SENATE—*Monday, September 29, 1980*

(Legislative day of Thursday, June 12, 1980)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by Hon. DAVID L. BOREN, a Senator from the State of Oklahoma.

PRAYER

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

Let us pray.

We thank Thee, O Lord, that in Thy divine plan 1 day in 7 is appointed for worship and rest. We rejoice that Thou dost meet us in the sanctuary of prayer and praise but we do not leave Thee there. Thou art ever faithful to Thy promise never to leave us nor forsake us. So in this our place of daily toil we consecrate ourselves to the ministry of public service. Watch over us in our coming in and our going out, in our speaking and in our acting, that we may bear the marks of the Master and be guided by His mind and His spirit, to the end that this Nation may ever remain under Thy rulership and we may show forth Thy love forever. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 29, 1980.

To the Senate:

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

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader, the Senator from West Virginia, is recognized for not to exceed 5 minutes.

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.

UNANIMOUS-CONSENT AGREEMENT, CONTINUING APPROPRIATIONS

Mr. ROBERT C. BYRD. Mr. President, let me ask the distinguished minority leader if it is his understanding that no other business will be in order until the final action is taken on the continuing resolution with respect to which an order was reached on last Friday.

Mr. BAKER. Mr. President, if the majority leader will yield to me, that clearly was my understanding of the colloquy we had on the floor on Friday, which formed the basis for his unanimous-consent request.

I am not prepared to say what the effect of that request was. But I am prepared to say that was my intention.

Mr. ROBERT C. BYRD. I think, if the minority leader has no objection, I would like to get the consent so it would be nailed down that that was the intent on both sides of the aisle, now that it has been clearly expressed by the minority leader. I would like to nail that down by request.

Mr. BAKER. If the majority leader will yield to me further, I certainly will not object to that when the majority leader makes the request.

As I said on Friday, and have said previously, I think it is urgently necessary that we finish the continuing resolution, and that was the basis on which I cleared that agreement on Friday with the Members of this side.

So if that is necessary to reinforce that understanding, I certainly will have no objection to it.

Mr. ROBERT C. BYRD. I thank the minority leader.

Mr. President, I ask unanimous consent that no other business be in order by way of unanimous consent or motion until the Senate has acted on the passage of the continuing resolution today.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

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

Mr. PROXMIRE. I thank the majority leader.

THE GENOCIDE CONVENTION IS IN ACCORD WITH THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, I hope today to dissolve one of the erroneous criticisms made concerning the Genocide Convention. Critics assert that the treaty infringes upon the right to free speech, a right so cherished in this country as to be embodied in the first amendment of the Constitution.

Article III, section (c) of the Genocide Convention provides "direct and public incitement to commit genocide" shall be punishable. Opponents say that this