imported coal and provide security of access to markets.

12. Concludes that cooperation with countries which are not members of IEA, and with regional or other groups of countries with significant coal interests, would also make a positive contribution to increased coal use and trade.

13. Concludes that in order to provide reliable long-term conditions for the development of expanded trade and investment in coal, IEA countries should implement domestic measures in a manner which encourages such development.

14. Concludes that it will be necessary to establish procedures for assessment of evolving national coal programmes and policy on an on-going basis, within the IEA. The purpose of such consideration will be to ensure that national coal policy planning in each IEA country proceeds on the basis of cooperation among IEA countries and takes full account of the overall energy situation.

II. Principles for Coal Policy.—

The Governing Board at Ministerial level adopts the following Principles for Coal Policy:

15. As an essential element in meeting future energy needs, and in the light of coal's potential as outlined in Section I, IEA countries will, as common objectives, expand:

(a) the use of coal as an alternative fuel;

(b) the production of coal to meet this increased demand;

(c) international trade in coal to meet increased demand.

They will make that commitment clearly known to investors, industry and the general public.

16. They will assess their environmental policies, provisions and practices affecting coal mining, transport and combustion, disposal of coal waste, and land reclamation and, where necessary, will amplify and clarify them, taking into account:

(a) technology which is already available and which can be made widely and effectively utilised in commercial applications;

(b) the need to develop technologies for additional improvements through research and development, and to commercialize them as soon as they are economically viable;

(c) the need to provide long-term reliability for investments by minimizing revisions of environmental standards for existing facilities which disproportionately increase costs in relation to environmental benefits;

(d) the need to minimise the complexities, costs and duration of procedures for obtaining necessary approvals.

17. They will assess on a cooperative basis the wider environmental impact of increasing coal production and combustion taking into account the Recommendations on Coal and the Environment adopted by the OECD Council on 8th May, 1979 following a proposal by the Environment Committee meeting at Ministerial level on 7th-8th May, 1979.

18. In fulfilling their existing commitment to allow domestic energy prices to reach a level which encourages energy conservation and development of alternative sources of energy, IEA countries will allow coal to develop its full competitive power.

19. They will ensure that the use of oil for electricity generation is minimised by national energy policy planning which, with a minimum of exemptions, precludes new or replacement based load oil-fired capacity; progressively confines oil to middle and peak loads; and makes maximum use of fuels other than oil in dual-fired capacity.

20. They will encourage the development of transportation systems, port facilities and other infrastructure, where necessary, to handle much larger volumes of coal.

21. They will ensure that advanced methods for coal mining, transport and combustion (particularly fluidized bed combustion, improved emissions control and disposal and utilization of solid wastes) and conversion into other fuels, receive high priority in energy R, D & D programmes; and will promote the rapid commercialization of advanced coal technologies which are economically feasible and environmentally acceptable.

22. IEA countries both as producers and consumers will facilitate the expansion of international trade in coal and will do so on a basis which encourages the development of stable relations between consumers and producers, on fair, reasonable and competitive terms, especially by means of long term contracts. They will ensure that an economic, fiscal and investment climate prevails which is conducive to development of coal production, trade and utilization as envisaged in these Principles for IEA Action on Coal.

23. In order to provide reliable conditions for the development of expanded markets for coal, IEA countries which have measures in force concerning international trade in coal, including coal prices, will implement and apply those measures in a manner which fully supports these Principles for IEA Action on Coal; and they will not introduce new measures regarding international trade in coal which are inconsistent with these Principles for IEA Action on Coal except for over-riding reasons concerning the national interest, in which case they will take full account of these Principles for IEA Action on Coal.*

24. Once a long-term contract for international trade in coal has come into force, the governments of IEA countries concerned will not interfere with the implementation of the contract in accordance with its terms, unless they are compelled to do so by severe developments in the coal supply situation occurring in an individual country which threatens that country's well-being; or by a severe international energy supply emergency in which latter case they will apply any restrictions on an equitable and non-discriminatory basis.

25. In their efforts to establish an investment climate which encourages the investment necessary to expand coal production, IEA countries will in general maintain positive attitudes towards investment for coal projects, including international investment flows. Insofar as IEA countries have measures in force which provide for review or control of international investment flows, they will implement and apply those measures in a manner which fully supports these Principles for IEA Action on Coal. They will not introduce new measures regarding international investment flows for coal projects which are inconsistent with these Principles for IEA Action on Coal except for over-riding reasons concerning the national interest, in which case they will take full account of these Principles for IEA Action on Coal.*

26. To help maintain a steady flow of coal in commercial channels on a non-discriminatory basis, IEA countries will monitor the structure and growth of international coal trade as it develops.

27. In designing and implementing their national energy policies, IEA countries will take the specific steps described in the annex.

ANNEX I

Specific steps to increases

Coal Utilization

1. Ensure that national energy policy planning precludes, with a minimum of exceptions, the construction of new or replacement base-load power plants which are exclusively or mainly oil-fired. Exceptions should be permitted only where they are reasonably covered by the following situations:

National action has been taken to restructure refinery yield patterns toward light products but has not yet been able to eliminate excess quantities of residual fuel oil which cannot be used for other purposes;

Economic or supply conditions, including remoteness of location, are such that use of fuels other than oil is unreasonably expensive in comparison with oil;

Because of local climatic or demographic conditions it is impossible or unreasonably expensive to use fuels other than oil fuels in an environmentally acceptable way even with advanced technology.

2. Require that existing oil-fired base-load power plants be progressively limited to middle or peak load requirements.

3. Ensure that dual-fired power plants are not fired with oil unless other fuels are unreasonably expensive in comparison with oil or it is temporarily necessary for environmental reasons.

4. Facilitate timely construction of coal-fired power plants and supporting facilities where necessary, e.g. by improved siting and licensing procedures.

5. Encourage electric utilities to secure, and coal producers to supply, a larger part of coal requirements for power generation under long-term arrangements in order to achieve long-term supply stability; and facilitate negotiations between electric utilities and coal producers.

6. Encourage the substitution of coal for oil in new and existing industrial facilities for production of steam and process heat, unless the costs, including those for environmental protection, would be unreasonably high in comparison with oil.

7. Encourage the use of large coal-fired boilers when planning new industrial parks, district heating and cogeneration projects.

8. Ensure adequate research and development and facilitate the rapid commercialisation of improved technologies for coal combustion, including means for keeping the coal combustion cycle environmentally acceptable.

9. Encourage the commercialisation of technologies for converting coal into gas or liquid fuels, including demonstration plants.

Coal Mining

10. Ensure that fiscal regimes, e.g., government royalties and severance taxes, or transportation tariffs do not adversely affect the viability of coal mining developments.

11. Undertake programmes for labour training, improved community infrastructure and other services, where necessary to increase production.

12. Ensure that conditions for leasing of or other access to government lands and for licensing procedures for mine development encourage timely and effective expansion of coal production.

13. Ensure that mining regulations relating to environmental safety and health regulations take account of available technologies.

Coal Transportation

14. Encourage the development of efficient, economic and environmentally acceptable transportation systems with adequate capacity and flexibility (e.g. inland transportation facilities, ocean port facilities and seagoing carriers) where necessary to handle expected increases in coal trade volumes.

ANNEX II

Decision of the Governing Board on procedures for review of IEA countries' coal policies

The Governing Board—

Considering that the Governing Board at Ministerial Level on 21st-22nd May, 1979 adopted the Principles for IEA Action on Coal;

Considering the need for systematic review and assessment of coal policies as well as the need for a framework for consultations among IEA countries on coal policies;

decides:

1. The extent to which the Principles for Coal Policy set forth in Section II of the Principles for IEA Action on Coal and the specific steps described in the Annex thereto are adopted and implemented as part of the national coal policies of individual IEA countries will be a principal element of the IEA process of systematic review.

2. At regular intervals (not ordinarily less than every two years), the Governing board will assess the prospects for world coal production, trade and utilisation, and review the extent to which the main elements of national coal policies required to provide a cooperative framework within the IEA for expansion of coal use and trade have been adopted and implemented. In connection with each such review, IEA countries will inform the Governing Board, inter alia, as to the matters enumerated below, and be prepared to consult with other IEA countries within the Governing Board as to their impact on energy supply and demand:

(a) Their trade policy system which secures levels of domestic coal production (paragraph 11c of the Principles);

(b) Their proposed level of coal utilisation and in particular the extent to which their national energy policy planning permits the construction of new or replacement base-load power plants which are exclusively or mainly oil-fired, and their reasons therefor (paragraph 1 of Annex to the Principles);

(c) Whether their trade policy system and its implementation, insofar as it affects coal, is consistent with the Principles for IEA Action on Coal [paragraphs (22), (23) and (24) of the Principles];

(d) The extent to which necessary long-term investments in coal production and transportation facilities have been forthcoming; whether existing measures in force which provide for review or control of international investment flows have been implemented or applied in a manner which fully supports the Principles for IEA Action on Coal; and whether new measures introduced regarding international investment flows are consistent with the Principles for IEA Action on Coal, (paragraphs 22 and 25 of the Principles).

*The exception stated at the end of paragraphs 23 and 25 is included at the request of Australia and Canada, and accepted by the other IEA countries on the basis of statements to the meeting by these two countries.

3. IEA countries will report to the Governing Board and be prepared to consult with other IEA countries under the aegis of the Governing Board, preferably before the event but in any case without delay:

(a) Whenever they introduce, or have introduced, a significant change in their policy regarding any of the matters referred to in paragraph 2 of this Decision;

(b) As to the nature of any over-riding reasons concerning the national interest which have led to new measures regarding international trade in coal (paragraph 23 of the Principles) or international investment flows for coal projects (paragraph 25 of the Principles), and the measures they intend to apply or have applied;

(c) As to the nature of any emergency because of which they intend to interfere, or have interfered, with transactions under long-term coal supply contracts (paragraph 24 of the Principles);

(d) Measures envisaged or taken to counter commercial activities which threaten to disrupt the steady flow of coal in commercial channels (paragraph 26 of the Principles).

ADDENDUM 2—MEMBERS AND ASSOCIATES OF THE COAL INDUSTRY ADVISORY BOARD

MEMBERS OF THE COAL INDUSTRY ADVISORY BOARD

Chairman, Mr. Nicholas T. Camicia, President and Chief Executive Officer, The Pittston Company, United States.

Vice Chairmen, Mr. Thornton F. Bradshaw, President, Atlantic Richfield Co., United States.

Sir Derek Ezra, Chairman of the National Coal Board, United Kingdom.

Mr. Yoshihiko Morozumi, President, Electric Power Development Co. Ltd., Japan.

Dr. Günter Winkelmann, Chairman of the Executive Board of Stinnes A.G., Member of the Executive Board of VEBA A.G., Germany.

Members

Mr. Richard Austen, Chairman and Managing Director, Austen & Butta Ltd., Australia.

Dr. Silvio Bobbio, Managing Director, Societa Azionaria Minero-Metallurgica S.P.A., Italy.

Mr. Ralph E. Bailey, Chairman & Chief Executive Officer, CONOCO Inc., United States.

Mr. D. S. Carruthers, Managing Director, Pacific Coal Pty. Ltd., Australia.

Mr. P. Fentener van Vlissingen, Steenkolen Handels Vereniging, Netherlands.

Mr. M. Gatti, General Director for Supplies, ENEL, Italy.

Mr. Hermann Gruner, Vorstandsmitglied der Dyckerhoff Zementwerke A.G., Germany.

Mr. N. Brian Heal, Manager of Fuel, Electricity Commission of New South Wales, Australia.

Dipl. Ing. Hans Juvancic, Mitglied des Vorstandes der Voest-Alpine A.G., Austria.

Mr. Arne S. Lundberg, Director, Swedish State Company Ltd., Sweden.

Mr. Milan Nastich, President, Ontario Hydro, Canada.

Mr. Manuel Portis Valls, Vice President, Carbunion, Spain.

Dr. Ing. Ulrich Segatz, Vorstand der Preussischen Elektrizitäts A.G., Germany.

Mr. Jean Féron, Inspecteur Général, Electricité de France (EDF), France.

Mr. R. C. Gilmore, Vice President, Marketing and Sales, Canadian Pacific Ltd., Canada.

Mr. Enji Haseo, Executive Vice President, Board of Directors, Mitsubishi Corporation, Japan.

Mr. Toshitsugu Ishihara, Director, General Manager of Energy and Mineral Resources, Research Department, Mitsui Mining Company Ltd., Japan.

Dipl. Ing. Rudolf Lenhartz, Vorsitzender des Vorstandes der Saarbergwerke A.G., Germany.

Mr. J. H. Morrish, President, Fording Coal Ltd., Canada.

Mr. Guy W. Nichols, Chairman, President and Chief Executive Officer, New England Electric System, United States.

Mr. Robert H. Quenon, President, Peabody Coal Company, United States.

Mr. George P. Schultz, Vice Chairman, Bechtel Group of Companies, United States.

Mr. Richard S. Sommer, President, RS Industries, United States.

Mr. Masami Tajiri, Managing Director, Tokyo Electric Power Company Inc., Japan.

Mr. Ir. L. C. van Wachem, Member of the Board of Directors, Shell Internationale Petroleum, Maatschappij, Netherlands.

Sir David Steel, Chairman, British Petroleum, United Kingdom.

Mr. Katsushige Tanaka, General Manager, Fuel and Ferrous Material Dept., Nippon Steel Corporation, Japan.

Mr. James W. Wilcock, Chairman and President, Joy Manufacturing Company, United States.

Associates to the members of the Coal Industry Advisory Board

Mr. Z. Allen, F. R. Schwab & Associates, Inc., New York, United States (Mr. N. T. Camicia).

Mr. R. Belgrave, British Petroleum, London, United Kingdom (Sir David Steel).

Mr. S. O. Ericson, Scandinavian Engineering Corp., Stockman, Sweden (Mr. A. Lundberg).

Mr. D. I. Farrell, Fording Coal Ltd., Calgary, (Alberta) Canada (Mr. J. H. Morrish).

Mr. D. J. Goerz, Bechtel National Inc., San Francisco, United States (Mr. G. P. Shultz).

Mr. I. Hiwasaki, Mitsubishi Corporation, Tokyo, Japan (Mr. E. Haseo).

Ms. G. Jackson, Peabody Coal Company, St. Louis (Missouri), United States (Mr. R. H. Quenon).

Dr. M. Jelinek, Stinnes International A.G., Zug, Switzerland (Dr. G. Winkelmann).

Mr. A. Kinoshita, Electric Power Development Co., Tokyo, Japan (Mr. Y. Morozumi).

Mr. N. Kobayashi, Mitsubishi Corporation, London, United Kingdom (Mr. E. Haseo).

Dr. I. Leibson, Bechtel Inc., San Francisco, United States (Mr. G. P. Shultz).

Mr. B. Lundin, Statsforetag, Stockholm, Sweden (Mr. A. Lundberg).

Mr. R. J. Maisonpierre, CONOCO International Inc., Stamford (Connecticut), United States (Mr. R. E. Bailey).

Mr. K. Mitsumasu, Japan Coal Development Co. Ltd., Tokyo, Japan (Mr. T. Ishihara).

Mr. W. Mülkens, Bundesverband der Deutschen, Industrie (BDI), Köln, Germany (Mr. H. Gruner).

Mr. R. Ormerod, National Coal Board, London, United Kingdom (Sir Derek Ezra).

Mr. K. Otfried, Saarbergwerke A.G., Saarbrücken, Germany (Dipl. Ing. R. Lenhartz).

Mr. G. F. Pecchioli, Shell International Petroleum Company Ltd., London, United Kingdom (Mr. Ir. L.C. van Wachem).

Mr. W. Peek, SSM Coal Bv, Rotterdam, Netherlands (Mr. P. Fentener van Vlissingen).

Mr. Ritchie, Canadian Pacific, Montreal, Canada (Mr. R. C. Gilmore).

Mr. H. Saito, Nippon Steel Corporation, Düsseldorf, Germany (Mr. K. Tanaka).

Mr. T. Sato, Mitsui Mining Co Ltd., Tokyo, Japan (Mr. T. Ishihara).

Dr. K. Schmidt, VDEW, Frankfurt/Main, Germany (Dr. U. Segatz).

Mr. Schulz, ELSAM, Fredericia, Denmark (Mr. P. Sachmann).

Mr. Seyd, Stinnes A.G., Mulheim-Ruhr, Germany (Dr. G. Winkelmann).

Mr. R. H. Stau, Fording Coal Co. Ltd., Calgary (Alberta), Canada (Mr. J. H. Morrish).

Dr. D. Sternlight, Atlantic Richfield Company, Los Angeles, United States (Mr. T. F. Bradshaw).

Mr. S. Ueda, Tokyo Electric Power Company Inc., Tokyo, Japan (Mr. M. Tajiri).

Mr. T. Toyooka, Electric Power Development Co., Tokyo, Japan (Mr. Y. Morozumi).

Mr. H. A. Weinek, Voest-Alpine A.G., Linz-Donau, Austria (Dipl. Ing. H. Juvancic).

NAVY CHARTER OF FOREIGN-BUILT VESSELS

Mr. HEINZ. Mr. President, last week we considered defense appropriations for fiscal year 1981. Since then, a matter has come to my attention that has, I believe, an important bearing on the Navy's ship procurement program.

I understand that the Navy's military sealift command is now soliciting bids for the charter of foreign-built ships to carry American military cargoes and even for our interim rapid deployment fleet now stationed in Diego Garcia. My information is that MSC will receive bids until noon today and plans to charter "one or more" of these foreign-built vessels before December 22, 1980.

I need not dwell before this body on the difficult straits the American shipbuilding industry is now in. Commercial orders have declined substantially and are expected to remain at low levels until the late 1980's. Access to military shipbuilding contracts may mean the difference between life and death for many American yards, and the Navy itself has recognized its central role in assuring that we continue to have an adequate industrial base and not have to rely on foreign yards. We in the Congress have long recognized our own responsibilities in this area by offsetting at least some of the unfair cost advantages enjoyed by many foreign competitors of American shipbuilders.

In view of these efforts, it is particularly difficult for me to understand how the MSC could seek to undermine American shipbuilding by long-term charters of foreign-built ships. In Pennsylvania alone, tens of thousands of workers in the steel mills, in the machine shops and in the shipyards depend on American shipbuilding. Even more workers in support industries reap the fruits of American shipbuilding. Now that we have at last come to realize the need to strengthen our Navy, as stated so well by the Wall Street Journal column by Vermont Royster, which I ask unanimous consent to have printed in the RECORD.

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

THINKING THINGS OVER: THE MILITARY SEESAW

(By Vermont Royster)

"If peacetime operations were to escalate to a war at sea . . . the balance would be heavily weighted on the side of the Soviet navy."

That quotation isn't from some admiral in the Pentagon or some "hawkish" politician in Congress. It's from the latest issue of Jane's Fighting Ships, the British publication which for 83 years has been the authoritative source on the world's navies.

Jane's then proceeds to document, ship category by ship category, the Soviet navy's edge not simply in numbers (we're superior in numbers of carriers) but in some advanced technology and everywhere in manning and therefore in "state of readiness."

There's nothing novel about this conclusion. The Pentagon has recently acknowledged the limited state of readiness of the fleet, including that of aircraft carriers, and of the Army and Air Force as well as the Navy. We heard much about that in the recent presidential campaign. President Carter, after having previously cut back on military appropriations, has lately proposed increases. President-elect Reagan proposes still further increases.

Jane's thus confirms what we already know. What is as interesting, and perhaps more pertinent, are the reflections offered on how this state of affairs came to be. The substance of it lies in the dictum of Admiral Mahan laid down a long time ago that a dictatorship, except in times of crisis, can outrun a democracy in building and sustaining a navy. It's a dictum that applies to armed forces in general.

For over half a century our military preparedness has been on a kind of seesaw. Between 1914 and 1918 we built a force to be reckoned with. Then in the 1920s, says Jane's, "the laudable aim of force reduction overcame prudence."

Thus when World War II overtook us, as many of my generation will remember, we were again woefully unprepared. In 1939-40 soldiers drilled with broomsticks and drove trucks as "pretend" tanks. Once in the war we at first had convoys shepherded by old World War I destroyers without even soundgear to detect submarines. Many ships were sunk, many merchant seamen died, for the years of military neglect.

By V-J day, nonetheless, we had the most powerful military force in the world. The atom bomb aside, there was none to match ours. Six months later all had been dismantled. We had barely three army divisions in combat readiness. The Navy still had ships but all were undermanned. A destroyer on which I had served at Okinawa couldn't have fought one from the Honduran navy.

After that the seesaw went up and down. We pulled ourselves together for the Berlin Blockade crisis, re-girded ourselves for Korea and later Vietnam. As late as 1962 President Kennedy could face down Khrushchev over Cuba. It was a lesson the Soviets did not forget.

But we did Jane's dates the shifting of the balance on the seesaw from the middle 1960s at a time when economic conditions in the USSR lagged far behind our own.

"The watchword 'detente' was for many an excuse for reductions in those forces charged with NATO's security," as Jane's puts it. "In fact, detente was providing the USSR with a double advantage, a diminution of armed opposition and a bolstering of its technical and economic condition."

There was another factor too, I think, that affected the balance. We continued to think primarily in terms of nuclear warfare in which we could destroy the Soviet Union as well as it could us. The Soviets, on the other hand, continued to build up "conventional" forces, recognizing that there might be many situations where those forces could be decisive.

That applies to some of the current potential trouble spots, notably the Persian Gulf and the whole of the Middle East. We are scrambling around, cannibalizing many units, to put together a fast-reaction force. That's a useful thing to do. It doesn't solve our problems vis-a-vis the growing Soviet might.

Faced with that grim situation we are going to have to do what President-elect Reagan plans to do, increase military spending. We err, though, if we think that solves the problem. The temptation will be to look at the billions Mr. Reagan adds to the military budget, grit our teeth at the cost and then sigh with relief that something is being done about our defenses.

But the real secret of the Soviet success in building up military power isn't in the total spent but in the fact that Russia has spent steadily on long-range programs steadily adhered to. One small but significant note: When Mr. Reagan takes office in January, the head of the Soviet navy will mark his 25th year in that post. In the same period we've had six Presidents, ten Secretaries of Defense and a score of Chiefs of Staff, all with different ideas about our defense forces.

So something more is required than money. Otherwise all President Reagan will have done is tip our end of the seesaw temporarily. For what about the President who follows Mr. Reagan?

The something more that's required is something Admiral Mahan thought a democracy can't do, maintain a steady and consistent defense policy. Just throwing money at the defense problem risks waste and mistakes. It also risks weariness and political reaction, a problem the Soviet Union doesn't have.

Mr. Reagan would do better, I think, to proceed perhaps less rapidly but with a long-range program the country will sustain. The rest is up to us. We'll have to change our national psychology of swinging from alarm to complacency. That will take some doing. But if it isn't done our military defense will never get off that seesaw.

Mr. HEINZ. Mr. President, I call upon the Navy to, consistent with national security needs, immediately review the bid solicitation and seek American built vessels.

EXPORT CREDIT STATEMENT OF SENATORS HEINZ AND GARN

Mr. HEINZ. Mr. President, I submit the following statement for the RECORD on behalf of Senator GARN and myself:

We feel impelled to comment on the recent offer by the Finance Ministers of the European Community to raise the floor under export credit interest rates by a modest 0.6 percent. The administration has labeled this offer as welcome but "grossly inadequate." That characterization, we think, is quite apt. Those of us in the Congress who have been supporters of the Export-Import Bank over the past 2 years have repeatedly noted that while we support the Bank in its efforts to provide the American exporting community with adequate export financing, it would be far better to sit down with our trade competitors in the OECD and reach a sensible agreement to end the cutrate and cutthroat competition in subsidized export credits. With market rates approaching 12 percent per annum, the European offer to go to a 8.35-percent interest rate floor in credits to the developing world can only be characterized as "grossly inadequate."

What is particularly distressing to us about the recent offer is that the reports coming out of Europe indicate that the European Community and the Japanese would like to reach an agreement which provides internationally agreed upon export credits reflecting the true cost of money in the currency in which the export credits are offered, but that one recalcitrant member of the group has thwarted all attempts to do so. It is no secret that that member is France.

We must say that we find the French attitude on this issue to be an appalling signal of an intention to engage in a predatory export strategy in the large capital goods sector, in items such as aircraft and power generating equipment. Such behavior has no place in an international trading community based on equity and reciprocity—the sort of community which the U.S. Government has striven to achieve since its first postwar efforts to rebuild Europe and Japan.

It is our hope that the French Government will reconsider its position on this issue and that it will overrule the recent position taken by its Finance Minister. Predatory behavior in trade has no place in the Western community of nations, whether it is in the more obvious mode of dumping, or in the more concealed mode of subsidized export credits.

As supporters of the Export-Import Bank, and as Senators who plan to take a very active role in the trade arena in the 97th Congress, we want to go on record now, in no uncertain terms, to warn that a continued French position blocking an international agreement to end subsidized export financing can only result in an export credit war in which the entire Western exporting community—and most particularly the French exporting community—loses. We hope that it would be clear to the French Government that during the forthcoming OECD export credit negotiations the current administration has the full support of the majority of the next Congress and that continued foot-dragging and obstructionism in the waning days of the Carter administration can only create animosity and retaliation from the 97th Congress.

MESSAGE FROM THE HOUSE

At 5:21 p.m., a message from the House of Representatives announced that the Speaker has signed the following bills and joint resolutions:

S. 885. An act to assist the electric 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;

S. 1135. An act to provide for certain lands to be held in trust for the Moapa Band of Paiutes and to be considered to be part of the Moapa Indian Reservation;

S. 1179. An act to incorporate the Gold Star Wives of America;

S. 1386. An act to amend the National Foundation on the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorization 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;

S. 1578. An act for the relief of Dr. Halla Brown;

S. 1828. An act to exempt the existing facilities of the Milner Dam from section 14 of the Federal Power Act, and for other purposes;

S. 2352. 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;

S. 2441. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes;

S. 3152. 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;

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

S.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week";

H.R. 2510. An act to amend title 5, United States Code, to permit Federal employees to obtain review of certain disability determinations made by the Office of Personnel Management under the civil service retirement and disability system;

H.R. 2583. An act to amend chapter 83 of title 5, United States Code, to discontinue civil service annuity payments for periods of unemployment as a justice or judge of the United States, and for other purposes;

H.R. 4892. An act to repeal section 506 of the Communications Act of 1934;

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;

H.R. 7698. An act for the relief of two mining claimants;

H.R. 7960. An act 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;

H.R. 8117. An act to amend the Safe Drinking Water Act, and for other purposes; and

H.J. Res. 634. Joint resolution to authorize the United States Secret Service to continue to furnish protection to the former Vice President or his spouse.

The bill S. 885 and the joint resolution Senate Joint Resolution 156, were subsequently signed by the President pro tempore.

The other enrolled bills and joint resolution were subsequently signed by the Acting President pro tempore (Mr. DECONCINI).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary reported that on today, November 25, 1980, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 885. An act to assist the electrical consumers of the Pacific Northwest through the 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.J. Res. 156. Joint resolution to authorize the President to issue a proclamation designating the week of November 23 through 29, 1980, as "National Family Week."

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-4971. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the value of property, supplies, and commodities provided by the Berlin Magistrate and under German Offset Agreement for the quarter ended September 30, 1980; to the Committee on Appropriations.

EC-4972. 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 schoolbus operation at Minot Air Force Base, N. Dak., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4973. 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 Beale Air Force Base, Calif., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4974. A communication from the Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, notice of a study with respect to converting the transient aircraft alert maintenance function at Travis Air Force Base, Calif., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4975. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, notice of a study with respect to converting the insect and rodent control activity at Ford Hood, Tex., and the decision that performance under contract is the most cost effective method of accomplishment; to the Committee on Armed Services.

EC-4976. A communication from the Acting Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report on sales of refined petroleum products and sales of retail gasoline for August 1980; to the Committee on Energy and Natural Resources.

EC-4977. A communication from the Acting Chairman of the Guam Election Commission, transmitting, pursuant to law, the results of the election for President/Vice President of the United States in Guam; to the Committee on Energy and Natural Resources.

EC-4978. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Humics, Chlorination, and Drinking Water Quality"; to the Committee on Environment and Public Works.

EC-4979. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a proposed prospectus for acquisition by lease of space for the new statutory location of the U.S. district court in White Plains, N.Y.; to the Committee on Environment and Public Works.

EC-4980. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Additional Federal Aid For Urban Water Distribution Systems Should Wait Until Needs Are Clearly Established"; to the Committee on Environment and Public Works.

EC-4981. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the final instruments and texts of the bilateral agreements negotiated during the Tokyo round of the multilateral trade negotiations; to the Committee on Finance.

EC-4982. A communication from the Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development, special studies prepared by the External Review and Evaluation Office of the Inter-American Development Bank, and project performance audit reports or project completion reports prepared by the Asian Development Bank; to the Committee on Foreign Relations.

EC-4983. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, reports on international agreements, other than treaties, entered into by the United States in the 60-day period prior to November 18, 1980; to the Committee on Foreign Relations.

EC-4984. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Postal Service Merit Program Should Provide More Incentive For Improving Performance"; to the Committee on Governmental Affairs.

EC-4985. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the authorization, issuance, security, and payment of bonds, notes, and other obligations of the District of Columbia to the Committee on Governmental Affairs.

EC-4986. A communication from the Director of the Community Services Administration, transmitting, pursuant to law, the second semi-annual report of the Community Services Administration's Inspector General for the period April 1 through September 30, 1980; to the Committee on Governmental Affairs.

EC-4987. A communication from the Chief of the Procurement and Property Management Branch of the Community Services Administration, transmitting, pursuant to law, the annual report of the Administration on the utilization of foreign excess property for fiscal year 1980; to the Committee on Governmental Affairs.

EC-4988. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Millions In Stock Funds Mismanaged At Defense Personnel Support Center"; to the Committee on Governmental Affairs.

EC-4989. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Policies On U.S. Citizens Studying Medicine Abroad Need Review And Reappraisal"; to the Committee on Labor and Human Resources.

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-930. A petition from a citizen of Mechanicsville, Va., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM-931. A petition from a citizen of Macungie, Pa., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM-932. A petition from a citizen of El Dorado, Ark., concerning the appointment of certain individuals in the Reagan administration; ordered to lie on the table.

POM-933. A petition from a citizen of In-

dependence, Kans., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

POM-934. A petition from a citizen of Felton, Calif., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

POM-935. A petition from a citizen of Solana Beach Calif., concerning the appointment of certain individuals in the Reagan administration; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, with an amendment (in the nature of a substitute):

H.R. 5505. An act to simplify certain provisions of the Internal Revenue Code of 1954, and for other purposes (Rept. No. 96-1033).

By Mr. LONG, from the Committee on Finance, with an amendment (in the nature of a substitute) and an amendment to the title:

H.R. 5391. An act to amend chapter 42 of the Internal Revenue Code of 1954 with respect to the determination of second tier taxes (Rept. No. 96-1034).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 5043. An act to amend the Internal Revenue Code of 1954 to provide for the tax treatment of bankruptcy, insolvency, and similar proceedings, and for other purposes (Rept. No. 96-1035).

H.R. 7956. An act to make various changes in the tax laws (Rept. No. 96-1036).

By Mr. LONG, from the Committee on Finance, with amendments, and an amendment to the title:

H.R. 4968. An act to amend the Internal Revenue Code of 1954 to provide that in certain cases the net operating loss carryover period for a taxpayer who ceases to be real estate investment trust shall be the same as the net operating loss carryover period for a taxpayer who continues to be real estate investment trust (Rept. No. 96-1037).

By Mr. LONG, from the Committee on Finance, with amendments, and an amendment to the title:

H.R. 6806. An act to amend sections 46(f) and 167(l) of the Internal Revenue Code of 1954 with respect to the treatment of public utility property (Rept. No. 96-1038).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation:

Mr. CANNON. Mr. President, as in executive session, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask that they lie on the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 12 and November 18, 1980, at the end of the Senate proceedings).

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. TOWER:

S. 3226. A bill for the relief of Wesley United Methodist Church, Wichita Falls, Tex.; to the Select Committee on Small Business.

By Mr. HAYAKAWA (for himself and Mr. CRANSTON):

S. 3227. A bill for the relief of Benjamin Bane; to the Committee on the Judiciary.

By Mr. BURDICK:

S. 3228. A bill to provide for the reinstatement and validation of U.S. oil and gas lease No. M-15450 (ND); to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3229. A bill to amend the Foreign Assistance Act of 1961 to authorize the appropriation of special earthquake relief assistance for Italy in fiscal year 1980, and for other purposes; to the Committee on Foreign Relations.

By Mr. DOMENICI (for himself, Mr. DECONCINI, Mrs. KASSEBAUM, Mr. DOLE, Mr. CHAFEE, Mr. MCCLURE, Mr. BAKER, Mr. LUGAR, Mr. WARNER, Mr. BRADLEY, Mr. HEFLIN, Mr. SARBANES, Mr. LEAHY, Mr. HEINZ, Mr. MCGOVERN, and Mr. METZENBAUM).

S. 3230. A bill to provide for reconstruction assistance for the victims of the recent earthquakes in Italy, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAYAKAWA (for himself and Mr. CRANSTON):

S. 3227. A bill for the relief of Benjamin Bane; to the Committee on the Judiciary.

BENJAMIN BANE

● Mr. HAYAKAWA. Mr. President, I am introducing today a bill on behalf of myself and Mr. CRANSTON that will provide that Benjamin Bane shall be considered not to have lost his status as a citizen of the United States.

Dr. Bane has through the years fallen victim to a series of catastrophic and administrative situations beyond his control. Dr. Bane was born in Durham, N.C. in 1905. In 1911, Benjamin Bane traveled with his parents to South Africa where he remained until he was 23 years old. At that time, he decided to continue his education as a dentist in the United States. However, upon discovering that his premedical education would not be accepted in the United States, Dr. Bane alternatively pursued his education in England where he obtained his doctorate of dentistry.

When Dr. Bane attempted to return to the United States, he was informed at the U.S. Embassy in England that a passport could not be issued in the absence of a birth certificate. Unfortunately, the Hall of Records in North Carolina, where his birth certificate was filed, had been destroyed by fire. In a subsequent attempt to obtain a U.S. passport, he was told that it would be expeditious to apply for and travel on a British passport. Therein lies the tragedy. In the haste of the processing, Dr. Bane was not informed that his application for a British passport would in any way affect his American citizenship.

Unfortunately, the rest of Dr. Bane's efforts to prove his citizenship have been unsuccessful, even though he eventually was able to secure another record of his American birth. This American born doctor, a California constitutent of mine, is now terminally ill, and I am most proud to sponsor this bill on his behalf.●

By Mr. KENNEDY:

S. 3229. A bill to amend the Foreign Assistance Act of 1961 to authorize the appropriation of special earthquake relief assistance for Italy in fiscal year 1980, and for other purposes; to the Committee on Foreign Relations.

ITALIAN EARTHQUAKE ASSISTANCE

● Mr. KENNEDY. Mr. President, I am deeply concerned by the severe earthquakes which struck southern Italy 2 days ago. The death toll is expected to approach 3,000, and at least 100,000 people are expected to be homeless. According to the Italian Government, 97 municipalities have suffered serious damage in the provinces of Naples, Salerno, Potenza, and Avellino.

I believe that our concern would be great wherever and whenever such a disaster strikes. But it is even greater in the case of Italy, such a close friend and ally of the United States with which we have strong bonds of mutual interest and friendship. Our Nation should take the lead in organizing an international response to the destruction and casualties, which have spread over 10,000 square miles in the vicinity of Naples. They are much greater than the last major earthquake which struck the Friuli region of northern Italy in 1976, killing 997 people and making some 45,000 homeless.

Mr. President, the damage is enormous and the human tragedy demands a generous and immediate response from the United States. I am consulting urgently with the administration, which is making emergency relief available, both through our diplomatic posts and through our military installations. Six helicopters, 1,000 tents, and relief commodities and supplies have already been supplied by the United States; more are on their way.

Both the Italian and U.S. Governments are now compiling on an emergency basis the full requirements for relief and rehabilitation in southern Italy. We can expect clarification of the extent of needs from the Italian Government and a full assessment from the U.S. Office of Foreign Disaster Assistance within a matter of days.

The full impact of the earthquake will not be fully known for some time. But, the immediate humanitarian needs of the earthquake victims are those needs common to all victims of natural disasters—food, water, shelter, medicine, blankets, and other supplies.

Additional amounts, however, will surely be needed in the days ahead. Given the escalating humanitarian needs in Italy, and the constraints on the availability of disaster relief funds during the remainder of this fiscal year, I

believe that special legislation should be expeditiously considered by Congress. For that reason I am introducing today a bill to provide $50,000,000 in emergency relief and rehabilitation assistance to the earthquake victims of Italy.

The purpose of this bill is to authorize an emergency appropriation for responding to the relief and rehabilitation needs of earthquake victims in Italy. This is a working bill which I hope will receive the speedy consideration of the Foreign Relations Committee. In addition, I look forward to working with the Committee on Appropriations to insure that we respond promptly and effectively to this humanitarian crisis. Our Nation did so for northern Italy in 1976; it should do so again for southern Italy today.

I am hopeful that our Government, in concert with others in the international community, will spare no effort in responding to any appeals for help from the Italian Government. The people of Italy have suffered a great tragedy. They are our good friends. And we must continue the long tradition of mutual friendship and concern.

I request that material relevant to the earthquake, just received from the Office of Foreign Disaster Assistance, be inserted, following the text of the bill, at this point in the RECORD.

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

S. 3229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 495B of the Foreign Assistance Act of 1961 is amended by—

(1) striking out subsection (c) and inserting in lieu thereof the following:

"(c) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for disaster relief and reconstruction in Italy to assist in alleviating the human suffering caused by recent earthquakes in that country. In addition to amounts otherwise available for such purposes, there is authorized to be appropriated for purposes of this section $50,000,000 for the fiscal year 1981, which amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policies and general authorities contained in section 491."; and

(2) adding at the end thereof the following:

"(d) Obligations incurred before the date of enactment of this subsection against other appropriations or accounts for the purpose of providing relief and reconstruction assistance to the people of Italy may be charged to the appropriations under this section.".

INTERNATIONAL DEVELOPMENT CORPORATION,
Washington, D.C., November 24, 1980.

INFORMATION MEMORANDUM FOR MEMBERS OF CONGRESS

From: Joseph A. Mitchell, Director, Office of U.S. Foreign Disaster Assistance

Subject: Public Response to Foreign Disaster Situations

As you know, a devastating earthquake has struck the Naples region of Italy. While we are still in the process of gathering information on the exact toll of this disaster, it does appear to be a serious situation. We will be producing periodic situation reports during the emergency phase of the disaster which will be available should you require this information. Also, we will have specific information available on the voluntary agencies conducting relief programs in the area. Please be advised that as of this date the Government of Italy has not asked for international assistance.

In the past, some members of Congress and their staffs have suggested that the issuance of guidance material on the subject of public donations to the victims of foreign disasters would be useful. To maximize United States assistance to disaster victims while serving the interests of the public more effectively and efficiently, we are providing the following guidelines for your use when contacted by constituents about donations to victims of foreign disasters:

(1) Those who wish to contribute to any relief efforts should be encouraged to make cash donations to their favorite voluntary agency with programs in the affected country. Voluntary agencies work at the local level abroad and are, therefore, keenly aware of the victims' needs as well as the cultural and social customs which define appropriate types of assistance. Several voluntary agencies, including the Red Cross, have established programs around the world.

(2) Although most people give food or clothing more readily than money, cash donations entail no transport costs and create greater flexibility in terms of the types of relief given. Not only do cash donations help meet the victims' perceived needs more rapidly, but they also help satisfy other needs which, after such disruptive events, can change quickly and unexpectedly. In contrast, the process of collecting items such as food and clothing can often be painstakingly slow and their benefit thus dramatically reduced.

(3) The U.S. Government does not have funds for the transportation of privately donated goods to disaster victims. In addition, the use of United States military transport is limited by the Department of Defense (DOD) to situations where there is no civilian transportation available. When DOD transportation is used for any foreign disaster purpose, it must be paid for out of limited funds appropriated for foreign disaster relief. Therefore, if your constituents decide to collect goods for disaster victims, arranging to transport those goods should be as important to them as the collection of the goods themselves. Constituents should be urged to collect only those items requested or approved by the receiving agency, whether that agency be a voluntary organization or an agency in the affected country.

If you have any questions, please contact the Office of U.S. Foreign Disaster Assistance, Agency for International Development, at 202-632-9784. Your assistance and cooperation in helping disaster victims, as well as preventing relief supply and telephone lines from becoming clogged, would be invaluable. Thank you.

[Situation Report No. 1 Monday, November 24, 1980, 4:00 p.m.]

ITALY—EARTHQUAKE

Data

Strike Date: November 23, 1980.

Location: Naples region including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano and Balvano. 30 percent of the province of Basilicata was badly damaged.

Dead: Over 700.

Homeless: Unknown.

Injured: Unknown.

People Affected: Unable to determine.

Intensity: Major earthquake measuring 6.8 on Richter Scale occurred on November 23 followed by seven tremors. Aftershocks continued in Naples A.M. of November 24.

Damage: Extent of damage unknown.

General situation

Widespread damage has been reported over an area of approximately 2,500 square miles. Details of damage are not yet available.

Travel within Naples becoming more difficult and park areas have become congested.

Streets in Naples are jammed with cars as most people expect another shock and are afraid to return to their homes.

Warning broadcast to inhabitants of Naples that water supply already polluted and that drinking water must be boiled.

Action taken by the Government of Italy

Italian government has mobilized 2,500 troops from Naples in an effort to assist victims.

Field hospitals are being set up in all major areas: Avellino, Potenza, Eboli.

One hundred fifty trailer trucks departed from Ancona with emergency supplies.

Bari and its province have also been mobilized in sending manpower and equipment to nearby areas.

Mr. Guiseppe Lamberletti has been designated the Coordinator of the relief effort.

Assistance provided by the U.S. Government

None to date. The U.S. Ambassador has not yet formally submitted a disaster determination.

Assistance provided by American voluntary agencies/private groups

None.

Assistance provided by the international community

League of Red Cross Societies has made a first installment of $290,698.00 to the Italian Red Cross to locally purchase essential relief supplies.

JOSEPH A. MITCHELL,
Director.

[Situation Report No. 2, Tuesday, November 24, 1980, 3:30 p.m.]

ITALY—EARTHQUAKE

Data

Strike Date: November 23, 1980.

Location: Naples region including the cities of Avellino, Potenza, Salerno, Naples, Caserta, Benevento, Murolucano, Pescopagano and Balvano. 30 percent of the province of Basilicata was badly damaged.

Dead: Over 1,700 (unofficial 2,000-3,000).

Homeless: 100,000.

Injured: Unknown.

People Affected: Unable to determine.

Intensity: Major earthquake measuring 6.8 on Richter Scale occurred on November 23 followed by seven tremors. Aftershocks continued in Naples A.M. of November 24.

Damage: Extent of damage unknown.

General situation

Widespread damage has been reported over an area of approximately 2,500 square miles. Details of damage are not yet available.

Affected area is mostly in mountain or hill country and difficulty is encountered in getting accurate figures as to dead, injured and homeless. However, official channels indicate that all affected towns have been reached by assistance teams.

Urban areas suffered considerable damage where facades of many standing buildings have fallen to the streets.

Travel within Naples becoming more difficult and park areas have become congested.

Streets in Naples are jammed with cars as most people expect another shock and are afraid to return to their homes.

Shelter appears to be the greatest need. Specific requests have been made for tents, trailers and possible pre-fabricated housing units. Blankets, beds, heaters, cooking equipment and electric generators are also in large demand.

Warning broadcast to inhabitants of Naples that water supply already polluted and that drinking water must be boiled.

Action taken by the Government of Italy

Italian government has mobilized 12,000 troops from Naples in an effort to assist victims with 7,000 already on the scene.

Field hospitals are being set up in all major areas: Avellino, Potenza, Eboli.

One hundred fifty trailer trucks departed from Ancona with emergency supplies.

Bari and its province have also been mobilized in sending manpower and equipment to nearby areas.

Mr. Giuseppe Lamberletti has been designated the Coordinator of the relief effort.

Convoys of relief supplies, firemen, equipment, etc. continue to move into the area.

Italian Red Cross has provided 27 ambulances and personnel, medication and blood plasma.

Government relief coordination center has been established in Potenza.

Assistance provided by the U.S. Government

The American Charge d'Affaires, Robert P. Paganelli, on November 2, 1980 determined that a disaster situation existed in Italy. It is requested that $25,000 be committed toward the shipment of tents.

U.S. tasked DOD to airlift up to 1,000 tents from European stock. The shipment will be composed of various sized U.S. military-type tents.

U.S. is deploying six helicopters (four Air Force and two naval) to be used for both reconnaissance and relief operations.

U.S. military installations within the region have been alerted to lend to the GOI such rescue and relief operations as necessary.

Assistance povided by American voluntary agencies private groups

CRS has committed an initial $50,000 to the Italian Earthquake Fund which will be supervised by CARITAS in Italy.

CRS is also conducting its annual appeal for clothing which will be used to replenish the supply distributed from its stock in Italy.

Save The Children Federation engaged in explanatory review and small fund raising activities which are expected to result in a $10,000 effort.

Assistance provided by the international community

The GOI, to date has not issued an international appeal for aid to the victims of the earthquake.

League of Red Cross Societies has made a first installment of $290,698 to the Italian Red Cross to locally purchase essential relief supplies.

United Kingdom has sent 216 tents and 5000 blankets.

Switzerland—200 tents.

Australia—$432,250 cash to National Appeal in Australia, organized by Italian Community.

Joseph A. Mitchell,
Director. ●

ADDITIONAL COSPONSORS

S. 2542

At the request of Mr. CHAFEE, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2542, a bill to grant a Federal charter to the Italian American War Veterans of the United States of America.

SENATE JOINT RESOLUTION 211

At the request of Mr. HATCH, the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. BAUCUS), and the Senator from New Mexico (Mr. SCHMITT) were added as cosponsors of Senate Joint Resolution 211, a joint resolution designating the week beginning March 8, 1981, as "Women's History Week."

SENATE RESOLUTION 492

At the request of Mr. HATFIELD, the Senator from Michigan (Mr. RIEGLE), and the Senator from Maine (Mr. COHEN) were added as cosponsors of Senate Resolution 492, a resolution to amend and implement rule XLII of the Standing Rules of the Senate, relating to employment practices.

AMENDMENTS SUBMITTED FOR PRINTING

INDIANA DUNES NATIONAL LAKESHORE

AMENDMENT NO. 2632

(Ordered to be printed and to lie on the table.)

Mr. BAYH submitted an amendment intended to be proposed by him to the bill (H.R. 8350) 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.

Mr. BAYH. Mr. President during the last 18 years, I have worked with several Members of this body, most recently with my distinguished colleague from Indiana (Mr. LUGAR), to try to complete the program that was started some time ago relative to the Indiana Dunes National Lakeshore. Before the end of the session, I hope to be able to introduce with Senator LUGAR an amendment which will complete this task.

This amendment will include the excluded portions of the town of Beverly Shores within the boundaries of the Indiana Dunes National Lakeshore. Ever since the lakeshore was established in 1966, the exclusion of two sections of Beverly Shores known as the "island" and "highway strip" has brought the issue of the Indiana dunes back before Congress time and again. The amendment being offered today will put the issue to rest. We ask for the support of all Senators.

DESCRIPTION OF THE DUNES

The Indiana dunes is located at the southern tip of Lake Michigan entirely within the State of Indiana. It consists of a fascinating complex of dune ridges, moving dunes, beautiful beaches, marshes, woodlands, and bogs. Over the years some of these natural features have been destroyed by residential and commercial development. However, other parts have been preserved and protected by both individual and governmental efforts.

The major portions of the National Lakeshore are located between the cities of Gary, Hammond, and East Chicago on the west, and Michigan City on the east. Also located in this area are a number of towns, several steel mills, a public utility generating station, and the Indiana Dunes State Park. The lakeshore is within 50 miles of the Chicago loop with easy access from Chicago, Gary, Michigan City, and South Bend by the South Shore Railroad. It is a recreational area for the people of this vast metropolitan region.

HISTORY OF LEGISLATION

In 1966, the Indiana Dunes National Lakeshore was created after a long effort by Senator Paul H. Douglas of Illinois. The 1966 bill brought approximately 8,330 acres within the boundaries of the lakeshore including two-thirds of the town of Beverly Shores and 2,220 acres in the Indiana Dunes State Park.

In 1976, a second Indiana Dunes National Lakeshore bill was passed expanding the lakeshore to include an additional 3,663 acres including 330 acres of the Hoosier Prairie, a State nature preserve. This brought the total acreage of the park to 11,993 acres, not counting another 542 acres within the boundaries beneath Lake Michigan.

However, the 1976 bill again did not include the portions of the town of Beverly Shores remaining outside the lakeshore. Instead Congress authorized the Park Service to conduct a study of these remaining portions of Beverly Shores as well as an area commonly known as the "NIPSCO Greenbelt."

Unfortunately, the 1976 bill also reduced the homeowners' right to a 25-year leaseback to only 20 years—the shortest leaseback term of any unit in the National Park System. It also removed the suspension of condemnation for homeowners contained in Senator Douglas' original 1966 legislation. These changes had the effect of creating some opposition to inclusion of the balance of Beverly Shores which did not exist before.

By 1977, the study was completed. In 1978, the Senate voted to include the Beverly Shores study areas in the lakeshore as a part of other legislation. However, those provisions were dropped in conference committee because the House had not voted on them.

Last year Senator LUGAR and I introduced S. 599 to include the excluded portions of Beverly Shores in the lakeshore. On October 29, 1979, the House passed by a voice vote an amended version of H.R. 2742, the companion bill to S. 599. This amended version not only included the excluded portions of Beverly Shores, but also some additional areas including parts of the NIPSCO Greenbelt as well as a portion of the town of Dune Acres. H.R. 2742 as passed by the House also increased the leaseback for homeowners from 20 years to 25 years, not to extend beyond the year 2010, and as an alternative, provided homeowners the option of a life estate.

H.R. 2742 was not reported out of the Senate Energy and Natural Resources Committee, although a modified version of that bill had the support of the chairman of the Parks, Recreation, and Renewable Resources Subcommittee, Senator BUMPERS. However, the House included another set of dunes provisions in S. 1910, a bill relating to American Falls in Idaho, which came back from the House as an omnibus parks bill.

The dunes provisions contained in the House version of S. 1910 included the remaining portions of Beverly Shores and five other relatively undeveloped

areas, but omitted the NIPSCO Greenbelt and any part of the town of Dune Acres. S. 1910 provided leasebacks until October 1, 2010, and the alternative of a life-estate. It also suspended the power of condemnation for 10 years.

The provisions of the amendment we are offering today are identical to the dunes provisions in S. 1910, with one small exception: To be eligible for the leaseback provisions one does not have to be a homeowner of record as of October 1, 1980. The reason for deleting this provision was to make sure that in the event that appropriations were not forthcoming, a homeowner would not be faced with a situation where he could not find a buyer because the buyer would not be eligible for the leaseback provisions. However, under our amendment life estates would still be limited to owners of record as of October 1, 1980.

THE ISSUE OF BEVERLY SHORES

The town of Beverly Shores is located at the eastern end of the lakeshore, next to Michigan City, Ind. It contains the longest strip of lakeshore bordering Lake Michigan, extending approximately 5 miles from the Indiana Dunes State Park to Michigan City.

The center of Beverly Shores has come to be known as the "island." The "island" is not actually an island surrounded by water, but the largest portion of the town that was not included in the lakeshore in 1966. It is completely surrounded by lakeshore property, and it is located along the beach immediately behind Lake Front Drive.

The island is 2 miles long and ½ mile wide, encompassing both high dunes and wetlands. The U.S. 12 highway strip is the only other part of Beverly Shores excluded from the lakeshore. It is 1½ miles long bordering either side of U.S. Highway 12.

Failure to include the Beverly Shores "island" within the lakeshore places a hole in the largest tract of land in the lakeshore. Unless Beverly Shores "island" is added to the lakeshore, the use of the 5 miles of beach between the Indiana Dunes State Park and Michigan City will be severely limited by inadequate parking, poor access, and lack of adequate visitor facilities, particularly the 2 miles directly in front of the "island."

Failure to include the U.S. highway 12 strip will allow intensive commercial development near the entrance to the largest part of the lakeshore, prevent use of a portion of it for much needed visitor parking, and prevent restoration of the remainder to a relatively natural state.

The reason the remaining portions of Beverly Shores have not yet been added to the lakeshore has primarily been the cost of acquisition. Acquisition of the Beverly Shores "island" and "highway strip" would cost approximately $31.5 million. However, the Federal Government has already invested over $60 million in land acquisition for the lakeshore, not counting the lands purchased by the State of Indiana. At today's prices, this property would be worth much, much more.

The Beverly Shores portion of the lakeshore can never be fully developed properly as a recreational area without inclusion of the island. Furthermore, commercial and residential development in the very heart of the largest part of the lakeshore would destroy much of the intrinsic beauty and value of the investment we have already made.

Inclusion in the lakeshore is desperately needed to allow the Park Service to acquire any land threatened by immediate development. Otherwise, Beverly Shores "island" and "highway strip" will become a jumble of McDonald's, Kentucky fried chickens, gas stations, high rise condominiums, trailer courts, motels, quick markets, and other commercial development. All this would be in the very heart of the lakeshore.

THE STUDY

The study of the Beverly Shores area completed by the Park Service in June 1977 at the request of Congress describes this area as follows:

> Area III–A is the Beverly Shores "island", a 652 acre low-density residential area, with minimal commercial development. . . ." Of this 652 acres, 453 acres are open space, 131 acres are residential, 54 acres are streets and roads, and the remaining 14 acres include a park, two institutional buildings, and 6 businesses. On the 131 residential acres there are 287 homes. However, 77 percent of the area consists of open space, streets and roads.
>
> Area III–C is a 56 acres strip of land lying along both sides of U.S. Highway 12 which supports low density residential and commercial development." Of this 56 acres, 34 acres are open space, 5 acres are residential, 7 acres are in streets and roads, 9 acres are business, and one acre has an institutional building. On the 5 acres of residential property, there are 14 buildings, and there are 13 buildings on the 9 acres of business property. Seventy three percent of this area consists of open space, streets and roads.

If these two areas are not included in the lakeshore, the study projects a population of over 8,000 people with 2,560 buildings. Among the impacts of such development noted by the Park Service study are:

> The population could increase from an estimated population of 900 to an estimated population of 8,000 assuming the area was developed to *its currently zoned private development potential.* A local resident population of 8,000 *could result in almost exclusive use of the federally owned beach by locals* rather than the intended use by regional and national visitors. (Emphasis added.)
>
> The area would continue to be attractive for second-home and primary residential development, multi-family residential and commercial development, and potentially for highrise condominium development and related tourist services development such as fast food places, quick markets, and motels.
>
> Strip commercial development along U.S. 12 might continue the degradation of visual quality in this area.
>
> Development of commercial and multi-family structures . . . might result in the loss of the highly scenic quality that presently exists. This development might result in the visual encroachment of signs, large off-street parking lots, multi-storied structures, and overhead utility lines, and the substantial removal of vegetation.

Again, all this would be in the very heart of the lakeshore.

THE IMMEDIATE THREAT TO THE LAKESHORE AND ITS POTENTIAL PROMISE

The above scenario has suddenly become a very serious immediate threat to the lakeshore. A few days ago, on November 20, 1980, an Indiana court ruled that the Beverly Shores zoning ordinance was invalid. That zoning ordinance was all that stood in the way of intensive development of the Beverly Shores "island" and "highway strip."

This action by the court makes passage of this legislation even more urgent because homes, trailer courts, high rise condominiums, motels, quick markets, and commercial developments can now be built virtually without restriction in those two sections of Beverly Shores which are not in the lakeshore.

Correction of this problem will not only require promulgation of a new ordinance which will take several weeks, but it will also require adoption of a master plan which will take months. Thus inclusion in the lakeshore is now desparately needed to allow the Park Service to acquire any land threatened by immediate development.

A major reason for inclusion of this area in the lakeshore has always been to prevent intensive development from occurring in the future. Every year that passes, more vacant land will be developed and the cost of acquisition will escalate. However, that rationale has suddenly become extremely urgent. Thus a key provision of any dunes legislation is the power to prevent future development in the area through use of the power of condemnation.

Inclusion of the "island" and the highway 12 "strip" now will stop further destruction of vacant duneland. It will also make additional land for visitor use available almost immediately. With inclusion, the usable beach area would be increased from 10½ acres to 18 acres. The land base to develop additional parking and visitor facilities would become available, and existing town roads could be fully utilized for access to the beach.

We have already invested $60 million in land acquisition for the lakeshore, but the payoff will come when we develop access to this prime area in such a way as to maximize its use by visitors without harming the dunes themselves. The bill would authorize $34.7 million for land acquisition, about 91 percent of which would be used for the purchase of the excluded portions of Beverly Shores. However, the cost of acquiring the excluded portions at some future date will be much greater than it is today because delay will only result in more construction in the area.

Acquisition of vacant lands will make three-fourths of this area available to visitors almost immediately. Acquisition of the remaining properties would reduce and eventually eliminate conflict between visitors and residents. Trespassing and parking on private property would eventually be ended. Optimal development of the lakeshore could be obtained.

If we act now by including the remaining portions of Beverly Shores, the lakeshore will have obtained a powerful ally—

time. Time will be on the side of the lakeshore because as time passes, the leasebacks and life-estates reserved by homeowners will expire. However, if we fail to act now, time will be running against the lakeshore causing intensive development in what should be the very heart of the Indiana Dunes National Lakeshore Park.

LOCAL SUPPORT FOR THE LEGISLATION

There are presently 319 homes in the island and highway strip. Most of these homeowners favor inclusion in the lakeshore. A prolakeshore town board (5 proinclusion members) were elected even though they are from the minority party in the area. This has happened both in 1975 and 1979—off-year elections when inclusion in the lakeshore was the issue. Furthermore, the opposing slate did not run on an anti-inclusion platform, but simply took no position on the issue in hope of obtaining votes from both sides.

In 1970, the town board surveyed the residents, and 204 favored inclusion. In 1972, the town board surveyed the residents of the island and strip only and the results were 131 yes and 17 no. In 1974, the association of Beverly Shores residents surveyed the island. Of the 83 percent of improved property owners canvassed personally, 87 percent favored inclusion.

In 1979, the association made another survey even after the suspension of condemnation was removed and the leaseback reduced to 20 years. That survey of the island and strip showed 192 owners of improved property for, 70 against, 7 with no opinion, and 50 were not contacted since many homeowners are part year residents.

HOMEOWNER PROVISIONS

Under the leaseback provisions of this legislation, the owners of single family dwellings constructed before October 1, 1980, may retain their homes until October 1, 2010, or for as long as they live, whichever they choose. The power of condemnation with respect to these homes will also be suspended for 10 years during which time sales and leasebacks can be arranged without the threat of condemnation.

Thus the legislation improves the homeowner provisions in several ways:

First. Suspension of condemnation until October 1, 1990. (The indefinite suspension of condemnation contained in the original 1966 legislation was removed in 1976.)

Most homeowners will want to sell and obtain the leaseback provisions. However, it will be far better if most of these sales do not take place under the threat of condemnation. Most homeowners realize the advantages of the leaseback provisions and would decide to sell anyway as they get older. However, the 10-year suspension provides the opportunity for them to do so on a willing-buyer, willing-seller, basis without the adverse psychological impact of being subject to immediate condemnation.

Second. Homeowners may retain leasebacks until October 1, 2010, or alternatively a life-estate.

(A 25-year leaseback was contained in the original 1966 legislation, but was reduced to 20 years in 1976.)

This provision allows a leaseback to extend until a date 30 years from now regardless of when the property is sold to the Park Service, or alternatively, the homeowner may obtain a life-estate if he or she makes a good faith offer to sell to the Park Service prior to October 1, 1985. Leasebacks presently cost 1 percent of the sale price for each year taken.

To be eligible for the life-estate, the homeowner must have attained the age of majority by October 1, 1980, and must also be a homeowner of record as of that date. The purpose of this restriction is to prevent title from being transferred to a minor for purposes of obtaining a potentially long life-estate.

However, the provision in S. 1910 making leasebacks available only to homeowners of record as of October 1, 1980, has been deleted. The reason for this deletion is that if appropriations should at any time not be forthcoming for land acquisition, or prior to the effective date of the authorization on October 1, 1981, a homeowner would not be able to sell his property since any potential buyer would not be eligible for the leaseback provisions. However, this provision still applies to life estates.

Third. A cut off date of October 1, 1980. This is the date by which construction must have begun in areas included in the lakeshore by this bill in order for those homes to be eligible for the homeowner provisions. These provisions apply only to detached, single-family dwellings for noncommercial purposes built prior to the cutoff date.

Fourth. Finally leasebacks previously granted for 20 years or less may be extended by 9 years. This provision provides some equity to homeowners who sold after 1976 under threat of condemnation with only a 20-year leaseback. A total of 29 years would be the equivalent to what a homeowner gets who sells to the Park Service on October 1, 1981, and takes a leaseback until October 1, 2010.

VISITATION

Visitation at the dunes is growing rapidly. One of the major reasons for acquiring the remaining portions of Beverly Shores is to provide for adequate parking and other facilities to meet rising visitation at the lakeshore. Total visitation at the Indian Dunes National Lakeshore was greater than any other park in the Midwest region in 1979—exceeding 2 million people.

The 1979 figure for recreational visits—1,606,166—more than doubled the 677,532 figure the previous year. This does not include another 1,400,000 visitors at the Indiana Dunes State Park which is part of the lakeshore.

Many potential visitors are being turned away and not counted as evidence by the number of times the four major parking lots near the beach have been closed during May and June of this year, particularly on weekends with good weather. The parking lots at Mount Baldy and Central Avenue in Beverly Shores were both closed 16 times in May and June this year. The parking lot at Kemil Road Beach in Beverly Shores was closed 8 times in those 2 months, and the West Beach parking lot was closed 14 times. West Beach is a 600-car parking lot.

The reason for the boom is clear; 10 million people live within a 100-mile radius of the Indiana Dunes National Lakeshore. The park serves all of northern Indiana, as well as the Chicago metropolitan area. As gas prices rise and distant travel grows more expensive, millions of people are turning to parks closer to home, especially those like the dunes which combine natural attractions with outdoor recreation.

Although the legislation adds only 1,196 acres (708 in Beverly Shores) to the 11,993 acre lakeshore (including the Indiana Dunes State Park and the Hoosier Prairie), these additional acres are strategically located to provide a substantial base for increased visitation. They will enable utilization of the largest single area of the park. Otherwise the lakeshore will be broken up into a narrow area between the State park and the "island" and another area east of the island in which the dunes will be threatened by bulldozers to provide adequate parking for visitors.

The Beverly Shores portion of the Lakeshore is strategically located near the Visitor Center in such a way at long last people who travel to the lakeshore or through northern Indiana can be directed to the major beach area of the lakeshore without confusion or being turned away because no parking is available. This in turn should promote even more use and visitation.

Only by including the excluded areas can the lakeshore be developed in such a way as to maximize access, parking, and public facilities without destroying the dunes themselves. Consequently, the issue of including these excluded areas in Beverly Shores will not go away.

With inclusion, there will be a manageable, unbroken stretch of dunes extending 8-miles long and 1-mile wide from the entrance of the Indiana Dunes State Park on the west to Michigan City on the east.

SHORE EROSION

A major consideration in adding the island to the lakeshore and being able to acquire the properties within it, is that the narrow 2-mile strip of shoreline the Government presently owns in front of Beverly Shores island is eroding. Unless millions of dollars are spent to halt the erosion, this strip of shoreline which the Government already owns may be lost. Only by acquisition of the land in the Beverly Shores island just behind it, can the lakeshore be assured of owning the beachfront and shoreline wherever it may be.

Loss of public ownership of 2 miles of shoreline is only part of the problem. If the National Park Service does not acquire the Beverly Shores island, the Federal Government is likely to get stuck with the continuing cost of preventing shore erosion or compensating owners for those damages. The National Park Service has already spent $3 million for a temporary revetment which has already developed serious gaps and requires regular maintenance.

It is estimated that the damages which

will result from continuing erosion will amount to some $13 million over the next 50 years assuming no further development; 60 percent of these damages stem from the Michigan City Harbor, an Army Corps of Engineers project for which the United States can ultimately be held liable.

The remainder of the erosion is natural, and while the Government may not be liable for natural erosion, in all likelihood pressure would be brought to bear to protect the homes on the lakefront. It could be argued by homeowners that there is a Government responsibility to protect its shoreline to prevent erosion on adjacent private land.

Some of the most expensive properties in Beverly Shores are located in the areas subject to shore erosion. The costs associated with attempting to prevent these damages over the next 50 years are extremely high. They are estimated at between $47½ million and $54 million over the next 50 years in 1977 prices. Acquisition of Beverly Shores island would reduce these potential costs by $13½ million to $20 million even if steps were still taken to protect the lakeshore against the erosion attributable to the Michigan City Harbor.

Consequently, the real cost of acquisition to the Government is only a portion of the purchase price because of the significant erosion control which will not be necessary if these private structures are eventually removed.

Existing development in the "island" also contributes to background erosion as would any further development. Rapid runoff from roofs, gutters, driveways, and roads, combined with saturation of the soil by septic systems, all contribute to the erosion problem. Stopping future development and over time removing existing structures should help to reduce and prevent some of this background erosion.

OTHER PROVISIONS OF THE BILL

Five relatively undeveloped areas are also included in the bill to provide additional parking, improved access to the park, protection of natural features, and a campground site. These include the Mt. Baldy staging area (III–E), the Indiana Highway 51 extension (VII–B), the Nippissing addition (VII–A), the Gary access corridor (VII–C), and the campground site (III–D). The combined cost of these areas is $3,120,000 of which $1,700,000 is for the campground site.

The Mt. Baldy staging area consists of 83 acres in Michigan City adjacent to the largest moving dune in the lakeshore, Mt. Baldy. This would be a main parking area for visitors to Mt. Baldy and is conveniently located near route 12 and the South Shore Railroad. It would serve as the center for shuttle bus service to Mt. Baldy and other parts of the lakeshore. The only alternative sites involve destruction of either dunes or marsh lands already included in the park. The area contains only three houses, and it is included in the bill with the support of Mayor Clifford Arnold of Michigan City and Congressman BRADEMAS.

The Indiana highway 51 extension is a 2-acre site which is needed for extension of highway 51 for the new main entrance to the west unit of the lakeshore. The Park Service has indicated its support for this particular approach to the west unit.

The Nippissing addition consists of 161 acres at the western edge of the lakeshore. It is a virtually untouched tract of low dune ridges and interdunal ponds located adjacent to the west unit of the lakeshore. It represents an important part of the ecological history of the area as these dunes were created at a time when the shores of Lake Michigan temporarily were at a higher level. The only intrusion is a NIPSCO powerline. There would be a 350-foot corridor along the powerline over which the Park Service would be limited to obtaining an easement to allow public access to the rest of the area. This area was included at the request of Congressman BENJAMIN.

The Gary access corridor consists of 60 acres lying directly to the west of the Nippissing addition (above). It is in a remarkably natural state even though it extends right to the heart of downtown Gary. Low dune ridges covered with oaks, dune grasses, and wild flowers (including blue lupine, wild roses, puccoon, spiderwort, and prickly-pear cactus) are interspersed with interdunal ponds and marshy areas. It provides walking access from downtown Gary and a proposed multimodal transportation center to the west unit of the lakeshore. It could be the starting point for a trail system from downtown Gary through the entire length of the park to Mt. Baldy and Michigan City. Three structures in this corridor are not included. Inclusion is supported by the city of Gary and Congressman BENJAMIN.

The campground site consists of 182 acres located around the site of an old golf course south of the highway 12 strip. It would be an ideal campground site for the lakeshore. There has been some development in this area which accounts for its cost.

This legislation also authorizes a study of transportation into and within the lakeshore with special emphasis on public transportation and use of the existing passenger car fleet of the South Shore Railroad. The study is to be carried out by the Secretary of Interior using the facilities of the regional transportation planning agency as well as other agencies and organizations designated by the Secretary; $200,000 is authorized for this study to be completed in 2 years.

The amendment also sets the termination date for the Lakeshore Advisory Commission on September 30, 1985, instead of September of 1982. It provides one additional member of the commission for the city of Gary and one additional member for the city of Michigan City, the two largest cities near the lakeshore.

The amendment also allows the Park Service to purchase school lands within the lakeshore. Under Indiana law, schools cannot donate land. The practice has been not to appropriate funds for land owned by public agencies. This authority would only affect a 40-acre tract in the west unit of the lakeshore and a small site in the "island."

By enacting this legislation we can complete Senator Paul H. Douglas's dream for the Indiana dunes in a way that he would have approved. In order to honor Douglas, the legislation dedicates the Lakeshore to his memory. It designates the west unit of the lakeshore (about 1,800 acres) as the "Paul H. Douglas Ecological and Recreational Unit." It authorizes the designation or construction of the "Paul H. Douglas Environmental Education Center." Right now there is not even a bust of Douglas at the lakeshore. The park remains the Indiana Dunes National Lakeshore, but Senator Douglas will at last be fully honored for the role he played in establishing the lakeshore.

The total cost of the bill is just under $36½ million. This includes $34.7 million for land acquisition, $1,560,000 for development of which up to $500,000 is for the Douglas Environmental Education Center, and $200,000 for the transportation study.

SUPPORT FOR THE BILL

Support for the bill is widespread. The Indiana General Assembly passed a resolution earlier this year calling for enactment of H.R. 2742 and S. 599.

The three Congressmen BRADEMAS, BENJAMIN, and FITHIAN who represent northwest Indiana support inclusion. Indiana's Congressman on the Interior Committee, Congressman SHARP, supports inclusion. The National Park Service supports inclusion. Senator KENNEDY and Senator FORD have joined in cosponsoring S. 599. Governor-elect Robert Orr also supports inclusion, as does Gov. Otis R. Bowen.

Major newspapers of the area support inclusion including the Gary Post-Tribune, the Chesterton Tribune, the South Bend Tribune, the Chicago Tribune, and the Hammond Times.

Environmental groups supporting inclusion of the remaining portions of Beverly Shores include the Save the Dunes Council established in 1952, the Izaak Walton League, the Nature Conservancy, the National Audubon Society, the Sierra Club, the National Wildlife Federation, and the National Parks and Conservation Association.

Labor unions and other organizations supporting the inclusion of the excluded portions of Beverly Shores include the Lake County AFL–CIO Central Labor Union, Local 1010 of the United Steelworkers of America, region 3 of the United Auto Workers (Indiana and Kentucky), the Northwestern Indiana Building Trades Council, the Indiana State Teachers Association, and the Indiana Federation of Teachers.

SUMMARY

Thus for all these reasons—to prevent the degradation of our investment in the dunes, to provide improved access and facilities for the lakeshore, to improve the homeowners' provisions, to complete the dream of Senator DOUGLAS, to avoid the problems with shore erosion, and to keep this bill from coming back year after year, I urge Senators to join us in enacting this legislation to save the dunes.

ADDITIONAL STATEMENTS

TREATMENT OF CHRISTIANS BY THE SOVIET UNION

● Mr. HAYAKAWA. Mr. President, it is with pleasure that I note yesterday's passage of Senate Concurrent Resolution 60 which addresses the continued persecution of Jews as well as Christians residing in the Soviet Union and other East European countries. The flagrant violation of human rights on the part of the East European bloc is a direct and bold violation of the Helsinki Accords signed by these member nations in 1975. Such an egregious failure on part of the Soviet Union and the East European countries will not go unheeded by the Western peoples.

I am pleased that the U.S. delegation is utilizing the open forum of the Madrid Conference to express our dissatisfaction with the Soviet's record in human rights. The courage and resolve displayed by the Soviet and East European dissidents demands our resolute support in their struggle for civil liberties. The passage of Senate Concurrent Resolution 60 sends a clear message of our continued endorsement of human rights and religious freedom for the people of the Soviet Union and East European countries.

Thank you Mr. President.●

THE RETIREMENT OF THOMAS W. CHRISTOPHER, DEAN OF THE UNIVERSITY OF ALABAMA SCHOOL OF LAW

● Mr. HEFLIN. Mr. President, I submit for the RECORD an article entitled "Dean Christopher's Decade" relating to the retirement of Thomas W. Christopher, dean of the University of Alabama Law School.

The article follows:

DEAN CHRISTOPHER'S DECADE

(By Dan Graves)

Thomas W. Christopher, Dean of the University of Alabama School of Law, will conclude 20 years of administrative service when his resignation from his current position becomes effective this fall.

Christopher came to Alabama as law school dean in 1971, and while the national average for a law school dean's stay at one school is three years, Christopher remained at the Capstone to build not only the programs and services of its law school, but also a lasting physical facility as fine as any law school building in the nation.

An Alabama law graduate himself, Christopher does not regret his decision to resign. "You have to leave sometime, and you like to pick your time. Things are in good shape here, and the building is finished. It was just a good time to leave," he said. "I like to teach, and I like to write books, so I was looking for a good time when I could stop my administrative work and shift duties elsewhere."

Besides the Law Center building, the object of his utmost attention in recent years, Christopher is proud of other accomplishments which he is quick to admit are not the product of his efforts alone. The part-time masters in taxation program, which was the first such program of its kind in the country, was realized under Christopher's leadership.

"I'm also proud of all three law journals," Christopher said. "The Alabama Law Review was already here and it continues to be as strong as it ever was. I feel these give law students more opportunity to participate and gives the law school much more exposure," he said.

The moot court program and the Student Bar Association were mentioned as areas of growth which give the dean pride. But Christopher's ability to encourage an active relationship with the Alabama Bar Association and Alabama law school graduates may have had the most lasting effect on the law school. Contributions from lawyers, coupled with legislative appropriation increases have resulted in a doubling of the law school budget since the time when Christopher came to Alabama nine years ago.

"Faculty salaries have more than doubled over that period, but they are still not as high as they should be," he said. "The problem was that they were so low to begin with, but I'm proud of the increases we have seen. We now have an excellent faculty because we can offer them something competitive.

Dean Christopher updated the law school during his deanship, but he said being a dean nowadays is not as easy as it was for deans of yesteryear.

"Democracy," he responded when asked what is the greatest problem a dean faces today. "The old deans ran things and didn't ask anybody what they thought about anything. That's not the best way to run a law school, and I don't favor that way, but it does cause less disagreement and confusion for the administrator."

Whoever replaces Christopher as law school dean will face many of the problems he faced and many more to try his nerves. What kind of person does the law school need right now as its leader?

"Every faculty member would give a different answer to that question, Christopher said, "and I'll have just one vote like anybody else. I think we all want a strong person, not someone that's going to be run over. We need someone that will keep the connection between the law school and the bar association. We all want someone who will encourage scholarship as well as good teaching.

"All of us want more than we'll get," he continued. "Good deans are hard to come by because about a third of the law schools are now looking for a dean, and there aren't that many around. Some people who used to want to be a dean don't want to be any more. It's a tougher job than it used to be. There are more strains and problems, so a lot of good people just don't have a strong stomach and they're too nervous for this job."

For the few people who are in the market for a deanship, Christopher believes Alabama will be the kind of place they will want to go. "This is a very attractive place, and I can't imagine us not being able to get a really highly qualified person."

When a new dean takes up where Christopher left off and Christopher is teaching, writing, and fishing, there will be plenty of challenges and duties for that person to work on.

"We have a good library, but we need a great library," Christopher said. An important future project is to "increase the number and quality of the books in our library, and increase the staff.

"Another priority, as I see it, is better salaries for the faculty so we can get and keep good faculty. More scholarships," Christopher said, "are needed. I would like to see that no student had to work a lick and could spend full-time on the books. Of course, if we said no students could work now, some would have to drop out.

"The law school needs its own private endowment of 20 to 25 million dollars. We've got an endowment now of about one million dollars, but we need a large endowment in addition to legislative appropriations, and you don't get that with ten dollar gifts. It takes estate planning and some other things."

Christopher said he would not change the entrance requirements for incoming freshmen if he were staying on as dean. He said that the law school would not be serving its purpose as a state law school if it were to raise the entrance requirements. He also is satisfied with the faculty.

Christopher does not feel the objectives of the law school will change for at least the next 30 to 40 years, but he does believe Alabama's law school will continue to change in some ways.

"Perhaps the methods we use to turn out lawyers will change. The current trend is for more practical training. The increased emphasis on the moot court competition and other areas is an illustration of that," he said.

"Things like lawyer advertising are going to have a big impact on the profession. The computer is going to have an effect. The computer has almost a stranglehold on our society, and as lawyers are so many of the decision makers, they are going to have to know how to use the computer as an aid," Christopher said. He believes the demand for lawyers will increase due to increased government regulation and the increasing body of law. He predicts these factors and the need for educating lawyers about them will bring about change in American legal education.

Christopher intends to be a part of that future legal education through his writing and teaching. He leaves the deanship a proud man for the many accomplishments to which his administration gave birth. But he gives credit to others who he says were more important in making things happen at the Capstone law school.

"I am very, very proud of this law school and the people I have worked with here," he said. "I haven't done as many favors for the law school as it has done for me." ●

ADOPTION WEEK

● Mr. TOWER. Mr. President, this Thanksgiving week is also known as Adoption Week in America. There are some special Americans to whom I would like to pay tribute by thanking them for being adoptive parents for thousands of children—children who have been orphaned; children who were abused or neglected by their biological families; or children whose biological parents made an adoption plan at the beginning of the child's life. This country's most vulnerable children are being cared for by adoptive parents with the love and nurturing needed by all children.

Too much attention is currently being

placed by the media on adopted children who seek to uncover their biological parents' pasts. Instead, I want to focus our gratitude on the adoptive parents, grandparents, brothers, sisters, and others who are truly the "real" family for adopted children. During this Thanksgiving week, we should be thankful for our families who have given their love and support to one another in order to raise up healthy, secure, and productive citizens for our country.

As many of my colleagues in the Senate know, I have been very concerned about serious flaws present in the Model State Adoption Act drafted by an advisory panel for the Secretary of Health and Human Services. The concerns of mine and several other of my colleagues in both the Senate and House of Representatives have, of course, been matched by those of the adoption agencies which serve families and by the thousands of families of adoptive parents, of adults who were adopted as infants, of biological parents who placed their children for adoption. I am convinced that under the leadership of President-elect Reagan, these flaws will be corrected, and the country will be provided with a Model State Adoption Act which will truly assist States in their efforts to eliminate barriers to adoption, especially for special needs children. Therefore, I strongly recommend that any further action on the Model Act, including further publication for comment, be postponed until after January 20, 1981.●

THE VOYAGER MISSION

● Mr. CRANSTON. Mr. President, during the week of November 12 we were privileged to be a part of one of the finest hours of American scientific and technical achievement. Our Voyager spacecraft, a jewel of engineering, produced worldwide headlines as it swept through the moon and ring system of the giant planet Saturn. And like the genie of Aladdin, it opened wonders beyond our wildest imagination. Shimmering globes of ice, cloud: covered oceans of hydrogen. swirling storms of high speed winds, and the majestic and mysterious rings, brought us adventure on a cosmic scale.

These new vistas would have awed even the most intrepid of explorers: Columbus, Magellan, Byrd, Perry, and the rest. And through the marvel of American space technology, it was possible to share the Saturn experience across the Earth. The images returning from Saturn were beamed all over the world by communication satellites we now take for granted. People thronged to our National Air and Space Museum to become more a part of another American "first" in space. The pictures returned from Saturn have received international news coverage. The success of the Voyager mission is truly phenomenal and a feat of which we are all very proud.

I offer my heartiest congratulations to the National Aeronautics and Space Administration (NASA) and to the Jet Propulsion Laboratory (JPL) in California. I am delighted that JPL has played such a major role in the Voyager mission. JPL is a research and development facility operated by the California Institute of Technology for NASA. The laboratory not only designed and constructed the Voyager spacecraft but managed its actual flight with its tracking and data processing facilities. JPL's work on Voyager is hardly over, though: JPL's scientific team will now analyze the information gathered by Voyager. Results so far indicate that the mission has far exceeded its promise.

The tremendous achievements of the Voyager mission call to mind our continuing commitment as a nation to new space exploration. We should not allow this commitment to lapse. The next exploration we have firmly planned is for the planet Jupiter through the Project Gallileo, which is scheduled for the late 1980's. Between completion of the Voyager mission and Project Gallileo, we should carefully consider other exciting, valuable steps we may take in the continuing drama of unwrapping the mysteries of the cosmos.

One such opportunity is space-based observation of Halley's Comet, which will return in 1986 for its once-every-75-years visit. Halley's Comet has fascinated mankind throughout history. Josephus, the Jewish historian, recorded the appearance of a comet, resembling a sword, that he said foretold the destruction of Jerusalem in A.D. 70. That comet thought to be Halleys Comet, which made a close approach to Earth in the spring of A.D. 66. Fascination with Halley's Comet has not diminished over the centuries. A number of nations plan missions to explore the comet in 1986. The United States should consider such a mission, perhaps making use of knowledge and equipment from the Voyager mission.

A second opportunity exists in a potential mission to explore Venus, a planet so shrouded in clouds that it cannot be explored from orbit with cameras. It can, however, be "seen" by radar, and we have the technology to use radar to map the planet in detail as we did on Mars almost 10 years ago.

Just as we explore new horizons on the outskirts of space, we are also moving rapidly into an era of using inner space as an extension of life on Earth. Satellites are an integral part of life as we all benefit from communications systems made possible by them. The Space Shuttle, which I have long supported, is being readied for its first operational mission and holds the promise for America's continuing leadership in sending satellites to space and in initiating and managing space-based research and experiments.

Both new exploration of space and increasing use of that part of space already important to our daily lives are key facets of the national space program.

I repeat my hearty congratulations to NASA and the Jet Propulsion Laboratory for their tremendous contribution to America's space effort.●

OUR LANGUAGE BARRIERS

● Mr. HARRY F. BYRD, JR. Mr. President, one of the many foolish Federal programs is the requirement of the Federal Department of Education that students of other nationalities be taught in their own language in our public schools. School districts which do not satisfactorily comply face a cutoff of Federal funds.

One of the most thoughtful analyses of where this regulation leads is a piece by Henry E. Catto, Jr., in the current issue of Newsweek. Mr. Catto is chairman of Washington Communications Corp., which publishes the Washington Journalism Review. He served as Ambassador to El Salvador, 1971–73.

I ask that Mr. Catto's excellent piece be published at this point in the RECORD.

The article follows:

OUR LANGUAGE BARRIERS

(By Henry E. Catto, Jr.)

By the end of the next decade it is entirely possible that the United States will once again confront the fateful choice it faced in 1860: schism or civil war. The cause this time will be language, and the crisis will have resulted in no small measure from government policy.

Two recent events, coming with dramatic simultaneity, foreshadow this bleak future. The separatist election in Quebec showed the grim danger of two competing languages within one nation. And the Spanish armada of Cubans fleeing their wretched homeland is a clear reminder that it is happening to us. Unfortunately, like some vague vatic dream, the memory will fade and we will do nothing to avert the problem until it is too late.

The American tradition has been, of course, for each wave of immigrants to put aside its language, save for special occasions, and learn English. But in the mid-'60s, understandably anxious to overcome the problems of minorities, the Federal government in its zeal unwisely abandoned this tradition.

The beginning of it all was innocuous enough. The Elementary and Secondary Education Act of 1965 was amended by a $7.5 million pilot program that would allow a Spanish-speaking student to be taught his basics in Spanish; as his English improved, he would switch into it and not lag behind his peers.

Brainchild: In 1967 I testified in favor of this project before Sen. Ralph Yarborough's subcommittee. The bill was the brainchild of liberal Democrats. Its sponsors thought the favorable opinion of a south Texas Republican Spanish-speaker such as myself would be helpful. Aware of the benefits of being bilingual, I obliged. I know from experience that command of more than one tongue is enormously useful. In commerce, government or society in general, multilingualism is a helpful tool and a mark of sophistication. The trend in America away from foreign-language study is a cause for legitimate concern. I have, however, come sorely to regret having testified for the pilot program; for, in the way of things governmental, the winsome babe has, in its maturity, turned monstrous.

The problem started in the courts. In 1974, in the case of *Lau v. Nichols*, the Supreme Court ruled that Chinese-speaking students in San Francisco were being discriminated against by being taught in English. It ordered relief but did not specify what form the relief should take. The office of Civil Rights of the Department of Health, Education and Welfare could have gone two ways to implement the decision: increase special English instruction or impose teaching in Chinese. With an unerring instinct for disaster, it chose the latter. Consider some of the results.

First, and most bizarre, students now have the right to be taught not only in Chinese or in Spanish, but also in Aleut, Navajo,

Apache, Japanese, Yiddish, Russian, Tagalog, or any one of 60-odd additional tongues.

Second, the cost of the program, borne on the wings of the Lau decision, has soared. In 1981 it is projected to be $192 million, a beautiful example of how governmental acorns grow. Thus far, the program has cost $942,063,000.

Third, school districts (some 300 of them throughout the nation) which do not satisfactorily comply with these guidelines face a cutoff of vital Federal funds. A "bilingual/bicultural" program is mandatory if there are twenty or more students of similar linguistic background in a district. There is no compelling law of the land in this loss of local control over local education. There are only proposed Department of Education regulations. Congress, in spite of the perversion of its idea, docilely continues to provide the funding which makes the travesty possible.

Finally, and not surprisingly, a vocal constituency in defense of the status quo has sprung up. The principal defenders are mostly Hispanics, a healthy sprinkling of the New Left reformers and teachers' organizations for whom bilingualism provides the twin treats of a cause perceived as progressive to fight for and thousands of teaching jobs. The whole matter reached the height of absurdity recently when the New Jersey teachers' lobby went to court to overturn a state rule requiring that teachers in bilingual programs be able to speak English. The New Jersey Education Association thought this rule to be racist, and it was clearly inconvenient for many teachers who could not speak English. As The New York Times tut-tutted editorially, bilingual is bilingual: ". . . it is one thing for any group to choose to lead a bilingual life, quite another for it to try to turn America into a bilingual society." The Federal court in Trenton fortunately ruled for inconvenience and upheld the state.

Magnet: Is there no way to turn the tide? Probably not. Floods of illegal immigrants continue to pour in from Mexico, Central America and South America. While some of these Spanish-speakers are dispersed throughout the country, many remain concentrated near their points of entry—in Florida, Texas, New Mexico, Arizona and California. For these people, assimilation in the historic tradition is difficult. One can listen to Spanish radio, watch Spanish TV and even vote in Spanish. Add education in Spanish as a right, and the melting-pot principle is in danger. Indeed, Dr. Josue Gonzalez, head of the Department of Education's bilingual program, is publicly on record as welcoming its end.

Here then are the ingredients: huge numbers of Spanish-speakers resident in the Southwest, supplemented by uncontrolled immigration; the linguistic magnet of Mexico, and the restless hunger of politicians for votes. Add a government policy whose results inevitably weaken the absolutely basic social cement of language (a policy which, incidentally, condescendingly implies that the Spanish-speaker, unlike the Italian, Swede, or Russian before him, cannot "hack it" in English without special help). The result: trouble. One nation indivisible? Don't count on it.●

PROTECTIONISM IX

● Mr. HEINZ. Mr. President, in my continuing effort to inform Senators about the various facets of protectionism I want to include in the RECORD excerpts of another article which addresses some of the causes and effects of protectionism.

Written by Susan Strange, the article, entitled "The Management of Surplus Capacity: Or How Does Theory Stand up to Protectionism 1970's Style?" examines whether the trend toward protectionism has occurred as a temporary response to economic difficulties or is the result of the structural formation of the international system.

The article, through the examination of political theories, reviews the present causes of protectionism and other restrictions in international trade. Tracking the movement from an era of free trade during the 1950's and 1960's to an era of greater obstacles in the way of foreign imports during the 1970's Strange suggests that—

We must "reconsider some of the widely held theories by which we have been accustomed to explaining the way the international political economy works and how it might develop in the future."

Mr. President, I ask that this article on protectionist trends be printed in the RECORD.

The article follows:

THE MANAGEMENT OF SURPLUS CAPACITY OR HOW DOES THEORY STAND UP TO PROTECTIONISM 1970'S STYLE?

(By Susan Strange)

For most of this decade, the world has experience an economic depression. This prolonged experience has produced a distinct and undeniable trend in international economic relations toward protectionism and the restriction of trade. States have reversed the movement of the 1950s and 1960s toward freer trade and (dispute the MTN agreement on tariff cuts) have put more and bigger obstacles in the way of foreign imports and greater restrictions on foreign enterprises. This trend should lead us to reconsider some of the widely held theories by which we have been accustomed to explaining the way the international political economy works and how it might develop in the future. How many of our conventional notions will prove to have been fairweather ideas that will not survive the harsher climate of the 1970s? Which of them are still valid and which must we prepare to abandon as obsolete?

Liberal theory holds strongly that the market-oriented system leads both to wealth through growth in the economic system and to harmony in the political system—to the virtuous ends both of efficiency and of good order. But in interpreting economic history, liberal theorists have to explain why states have not always been wholehearted in their pursuit of the open economy and free, unrestricted trade. They have tended to use two rather different explanations, one stressing the adverse influence of domestic political structures, the other the adverse influence of global political structures. The first explanation simply asserts that the power of producers interested in their own short-term interests in economic security is unfortunately better organized and thus sometimes able to outweigh the interest of the state and the consumers in the general welfare goal of greater efficiency and more vigorous economic growth. Against their own long term interest, therefore, governments are persuaded to use their power in the market system to protect the producers. But this mistaken preference for sectoral stability over general efficiency is self-defeating. According to Jan Tumlir and his colleagues in the GATT secretariat, resistance to change in the world's production structure by any government is self-defeating, politically as well as economically. Nonadjustment cumulates and the competitiveness of the economy is progressively weakened, while the political consequences of keeping people in low-skill, low-technology jobs create inequity and dissatisfaction, ultimately threatening the social foundations of the political system. The added temptations of buying popularity by protecting jobs in a recession therefore must be resisted out of enlightened self-interest. "The main danger of protectionism is that it exploits and fosters a misconception of society's internal and external interests which, properly defined, cannot be in conflict."

The second explanation is that the market mechanism can only operate successfully when the political structure is hegemonic and power is centralized and not too dispersed. According to Charles Kindleberger, economic harmony in the world economy requires "magistracy," or leadership. When the center country either loses its economic dominance or when its political hegemony weakens as a result of loss of confidence in the order that it tries to maintain, international economic relations will become more acrimonious and barriers will be raised to movements of goods and capital. According to this interpretation, the liberalism of the 1950s and 1960s was not the norm of trade diplomacy in world political economy, but rather a temporary aberration resulting from American military and commercial superiority. The strong trader was the free trader and nuclear and financial power gave the right to insist on trade liberalization. Yet this interlude was almost as brief as the corresponding period just over a hundred years ago when the Cobden-Chevalier Treaty between France and Britain (who then accounted between them for 60 percent of international trade) heralded a few short years of trade liberalization—years which ended with the depression of the 1870s and the widespread trend to trade protectionism in Germany, France, Russia, the United States, Austria, and later Japan. According to this interpretation, a return to liberalism in international economic policy would only be possible if U.S. hegemony were restored. The probable consequence of a multipolar power structure, by contrast, would be (as in pre-1914 Europe) a trend towards nationalism in economic diplomacy. To adherents of this view, the protectionist trend of the 1970s is connected with the decline in American hegemony during that decade.

The second area of theory concerns economic development more than international trade. Elites in the capitalist world have assumed that the world market economy offers poor countries the best means to raise productivity and improve their living standards. But if the evidence now suggests that success in exploiting opportunities for production for export will result only in impenetrable barriers being raised to further expansion, then export-led strategies for development may be inappropriate. Neither the original Rostowian theory that the developing countries would, like Japan and Australia, eventually be able to "takeoff," nor the later Prebischian theory (crudely put) that this would happen only if those with a "headstart" in the growth race transferred resources and offered preferential trade opportunities to the developing countries could still be accepted. New theories would have to be developed that take better account of the resistance of the industrialized countries to rapid increases in imports, and of the differentials in bargaining power as well as factor endowment among aspirants to development.

The third area of theory has to do with the roles of international organizations. A good deal of international organization theory rests on unstated incrementalist assumptions of a rather naive kind. Much recent writing appears to assume that because there is more international consultation, more and longer agreed statements of general principles, and more activity conducted through international organizations, the influence of these organizations is steadily expanding.

The leaders in neo-functionalist theorizing—notably Haas—have recently been careful to qualify their conclusions about the probability of "spillover" and to acknowledge that different kinds of international cooperation give rise to different kinds of "learning" processes. Yet much widely-accepted neo-functionalist writing still tells us that gradual progress is being achieved in managing the international political economy. Progress toward the development of world order, or universal rules or codes of conduct, or supranational administrative structures for their execution may, it is admitted, be uneven and sometimes slow, yet effort will not go unrewarded. Thanks to spillover" effects from one field of national policy making to another, and thanks to a presumed learning process by which nations, like people, perform better as they get older and more experienced, conventional neo-functionalist wisdom tells us that gradual improvement is being achieved in the international political economy.

Yet one of the paradoxes of international economic relations in the 1970s has been that the soft words exchanged in trade organizations have coexisted with hard deeds perpetrated by national governments. The reversion to economic nationalism has been accompanied by constant reiterations of continued commitment to international cooperation and consultation. The international bureaucracies of Geneva, New York, Paris, and Brussels have been kept busier than ever exchanging papers and proposals and patiently concocting endless draft documents to which, it is hoped, even deeply divided states might subscribe. But the reality has increasingly been one of unilateral action, even where policy is supposedly subject to multilateral agreement. International organizations concerned with trade matters—such as GATT, OECD, and the European Community—have functioned increasingly not as the administrators or executors of internationally agreed regimes but rather as would-be legitimizers of deviant or strictly self-serving behavior.

These implications of protectionism for theory are, of course, only important if the trend toward protectionism is not merely a temporary response to economic difficulties but the result of deep structural causes. Clearly, the world recession of the 1970s has been serious. Although world trade rose between 1972 and 1976 from $420 billion to $1020 billion, much of this reflects rising prices and the depreciation of the dollar. Between the top of the boom in 1973 and the bottom of the trough in 1975, the volume of trade actually did fall. Both industrial production and mineral extraction only regained 1973 levels in 1976. While there has been some recovery in the last two years, it has been uneven as well as sluggish. While the indices of industrial output of the United States, Germany, and Japan rose quite strongly in the twelve months to August 1978, Britain's rose by only 2 percent and Italy's by 3 percent; those of France and Belgium fell. Thus although the American view of the world economy was relatively bright in 1978, this rosy view was shared by few Europeans or Japanese.

Yet if this cyclical downturn were a sufficient explanation of the protectionist trend, the challenge to liberal theory would be less serious. One widely held interpretation of the international political economy contends that international commercial diplomacy has always been something of a zebra—black stripes of trade restriction in the interests of economic nationalism (and producers' security) alternating with white stripes of trade liberalization in the interest of international integration (and consumers' welfare). Whether the zebra looked like a white animal with black stripes or a black animal with white stripes depended on when and where you saw it. Hard times or economic weakness for the individual state brought out the tendency to trade protection; good times and economic strength the tendency to trade liberalization. Economic diplomacy therefore has always reflected, according to this interpretation, a variable mixture of both tendencies. When the exogenous variable of world economic activity changes for the better, the pendulum will swing back to trade liberalization and governments can resume an uninvolved ring-holding posture leaving national markets open to the most efficient low-cost producers, whether domestic or foreign.

Yet certain features of the 1970s recession suggest that this explanation is not adequate. First, the problem of surplus capacity, which has long existed in agricultural trade and in minerals and other raw materials, has now appeared in a number of processing and manufacturing industries. And market-sharing and price-fixing arrangements such as governments have hitherto used for commodities have now been made for manufacturers. The political issue is the same—how the costs of adjusting to an imbalance between supply and demand shall be distributed—but the problem sectors are more numerous and the negotiations more complex.

Three principal economic trends suggest why this has happened. First, in more and more industries, advancing technology has vastly increased the amount of capital that has to be invested for each unit of output and the leadtime before the investment results in increased output. Higher fixed costs and lower marginal costs (not to mention the resistance of organized labor to change) make production processes far less flexible and reallocation of factors much more costly. The producers' incentive for self-protection through restrictive practices is greatly increased.

Yet this is made more difficult by the second trend: in sector after sector, industrial arrangements that once were effective if they included all the producers in the national economy no longer suffice. The few sectors in which producers have always served a global market (oil, chemicals, diamonds, steel, shipping services) have been joined by many more. When these are threatened by surplus capacity, restrictive arrangements now have to be international to be effective.

Finally, the ability of the developing countries to compete in industrial markets with developed countries has proved much greater than was anticipated even ten years ago. Even in the midst of the recession, manufacturing production in developing countries reached an average annual rate of increase of 8.5 percent.

These are fundamental changes in the economic structure of the international system. They suggest that contemporary protectionism is not merely a passing phase, but a reflection of widespread resistance to deep-seated structural change. If one accepts, furthermore, the Kindleberger theory that hegemony is essential for international economic order, as magistracy is for national economic order, conventional views on the future of the world economy become quite problematic. Many liberal-minded people, Americans especially, have seen themselves in favor of free trade and international cooperation but opposed to imperialism. But if economic liberalism is only attainable through American hegemony and if there is indeed a basic and irremediabe tendency to conflict of economic interest in the international system, then hopes for international cooperation in a multipower system, for a resolution of conflict among more-or-less equal industrialized states, have been sadly illusory. The realistic school from Hobbes to Kenneth Waltz and Hedley Bull is due for a revival. The classic pessimists from Voltaire and Rousseau to Talleyrand and Metternich are vindicated. For the ideal shared by old fashioned liberals and social democrats, by business executives and old fashioned Marxists, can never be realized so long as political authority is shared among sovereign states. It would be unreasonable to expect such states either to apply principles of "fair shares" to others in socialist planning or to regulate (and compensate for) a market economy so that the economic interests of others are given precedence over their own.●

HOUSING AND JOBS

● Mr. WILLIAMS. Mr. President, meaningful employment opportunity and a safe, sanitary place to live comprise two of the most fundamental elements of a decent life in today's society. Yet, it has become increasingly apparent that the troubles of our erratic economy have exacted a heavy toll on jobs and housing. Over the past year, we have seen unemployment rolls swell to more than 8.2 million people, while housing starts have plummeted to their lowest level in years.

Less apparent has been the extent to which the problems our wayward economy has inflicted on the housing sector have in turn spawned additional problems for the job market. Housing and jobs are closely intertwined in a complex relationship in which the availability and adequacy of each hold great significance for the other. Industry to expand must be certain that an affordable supply of housing within reasonable commuting distance is available for use by the labor pool on which it intends to draw. Indeed, the very existence of that labor pool can depend on whether or not such housing is in place.

We know how decent housing at an affordable price can help maintain worker morale, can contribute to improved productivity in the workplace, and can play a role in business decisions about plant location. These decisions, of course, have enormous impact on the economic futures of the communities involved. By the same token, a plentiful, secure source of employment helps to anchor neighborhoods and indeed entire communities, contributing to better housing and neighborhood quality. During my tenure as chairman of the Senate Housing and Urban Affairs Subcommittee, I have been deeply aware of the dependence of decent housing and adequate job opportunity on one another and have strived to assure that this relationship is more broadly recognized and strengthened. The UDAG program, which can be used to improve the supply and the adequacy of housing as it expands community business and employment opportunities, and the congregate housing services program which directs that residents of projects where the program is implemented be given priority in any hiring done to carry out the program, are just two ways in which housing and job concerns have been addressed together in the Housing Subcommittee.

Unfortunately, the inflationary forces in today's economy, along with exclusionary local housing policies are undermining such efforts, and are weakening the link between housing and employment.

The spiraling cost of housing—rental as well as owned—along with the hostility of some areas to the development of moderate priced housing, are placing obstacles in the path of industries seeking to expand their operations into new areas, or to improve efficiency and productivity in existing locations by transferring from other places workers with specialized skills. Such obstacles can have serious consequences for companies, for individual workers, and for whole communities. Moreover, as mismatches worsen between plant location and job opportunities on one hand, and housing adequacy on the other hand, the prospects for employment and for the economy will also worsen. Clearly, this is a situation which we cannot afford to neglect.

An article entitled "The Job-Housing Link," written by B. Judith Glassman, and appearing in last week's New York Times, is one of the latest entries into the continuing discussion about the need to address human concerns in a comprehensive, rather than fragmented manner. Ms. Glassman correctly notes the interdependence of jobs on adequate housing supply and affordability, and offers creative insights into the responsibilities of both public and private sectors to understand and support that interdependence. Ms. Glassman has written a most useful essay, which has meaning for the work of the next Congress, and which I believe merits the close attention of my colleagues.

Mr. President, I submit for the RECORD this article.

The article follows:

THE JOB-HOUSING LINK

(By B. Judith Glassman)

TEANECK, N.J.—The setting is a suburban restaurant, and business is good. A line is forming—a growing line of customers who become increasingly irritated as they discover that half the dining area is roped off, unavailable for use. An unhappy manager explains his problem: Customers abound but he is unable to use his facility fully because help cannot be found. Prospective workers, although anxious for jobs, simply cannot find housing that they can afford within reasonable commuting distance.

The pattern of a disparity between the location of jobs and affordable housing has been growing throughout the country in recent years. Housing opportunities have not followed the growth of jobs into suburban regions; the consequences are long, expensive, energy-consuming commutes from rural and urban areas for middle-income families, and virtual inaccessibility to job opportunities for lower-income people. How did this happen?

The movement of industry and commerce into suburban regions that began in the 1970's, and that is continuing, generally has not been accompanied by corporate planners' concern with the problem of where workers would live. Their assumption of at least one car in every garage and the availability of an ever-growing road network has meant that the usual link between job and nearby housing has been considered irrelevant. In addition, they have expected that the housing market would respond to the new demand. For a variety of reasons, however, chiefly exclusionary practices by affected communities and enormous escalation in housing costs relative to income, this response has not materialized, except for homes for highly paid executives.

The energy revolution of the last five years, in the meantime, has drastically aggravated the dangers of this pattern. Society, and the workers themselves, can no longer afford long commutes to jobs. The close connection between home and employment must be reestablished. How can we reforge this link with minimum delay? The crucial decision, the one that is essential if any strategy is to work, is acknowledgement of the responsibility to introduce housing into the corporate-planning process; businesses must understand that this is in their self-interest. Once this premise has been accepted, employers can consider the following steps a sampler of possibilities, neither applicable in all situations nor exhaustive, but at least a place to begin:

The first step would be to conduct two surveys: a housing-needs assessment for employees at all income levels, and a housing-resources inventory of the region, including both existing and potential housing. A housing strategy should then be developed to deal with gaps. Local communities should be told about the plan and should be strongly encouraged to eliminate zoning impediments to meeting the identified needs.

A second step would be for industry to develop financing opportunities for housing employees whose incomes place them among the priced-out groups. The first might be down-payment assistance: Loans could be provided for down payments to low- and moderate-income employees, with deferred repayments tied to future salary increases. The second could be incentive financing: Construction loans at favorable interest rates could be made available to builders willing to produce housing units within the price ranges that conform to housing-strategy goals. The third could be shared investment: Companies could assume a portion of the financial investment in a home of a low- or moderate-income employee in return for a proportional share in the equity realized upon sale of the house.

The actions suggested here, although constructive for moderate-income workers now priced out of the home-buying market, would do little for low-income workers for whom subsidized rental housing is necessary if access to jobs is to be provided. For them, one possibility that has begun to gain currency is to make available corporate-owned land, which is frequently left unused as an esthetic buffer, to nonprofit or public-housing agencies. With imagination and environmental care, such land could be turned into attractive townhouse clusters yet kept at costs eligible to obtain governmental subsidies.

Government, too, must systematize its planning role. The fragmented approach by which economic-development agencies reach out avidly for jobs but ignore housing, by which housing agencies (where they exist at all) strive for homes but ignore job opportunities, and by which transportation agencies are ultimately bequeathed the resulting, insoluble mismatch is irrational. If for no other reason than to help banish the energy nightmares we are creating, we must coordinate our planning processes, at all levels of government, in order to reestablish the historic link between jobs and housing.●

PAPERWORK REDUCTION ACT OF 1980

● Mr. MITCHELL. Mr. President, I rise to express my support for S. 1411, the Paperwork Reduction Act of 1980, which passed the Senate on Wednesday, November 19.

The burdens imposed upon individuals and businesses across this country by unnecessary and wasteful Federal paperwork requirements are obvious. People from all walks of life have at one time or another been subjected to the imposition of excessive Federal paperwork requirements, whether they are tax forms, medicare forms, financial loan applications, job applications, or compliance reports. What is not so obvious is the cost of all of this Federal paperwork.

It was estimated, 3 years ago, that the cost of Federal paperwork requirements amounted to billions of dollars each year. Much of this cost is not reflected in the Federal budget. Instead, the public is forced to expend its time, effort, and money to comply with the increasing burden of Federal paperwork requirements. It is a form of "hidden tax" that has a serious impact on the economy and well-being of the Nation.

Paperwork costs go beyond the financial costs. The small businessmen are discouraged and intimidated by the excessive paperwork involved in expanding their businesses; doctors discourage medicare business because of the burden of filling out forms; teachers estimate that it takes 26 extra working days to fill out necessary forms.

The Paperwork Reduction Act has two main objectives: First, to insure that agencies make only necessary information requests of the public, and second, to eliminate those paperwork requirements that are unnecessary and wasteful.

The goal established by the Paperwork Reduction Act is to reduce the costs associated with paperwork by 25 percent over a 3-year period. The bill attempts to achieve this objective in three areas. First, it proposes to consolidate control over Federal Government paperwork in one central office. Currently, the Office of Management and Budget oversees the paperwork of the executive branch agencies, the General Accounting Office oversees independent agencies, and nobody oversees the IRS and the banking regulatory agencies. With the enactment of this law, nearly every Federal agency will be required to submit its significant paperwork requests to the OMB for clearance.

Second, the bill proposes a qualifying test for each proposal involving significant government paperwork—is the information sought truly necessary to achieve the agency's objective and, if so, is it available from other sources within the Government? In addition, each agency will be required to take steps to minimize the burden of the information request.

Third, the bill establishes a central clearinghouse of information to enable cooperation and coordination among the various Federal agencies. This information locator system will enable any Federal agency to determine if the information they seek is available elsewhere in the Government.

This legislation will do much to alleviate the burdens imposed upon the American people by the Federal Government. Businesses and consumers should

benefit from the enactment of this law. I support the Paperwork Reduction Act of 1980 and am hopeful that the conference committee will act promptly to resolve the differences between the House and Senate version of this legislation.●

NEED FOR IMPROVED DEBT COLLECTION

● Mr. SASSER. Mr. President, I call the attention of my colleagues to an editorial article in the November 25, 1980, issue of the Washington Star entitled, "Cutting by Collecting." The article retells our efforts here in the Senate to improve Federal debt collection efforts as a means of reducing the deficit. I ask that the article be printed in the RECORD at the conclusion of my remarks.

Mr. President, I urge that my colleagues join Senator PERCY and me as cosponsors of S. 3160 which is intended to increase the efficiency of Government-wide efforts to collect debts owed to the United States. Any Member who has any questions or who wishes to join as a cosponsor may contact us, Terry Sauvain at 4-7251 or Alan Mertz at 4-4108.

The article follows:

CUTTING BY COLLECTING

We see the foreshadowing already—a good many of the brave promises to cut government spending may be as hard to carry out this time as they have always turned out to be when previous would-be budget-trimmers tried. Even before the Reagan administration has taken office, there have been murmurs about departments and programs that may not be abolished after all. At least not right away.

Don't give in to cynicism, though. Not all hope of taming the monster is gone.

In fact there is one federal money-saving scheme that may at last take off after a couple of years of unsuccessful efforts to launch it. This is Tennessee Sen. James Sasser's drive to collect debts owed to government agencies. It could make a $16-billion difference in the national deficit within a year.

The immediate focus of the effort is a bill co-sponsored by Sen. Charles Percy of Illinois, which would turn over the names of loan defaulters to the commercial credit establishment. Senator Sasser also favors applying two other sticks to people delinquent on government loans. One is bringing the Internal Revenue Service into the picture so that overdue loans will be made up out of tax refunds. Another would deduct from the salaries of federal employees to make up the arrears.

In the past, there has been some hesitation about such measures. Partly, it has been inspired by privacy considerations, partly by fears of giving IRS powers that might be misused. Mostly, it has reflected official indifference to the collection problem.

Program directors concerned with loans have been much more interested in getting appropriations and distributing the money than in enforcing repayment. Besides, with the magnitude of many such operations, follow-ups on individual defaulters have often seemed to be more trouble than they were worth.

Now, however, it has become apparent that the money lost by failure to police borrowers is well out of the nickel-and-dime range. It quickly adds up to billions.

It has also become apparent that the cost of recovering some of the lost billions is minor. It has been estimated by those who have pushed government debt collection that every dollar spent in that direction brings back $30.

Furthermore, the proposed remedies can work without violating citizen rights. They have been tried on the state level with salutary results. In New Jersey, for example, the condition of all student loans is known to credit bureaus from the beginning. Defaults are comparatively few. In Oregon, the threat of IRS refund withholding has been an effective discipline for borrowers since 1972.

At present, of the $175 billion owed the federal government, $47 billion is due now, and of that, $25 billion is in arrears. It's a bouquet of foreign aid, agriculture, small business, housing and urban development projects and education, with student loans making up the biggest single category.

Actually, this category illustrates with peculiar vividness what else is wrong with letting this form go unchecked. Besides the money, there's a moral issue: It encourages dishonesty, public and private, if people who cheat on their obligations can expect to get away with it. It has not gone unnoticed among welfare recipients how often the children of affluence behave as though their student loans were another form of dole.

Although Republicans voted against some of Senator Sasser's proposed loan recovery measures in 1979, it may be hope that the economy mood of the new administration will give them second thoughts this time. It will take leadership from the Office of Management and Budget to put the collection effort over even if Senator Sasser gets the legislation he wants in the new Congress. Whatever it takes, though, there's something in it for all of us.●

AUTOWORKER PLIGHT CONTINUES: IMPORTS REMAIN A KEY FACTOR

● Mr. BAYH. Mr. President, on November 18, 1980, a number of distinguished Americans participated in the annual conference of the prestigious Institute for Socioeconomic Studies in New York City. I want to take this opportunity to call to the attention of my colleagues the remarks which UAW President Doug Fraser made to the conference. I think Mr. Fraser's knowledge and work with the many problems confronting the automobile industry, and the workers whom he represents, especially commend his comments on the present crisis. I ask that his remarks be printed in the RECORD.

The remarks follow:

COMMENTARY ADAPTED FROM A SPEECH DELIVERED BY DOUGLAS A. FRASER

The most pressing problem which the Reagan Administration must address promptly is the crisis in the auto industry—an industry that has a profound impact on America's overall economy. Workers continue to experience massive layoffs and the automakers continue to lose literally billions of dollars.

Foreign imports have played a major role in the auto crisis, as having rising energy prices and shortages, and recessionary policies such as rising interest rates.

The International Trade Commission (ITC) recently handed us a major setback when it ruled that imports were not the tic auto industry.

I'm hopeful President Carter in the weeks remaining in his term will make good his pledge to seek a voluntary agreement to limit Japanese imports temporarily. Should that not occur, the issue of the exploitation of our market by the Japanese automakers greatest single cause of injury to the domes- must become one of the first matters that the Reagan Administration tackles.

We in the UAW have long been advocates of free trade. This is a principle which we have not abandoned.

We are fully aware of the benefits to all of humanity that expanded world commerce can bring. But we always thought free trade must be fair trade.

That has not been the case with respect to U.S.-Japanese trade, particularly in autos and trucks, in recent years.

In the period after 1950, Japan's auto industry was targeted—as a matter of that nation's public policy—for vigorous, "hothouse" growth.

From vehicle production of essentially zero, the Japanese grew remarkably over the next 30 years, reaching a production level this year of 12 million cars and trucks. Throughout the period of early growth, credit and other resources were consciously allocated to the fledgling Japanese auto industry. The Japanese domestic industry and market were strictly protected. That meant vehicles of North American manufacture were for years and years kept out. Yet, the industry being developed was never intended to be restricted to serving the Japanese domestic market.

Had the Japanese been as shortsighted as U.S. businessmen—or our government—they never would have persisted. After this lengthy period of careful nurturing, the Japanese auto industry emerged as a formidable competitor.

When, in the early spring of 1979, gas lines formed and gas prices began to skyrocket in the wake of revolution in Iran and OPEC increases, the American domestic producers were not equipped to handle the abrupt shift in the U.S. car and truck market.

The Japanese were poised and ready to capitalize on this sudden advantage. Auto plants in Japan worked heavy overtime to build cars for export to the U.S. market while countless thousands of auto workers and workers in related supplier industries in this country were forced into the unemployment lines.

From 4 percent in 1970, the Japanese share of the total U.S. vehicle market skyrocketed to almost 23 percent. That growth in market share has been nothing short of explosive since the spring of 1979.

This has not been an orderly, phased increase achieved without major disruption or injury to the domestic industry and its workers—far from it.

Skyrocketing imports occurred at precisely the same time as plummeting domestic production. The case for injury, in our view, could not have been stronger.

It was precisely to deal with cases such as this that the International Trade Commission was created, in full accordance with GATT and other provisions of international law.

To seek temporary import restraints, as we have done, is not protectionism in the 1930's "beggar-thy-neighbor" unilateral style. The distinction could not be clearer, yet it appears to be widely misunderstood.

Our goal has always been a negotiated settlement that would be based on voluntary import restraint in the short term and an agreement for those who sell high volume in our market to produce here as well.

We chose to go to the ITC in the absence of such a settlement.

All we want is temporary import restraint, to give the U.S. auto industry sufficient breathing room to retool to meet the competitive challenge.

We greatly fear that the alternative—which we are witnessing—is permanent damage. We want this relief, not to assist the companies, but to preserve the jobs of our members.

Indeed, we have long felt that the appropriate solution, given that the Japanese have

attained such a large share of the U.S. market, is direct investment by the Japanese companies in productive facilities over here.

It is inconceivable that a similar tribunal in Japan or any other industrialized nation would have ruled as the ITC has done.

Indeed, countries of Europe and other parts of the world are moving effectively to limit Japanese import penetration into their home market, to protect domestic employment.

As the only wide-open vehicle market in the world, the United States will increasingly be the target for export-bound Japanese cars and trucks. That means unemployment is being exported to us.

Other countries impose tough requirements that a certain percentage of the parts contained in autos sold there must be manufactured there.

Mexico is just one example. Because of tough local content laws, both Chrysler and Ford have altered plans and are developing vital new four-cylinder engine capacity in Mexico, while thousands of U.S. auto workers are unemployed.

Mexico is a developing country which wants badly to industrialize. But what about auto workers in *our* country and *our* jobs?

I do not believe it is protectionist to feel that our government has a responsibility to defend U.S. workers against actions by other governments, or injurious trade practices of other nations industries, which deprive us of our jobs.

Despite the bitter ITC setback, we are more convinced than ever that the course we adopted is necessary and correct. We have not abandoned or repudiated our free trade principles. But auto workers cannot be expected to sacrifice their livelihoods on the altar of an abstraction.

Commitment to free trade never embodies passive acceptance of massive dislocation. We cannot accept that American workers should become the victims of industry's shortsightedness or government's failure and unwillingness to plan.●

THE FAMILY WITH A HANDICAPPED NEWBORN CHILD

● Mr. JEPSEN. Mr. President, last week, Dr. C. Everett Koop addressed a meeting in the Senate Caucus Room in which numerous Members of the House and Senate participated. Dr. Koop is surgeon-in-chief of the Children's Hospital of Philadelphia and professor of pediatric surgery and pediatrics at the University of Pennsylvania School of Medicine. Dr. Koop eloquently described the circumstances of the family with a handicapped child and how the lessons learned in the care and treatment of these patients can be applied to the care of others.

Dr. Koop's work first gained international public attention in 1974 when he and his medical team successfully separated Siamese twin baby girls in a 10½-hour operation. More recently, Dr. Koop joined the noted theologian, Francis Schaeffer in creating the five-part film series and book, "Whatever Happened to the Human Race?"

The recipient of numerous honorary degrees, Dr. Koop is the author of more than 170 articles and books on the practice of medicine. He has received the highest recognition within his profession, both in this country and overseas, including the Browne Gold Medal of the British Association of Pediatric Surgeons, the Ladd Gold Medal of the American Academy of Pediatrics, the Presbyterian Man of the Year Award, the Jewish Community Chaplaincy Services' Man of the Year Award, and the French Legion of Honor.

Mr. President, because of the timeliness of Dr. Koop's statement and its relevance to broader health policy considerations, I ask that his address before the recent symposium of the American Family Institute entitled, "The Family with a Handicapped Newborn" be printed in the RECORD and I strongly commend it to the attention of my colleagues.

The address follows:

THE FAMILY WITH A HANDICAPPED NEWBORN

(By C. Everett Koop, M.D., ScD. (Med.))

It is with a sense of gratitude that I speak to you today on some of the circumstances, problems, and benefits that arise when a handicapped child is born into a family. Were it not for a body such as the American Family Institute, it would be easy to become discouraged over an event such as the White House Conference on Families. That conference was convened by those to whom reality was only relative and attended by more enemies of the family than by those who saw the family as the basic moral building block in our society—a place of nurture for what an earlier and more moral generation saw to be the best things in life. That was before hedonistic life styles and worship of the nonexistent god of secular humanism undermined the foundation of the family that provided us with the standards, the morality, and the self-giving love enabling us to reach out to others less fortunate.

The family is not threatened by poverty, by inadequate education, and the lack of a more beneficent social planning government. Indeed these deprivations, when they exist, mold, knit, and glue together the family structure that can survive and prosper in the face of adversity.

Take the trend of the past several decades, the encroachment on the traditional family structure by all the anti-family forces abroad in the land today, add to that the narcissitic preoccupation with health, and compound it all with the economic jargon of modern medicine—cost effectiveness—and you must agree that the ordinary family is at risk. Deliver a handicapped baby into that family and risk becomes a reality in potential disaster, disaster for the family in part but especially for the youngster.

Let me set the stage: A family is expecting a baby for nine long months and their mental image is that of the bright eyed adorable baby on the label of Gerber's baby food jars. The expected labor arrives, the delivery is difficult, and the mother wakes not to cuddle the Gerber baby in those first precious moments of bonding but to be told her baby had a congenital defect and even now is en route with her husband to a distant city where complex surgery will be performed in an effort to save the child's life after which a long process of habilitation must take place for the youngster to assume a normal role in society. The props are gone. Hope has become despair. Joyful expectancy has been replaced by a fear of the unknown, a devastating anxiety of how to cope. She does not know whether the medical estimate of form and function is realistic or grossly deficient, and overall there is the thought of impending doom, particularly associated with economics.

It is my belief that the baby—my patient—will do best in the heart of his family and that the shattered family can be rehabilitated. I know what can be accomplished in the habilitation of a child born less than perfect. I know what can be done with that child's family. I know that these children become loved and loving, that they are creative, and that their entrance into a family is frequently looked back upon in subsequent years as an extraordinarily positive experience. I am aware that those who never had the privilege of working with handicapped children after the correction of a congenital defect think that the life of the child could obviously be nothing but unhappy and miserable. Yet it has been my constant experience that disability and unhappiness do not go hand in hand. The most unhappy children I have known have been completely normal. On the other hand, there is remarkable joy and happiness in the lives of most handicapped children; yet some have borne burdens which I would have found difficult to face indeed.

Believing that when the family and the handicapped child are given the proper support and guidance, they will all be better for the experience, it has been my lifelong practice to provide this support and guidance and I know it works.

A young man now in graduate school was born without arms below the elbow and missing one leg below the knee. He was the victim of the prescription of thalidamide to his pregnant mother at the time of limb budding. When his father stood at his bassinette in the hospital where he was born, he said only this: "This one needs our love more." With that love and muddling through, it had a happy ending, which is really now only the beginning of this young man's productive life. The love they needed, they had; the muddling through could have been better.

Here is how the young man feels today: "I am very glad to be alive. I live a full, meaningful life. I have many friends and many things that I want to do in life. I think the secret of living with a handicap is realizing who you are—that you are a human being, somebody who is very special—looking at the things that you can do in spite of your handicap, and maybe even through your handicap."

This family in crisis is a threat to itself as well as to other families, indeed to all of society as well. It is a crisis situation which must be faced; it has a solution; indeed it has long term benefits even for you and me.

One of the so-called treatment options in a youngster such as I have just described is to do nothing and let the baby expire from inattention. The relativistic ethic in medicine which permits this has been the target of my concern and my anger and has occupied a major part of my time for the past two years. I allude to it only in passing to say killing the patient to get rid of the defect has never been a part of responsible, moral medical practice.

For almost thirty-five years now, I have devoted the major part of my professional life to the management of children born with a congenital defect. Because I was the sixth person in the United States to limit his surgical practice to the care of children, I was in my early years a surgeon of the skin and its contents. Therefore, my experience with congenital defects is broader than just the field that ordinarily is now called general pediatric surgery. Although in more recent years I have become a specialist's specialist and my interests have been confined to those congenital anomalies incompatible with life but nevertheless amenable to surgical correction, early on I was concerned with the management of cleft lips and palates, orthopedic defects, spina bifida and its complications, congenital heart disease, and major urologic defects.

There was a day when medicine was not only a profession but was considered to be an art. There were even those who considered it to be a calling such as the ministry. A man who practiced medicine was called to a compassionate ethic that led him to the service of his fellow man. He worked in diagnosis and treatment in the realm of trust between

the patient and himself. When he dealt with a child or an incompetent adult, he dealt in the realm of trust between the patient's family and himself.

One of the distortions in society which will not benefit any family and least of all the family we are discussing is a change in semantics and hence philosophy in the practice of medicine.

The semantic change which has crept into medicine is one in which the patient is called the consumer. The patient is called the consumer as though he were eating cereal. The physician is called a provider as though he were delivering gasoline. We refer to the health care delivery system as though it were some monolithic structure from which the consumer had the right to expect only success. Delivery systems and consumers imply contracts.

Contracts imply restrictions and the restrictions that are implied are not just on the physician but they end up by being restrictions on the type of health care actually delivered, the very thing that the system is seeking to avoid by the semantic change.

One of the complications of this change toward consumerism is the expectancy of perfection. There was a day when the patient (not the consumer) had confidence in his physician in such a way that he saw him practicing in the realm of trust, knew he was going to get the best that was possible for his physician to accomplish. Now after the provider has outlined for the consumer what his expectancy is from the ensuing relationship, if the result is either less than perfection or less than the provider's estimate of his approach to perfection, then the consumer feels it is his right to be compensated for the discrepancy. The only way he can be compensated is by a financial reward following a malpractice litigation. Human bodies are not like carburetors; the same thing does not affect all patients in the same way. There is an inherent failure rate in all that the physician seeks to accomplish.

I would like to suggest to you some of the things that happen in reference to the handicapped newborn and his family. Eventually one physician assumes the responsibility for primary care; he is the overseer, the guide, and the counselor. He will be representative of one of four kinds of physicians.

First, he might be a physician who will act in support of the child and the family as I have suggested. I think it is not only fitting and proper, but rewarding to all concerned as well.

Secondly, there will be a physician who presents death as an option in management.

Thirdly, there will be the physician who suggests institutionalization for the child in question.

Finally, there will be the physician who will be one of the previous two but who becomes hostile to the family if his advice is not taken.

What of the parents? They have several courses of action open to them. If they are not in the hands of a team that will do all it can to bring the pertinent agencies into contact with the family for their ultimate benefit, they will have to forage for themselves. These parents seek on their own what society has to offer and usually admit that they face society is an adversary position. Most apply their learning to their own child and adjust slowly and with difficulty to the life that lies ahead of them as does their child. Occasionally, a set of parents will become so incensed at the failure of support from society that they will try to do for similarly afflicted children all they have learned to do for their own. Out of what is early on a selfish exploration there comes the desire to share with others, of such stuff are local and national foundations formed for the betterment of specific diagnostic problems.

How does an outsider view the physician? Roslyn Benjamin Darling has done this in a book appropriately entitled "Families Against Society." In reference to pediatricians caring for spina bifida patients being raised in intact families, she had this to say: "Some doctors were quite sympathetic toward parents of handicapped children. Others were not. A few were decidedly hostile toward parents who kept such children at home. These doctors' views are understandable within the context of their socialization and the stigmatizing society and their training in medical school where success is typically equated with curing and normalcy of function and problems are treated on an individual rather than on a societal basis."

I have tried to paint in broad strokes—the family in crisis particularly with a handicapped child. I would like to say a few words about solutions and nonsolutions as well as the side effects of society's proper care of the situation.

The first nonsolution I have already referred to is getting rid of the baby. The medical profession has traditionally made its treatment of patients a reflection of our society's concern for those who are ill or helpless. Often the profession has acted as advocate for those who had no one else to stand up for them. In the hippocratic tradition and in line with the judoe-Christian ethic, the medical profession formerly responded with love and compassion toward the helpless child and I think that is the only acceptable way it can function in the future.

The second nonsolution is all inclusive catastrophic health insurance. Although I would like to study ways that catastrophic insurance might be effective, my great concern is that with the passage of time the definition of catastrophe becomes more and more benign and it is easy to see how catastrophic insurance could get out of hand and be the thin edge of the wedge by which a national health service becomes a reality.

The third nonsolution is a national health service. I say that on the basis of long and intimate association with the National Health Service of the United Kingdom. I have seen it destroy the patient, not the defect, because of economics alone.

Recently when Professor Robert Zachary and I were conducting seminars in the United Kingdom, a woman rose to ask a question. This is essentially what she said: "I am a general practitioner in the national health service. Three years ago a daughter was born to us who had spina bifida and I was told she would die within three weeks. When a nurse told me she was being starved to death, I signed her out of the hospital against advice. She is now a bright, adorable, three-year-old girl who is the light of our lives. However, she has an incontinent bladder and orthopedic deformities which keep her from walking. Her spina bifida has never been repaired. But because I signed her out of the hospital against advice and because she was initially classified as nontreatable, there is no way I can obtain any urologic or orthopedic help for my child under the national health service. At my own expense I am keeping her on urinary antibiotics in order to protect her kidneys. What can I do?"

Professor Zachary told her her only recourse was to seek private care in England and I told her if she would get the child to Philadelphia, we would eventually send her home walking in calipers, controlling her urine with an ileal bladder and she might even be the second lady Prime Minister of Great Britain.

For solutions I would like to suggest a computer that can give courage and care; second, that experience can cut costs; third, that free enterprise can surpass the government, and finally, that ingenuity can take the handicapped out of an institution and restore him to his home and family.

The year 1981 will see me come to the end of a thirty-five year tenure as the surgeon-in-chief of the oldest children's hospital in the western hemisphere. It is my hope that after the necessary adjustment, I can make available to physicians and parents a comprehensive service to take the sting out of managing a handicapped child. What I envision is a national computerized service that could be questioned by physician or parent to provide for any handicapping diagnosis, the most competent diagnostic service closes to home the closest competent therapeutic service, a list of all the available governmental and private agencies that could be of help to the parents and their children, and finally a readout of nearby parents with similar situations who have coped with the problem in the past.

If we could make this service available to parents and physicians alike, I think we would remove the terrible fear that exists that the odds are too great against the handicapped child and his family to make any effort worthwhile and to slay forever the myth that only perfect quality of life is life worth living. That is the computer that can deliver care and courage.

The first time that anything is done in medicine will almost always be the most expensive time. As experience grows, as techniques improve, hospital care is shortened, rehabilitation is quicker, and the economic impact is far less. There is a major bony defect of the chest wall in children that requires correction if one is not to be a cardiac cripple in adult life. During the operation in days gone by I used to transfuse these patients, post-operatively they were in oxygen tents, their hospitalization consumed three weeks, and their return to normal activity was delayed for three months. Now when in certain seasons of the year I do one of these every operating day, I never use a blood transfusion, post-operative oxygen is almost unheard of, hospitalization varies from three to seven days, and full activity is resumed two weeks after discharge. That is experience that cuts cost.

In the extraordinary care which is absolutely essential to the surgical management of any congenital defect incompatible with life but amenable to surgical correction, there will be certain patients who become respirator dependent. As such they live in hospitals, they are extraordinarily expensive, and they are deprived of the nurture of the family because they cannot live at home. It does not have to be this way. Taking our cue from a remarkable French experience in a northern suburb of Paris, we now have sent a number of respirator dependent patients home. We have had to revise the technology of their care, but in addition to the tremendous human benefits to the family and the patient, the cost has been cut from $600 a day for care in a respiratory unit in the hospital to $40 a day at home. As the numbers increase, I am confident that this cost can be reduced to $50 a week. Incidentally, the process of weaning the youngster off the respirator is better accomplished in the loving environment at home than it is in the caring but nevertheless non-family atmosphere of the hospital.

And, the care of those youngsters at home does not have to be done at the cost of the Government. Given enough patients at home on respirators, the French experience has shown that competitive free enterprise can deliver a superior service to patients and families than that provided by the Government and can do it more cheaply.

This is only one instance where ingenuity can restore a child to his home and family at a savings through free enterprise over the cost of governmental medicine.

There are beneficial side effects to all of us that come from our attention on the care of the handicapped newborn. First of all, as the patient is benefited, so is his family. Secondly, the necessity for the special care required raises up a new type of parapro-

fessional that makes the care of the next patient easier and cheaper but also has a spinoff to the care of patients with similar or related if not identical problems. Finally, every so often there comes a time when the experience and sometimes the sacrifice of one child will provide untold benefits to other patients.

A number of years ago a newborn child was operated upon in the Children's Hospital of Philadelphia and almost her entire bowel was found to be gangrenous; the unaffected bowel was not long enough to support life. In an institution aggressively seeking innovative procedures and trying desperately to push back the frontiers of pediatric surgery, one of my colleagues resected the gangrenous bowel and kept the child alive on total parenteral nutrition. She never ate by mouth; all her nutrition was supplied by vein. The hope was that a small bowel transplant would eventually be possible to restore this child to satisfactory existence. Before that technique could be achieved, the patient succumbed but until then she had been on total intravenous feedings, gaining weight and developing according to acceptable standards over a period of 400 days. The cost was enormous. The patient died, but because she was the first to ever be maintained on total parenteral nutrition, medical science learned a great proportion of what it now knows about hyperalimentation or total parenteral nutrition from this one little girl. It is without doubt one of the greatest medical advances of the past several decades.

What we learned from that experience was intended for her own good and not for the good of society. But it did provide society with a now recognized nutritional technique which has saved the lives of thousands upon thousands of children and hundreds of thousands of adults around the world. In addition to that, hospital stays have been shortened, wounds have healed more quickly, rehabilitation has been possible sooner, and hitherto almost unmanageable situations like small intertinal fistulae have come under surgical control. Hospitalization for this nutritional support alone averages about $300 a day and now can be done at home for about one-tenth of that cost.

I have spent my life professionally in the care of what the world calls handicapped children. All of these had a physical defect to start with, some were habilitated to be indistinguishable from normal. Others were not pristine in form or function. Some had a mental handicap as well. They live and do well in families. They merely exist in institutions. I have seen many childless couples become a family when they took a handicapped child by adoption. Other traditional natural families have expanded by the same process. It all takes a tremendous investment in vision, time, effort, and money. There are tragedies and triumphs. But blessings frequently come with braces.

I would like to close with an anecdote.

Sometime ago in preparation of a speech I was going to give in Toronto I interviewed the mother of one of my patients and told her I would like to quote her answers to two questions.

The first question I asked was: "What is the most awful thing that ever happened to you in your life?"

And she said: "Having our son born with all those defects that required 26 operations to correct."

Having performed 22 of those operations and having stayed with her during the other four, I said, "that was an easy answer and I expected it. But now tell me, what is the best thing that ever happened to you?"

And she said: "Having our son born with all those defects that required 26 operations to correct."●

MAYOR WILLIAM H. HUDNUT III, TO BE PRESIDENT OF THE NATIONAL LEAGUE OF CITIES

● Mr. LUGAR. Mr. President, next week, the Honorable William H. Hudnut III, the distinguished mayor of the city of Indianapolis, will be sworn in as the president of the National League of Cities, a position I also held during my tenure as mayor of Indianapolis.

Under Bill Hudnut's leadership, the city of Indianapolis has continued to make impressive strides forward in the areas of crime reduction, economic expansion, downtown revitalization, and neighborhood renovation and stabilization, programs given the utmost priority during my administration. When I left office in January 1976, Indianapolis had a balanced budget, a municipal bond rating of Aaa (the highest possible), and a budget surplus. Bill Hudnut has continued the type of fiscal leadership that has led to Indianapolis' ongoing monetary health in addition to numerous awards for its financial reporting practices.

Since Bill Hudnut's election in November 1975, Indianapolis has exprienced more than $1.5 billion in new investment, and the number of jobs has grown by more than 84,000, all in an era of double-digit inflation and general economic problems across the Nation. The crime rate in Indianapolis has been lowered by a full 15 percent during Bill's term.

Bill Hudnut is no stranger to Washington. During the 93d Congress (1973–74), he represented Indiana's 11th Congressional District, sponsoring 17 bills which are now public laws. He was recognized by the National Association of Mental Health for his support of mental health legislation and was honored with the Watchdog of the Treasury Award for his efforts to curb excessive Government spending and high taxation.

Mr. President, I congratulate Bill Hudnut on his election as president of the National League of Cities, and look forward to a continuing close working relationship with the league during his tenure as we all work to solve the economic problems that continue to confront our Nation's cities.

Mr. President, I ask that Mayor Bill Hudnut's biography be printed in the RECORD.

The biography follows:

WILLIAM H. HUDNUT III

William H. Hudnut III was re-elected to a second four-year term as Mayor of Indianapolis in a record-breaking landslide election on November 6, 1979. Hudnut defeated his opponent by more than 83,000 votes, claiming nearly 74 percent of the votes cast. In so doing, he retained leadership of the modern Unified Government serving the 775,882 citizens of Indianapolis.

Bill Hudnut is the President-elect of the National League of Cities, and President of the Indiana Republican Mayors' Association. He is past President of the Indiana Association of Cities and Towns, has served on the Executive Committee of the Metropolitan Mayors' Caucus and is active in the U.S. Conference of Mayors.

Under Bill's leadership, the City of Indianapolis has made impressive strides forward in the areas of crime reduction, economic expansion, downtown revitalization and neighborhood renovation and stabilization. In an era of double-digit inflation, Bill has reduced City operating expenses by 15 percent in the past two years while still providing the citizens of Indianapolis with top-notch services.

The City has won awards for its financial reporting practices and "Aaa" financial rating. Hudnut established the nation's first municipal "Environmental Court" and was a prime mover behind the enactment of a tax abatement program which has stimulated nearly $100 million in new investment in decaying parts of the City. He has succeeded in maintaining close contact with the people by establishing the Mayor's Neighborhood Advisory Council as well as a traveling mobile office. And to stimulate economic revitalization in the neighborhoods, he created the City's Division of Neighborhood Development.

Since Hudnut's first election in November 1975, the City of Indianapolis has experienced more than $1.5 billion in new investment, and the number of jobs has grown by more than $84,000. The crime rate was fully 15 percent lower at the end of Bill's first term than it was when he took office.

Under Hudnut's leadership, the Indianapolis Sports Center was constructed and historic Monument Circle was beautified, adding an extra sparkle to the downtown area. The future holds even more exciting developments including the White River Park project, a unique downtown shopping mall, renovation of the historic Indiana Theatre and the construction of substantial amounts of downtown housing.

Prior to becoming Mayor, Mr. Hudnut was Director of the Department of Public Affairs and Community Service at Indiana Central University. He was also a management consultant to several large businesses in Indianapolis and a member of the Advisory Board of the American Federation of Small Business.

Bill Hudnut served as Indiana's Eleventh District Congressman in the 93rd Congress (1973–74) in which he sponsored 17 bills which are now public law. He was recognized by the National Association of Mental Health for his support of mental health legislation and was honored with the "Watchdog of the Treasury" Award for his efforts to curb excessive government spending and high taxation.

Born on October 17, 1932, at Cincinnati, Ohio, Mr. Hudnut attended the Darrow School at New Lebanon, N.Y. He was graduated from Princeton University in 1954 with high honors, including election to Phi Beta Kappa. He was also graduated from Union Theological Seminary, summa cum laude, in 1957.

Prior to entering Congress, Mr. Hudnut was senior minister of Second Presbyterian Church in Indianapolis. A third generation minister, he also served churches in Buffalo and Annapolis, Maryland.

Long active in Civic Affairs, Bill Hudnut currently serves on the Board of Trustees of Indiana Central University. He also serves on the Board of Directors for Goodwill Industries and the Indianapolis Center for Advanced Research. Mr. Hudnut is also a member of the Advisory Board of IUPUI.

A 33rd degree Mason, he is also a member of the Downtown Kiwanis Club, Moose Lodge No. 17, the Antelope Club and the Columbia Club.

Hudnut is married and the father of five children.●

TRADE AND SECURITY

● Mr. WARNER. Mr. President, I would like to bring to the attention of this body a recent editorial that appeared in the Richmond Times-Dispatch, entitled "Trade and Security." It provides a brief account of the visit to the United States of perhaps the top Soviet scientific defector to the West—Dr. Anatoly P. Fedoseyev. While in Washington, Dr. Fedoseyev provided a detailed analysis as to how the Soviet Union goes about targeting and then obtaining U.S. strategic technology to be utilized by its military. As a high-ranking scientist for 36 years he "dealt very often with American blueprints and technical reports marked 'confidential' or 'secret' or 'top secret'."

But this is just the tip of the iceberg. Mr. President, as a cosponsor of S. 2606—legislation introduced by Senator GARN to create an independent Office of Strategic Trade (OST), let me say that I endorse Dr. Fedoseyev's assertion that our "decentralized authority for strategic export control is no match for the Soviet's highly organized technology transfer apparatus." The decisionmaking process that led to the many horror stories such as the construction of the Kama River truck factory, built and financed in large part by the United States is proof enough of this fact.

After a fine set of hearings on the bill, I look forward to S. 2606's reintroduction in the 97th Congress and agree with the Times-Dispatch that—

The Garn bill's passage and implementation ought to be high on the list of the Reagan administration's priorities.

Mr. President I urge my colleagues to read this editorial and ask that it be printed in the RECORD.

The editorial follows:

TRADE AND SECURITY

The need for stricter controls on American exports of technological gear to the Soviet Union and its allies and satellites was emphasized in recent congressional testimony by a man with a fascinating perspective on the issue. Dr. Anatoly P. Fedoseyev, a prominent Soviet electronic scientist who defected to Britain in 1971, offered a description of Soviet methods of exploiting Western research and development based on his own 36-year career as one of the chief exploiters.

Dr. Fedoseyev, a two-time Lenin Prize winner and major developer of the anti-aircraft radar employed by the Soviet antiballistic missile system, said that whenever Soviet strategists hear a rumor of a new technological development in the West that might be useful to them, they use their diplomatic and foreign trade agencies to the fullest in gaining information about the given project through contact with the project's subcontractors. These efforts, he said, including theft and illegal purchasing as well as legal acquisitions of equipment, plans and catalogs, "permit the acquisition of a rather accurate picture of the subject under consideration without contacting the 'main' firm." So effective is the Soviet apparatus for gaining access to the latest Western technology, Dr. Fedoseyev related, that during his career in Russia he "dealt very often with American blueprints and technical reports marked 'confidential' or 'secret' or even 'top secret.'"

The Soviet defector declared that the United States' decentralized authority for strategic export control is no match for the Soviets' highly organized technology transfer apparatus. The U.S. very much needs a centralized office for control of strategic trade, he asserted, arguing that such an agency could substantially reduce the volume of technology transfers that are against American interests. He recommended a clampdown on exchange of valuable research even with "innocent-looking" Soviet agencies—the Institute for Agricultural Machinery, for instance—because there is "no strictly and purely 'civilian' industry in the USSR. The entire country, in one manner or another, serves the military establishment and purpose."

Explaining his defection and his motive for offering testimony, Dr. Fedoseyev said:

"The experience of my life in the USSR and my participation in the affairs and development of military technologies gradually led me to the conclusion that the Soviet Union, jointly with the other socialist countries, presents a great danger to humanity—a much more grave danger than any experienced by mankind in its history."

Dr. Fedoseyev's testimony was arranged by Sen. Jake Garn, R-Utah, sponsor of a bill that ought to make American strategic export control much more effective. At present, the head of the Office of Export Administration, who may deny an export license because of strategic considerations, may have his decision overturned by the secretary of commerce, who is properly concerned with the overall promotion of American exports. The Garn bill would establish an Office of Strategic Trade divorced from the Commerce Department and accountable directly to the president. The elections have greatly buoyed the chances for passage of the Garn bill, for in the 97th Congress Sen. Garn will become chairman of the Senate Banking Committee, which oversees the Office of Export Administration. The Garn bill's passage and implementation ought to be high on the list of Reagan administration's priorities.●

HAWAII FIRST IN LITTER CONTROL

● Mr. MATSUNAGA. Mr. President, I have often described Hawaii as the Nation's most beautiful State, and I am pleased to be able to offer additional proof of that fact today. The Island State has just been notified that it has won first prize in the Keep America Beautiful litter control program.

Keep America Beautiful is a national public service organization founded in 1953 and composed of more than 120 corporations, trade associations, and labor unions. Its object is to encourage citizen participation in efforts to clean up the environment.

This is the first year that the State of Hawaii has participated in the national litter control contest sponsored by Keep America Beautiful. Therefore, it is all the more significant that a panel of environmental authorities chose the Hawaii program as the first-prize winner. Reportedly, the judges were particularly impressed by the overall quality and the large number of programs for volunteers interested in keeping Hawaii clean. These included educational programs, recycling programs, distribution of free automobile litter bags, and stronger enforcement of antilitter ordinances.

The all-out effort to keep Hawaii beautiful was headed by Maurice Sullivan, chairman of the Governor's advisory committee on litter control; Clyde Morita, administrator of the litter control program; and Les Ihara, its staff director. I know that my colleagues will wish to join me in congratulating them for a job well done.

I submit for the RECORD an article from the Honolulu Star-Bulletin of Thursday, November 13, 1980, which contains more details about the Hawaii litter control program.

The article follows:

ISLE LITTER CONTROL PROGRAM WINS TOP PRIZE NATIONALLY

Hawaii's State Litter Control Program has been awarded first place in the state category for its outstanding environmental improvement efforts by Keep America Beautiful Inc. of New York City.

Gov. George Ariyoshi sent congratulations to Maurice Sullivan, chairman of the Governor's Advisory Committee on Litter Control, and Clyde Morita, administrator of the state program, for the award.

A panel of authorities in community and environmental affairs reviewed hundreds of entries throughout the country before making final selections in 14 areas and organizational categories. Virginia won in the state category last year.

Morita said that "the judges were especially impressed with the variety and depth of programs, including educational programs, media support, recycling and cleanup campaigns, enforcement stakeouts, car litter bag distribution, and various volunteer programs."

"It's an award the community can be proud of," he said. "The award-winning program reflects the community's concern and participation."

This was the first year that Hawaii entered the competition. The entry package was put together by the Litter Control Program staff under direction of Les Ihara, who has been the source of many of the program's innovative ideas, Morita said.

Morita and possibly Sullivan will attend the awards luncheon Dec. 4 in New York City.

Keep America Beautiful is a national public service organization founded in 1953 that encourages citizen involvement in environmental improvement. Its membership includes more than 120 corporations, trade associations and labor unions.●

RECESS UNTIL 11 A.M. MONDAY, DECEMBER 1, 1980

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess——

Mr. HUMPHREY. Mr. President, I move to table that motion.

Mr. ROBERT C. BYRD. The Senator cannot move to table that motion.

Mr. President, I move that the Senate stand in recess, in conformity with the resolution (H. Con. Res. 451) that has been adopted by both Houses.

Mr. HUMPHREY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HUMPHREY. Mr. President, is a motion to table in order?

The PRESIDING OFFICER. A motion to table a motion to recess is not in order.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, might I inquire of the majority leader just how late he expects this body to stay in tonight?

Mr. ROBERT C. BYRD. Mr. President, the Senator might direct his question to Mr. HUMPHREY. I have just moved to recess pursuant to the resolution which was passed this past Thursday. That resolution provides for a recess over until 11 a.m. on Monday, December 1. If the Senator from New Hampshire wants a rollcall vote, the motion is not debatable.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. I just want it clarified. We are recessing until 11 a.m. Monday with no thought of coming back tonight, is that correct?

The PRESIDING OFFICER. Pursuant to the resolution, the motion to recess is a motion to recess until 11 a.m. on Monday, December 1.

Mr. ROBERT C. BYRD. And it is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. HUMPHREY. Mr. President, I apologize.

The PRESIDING OFFICER. The question is on the motion to recess.

The motion was agreed to, and, at 7:51 p.m., the Senate recessed until Monday, December 1, 1980, at 11 a.m.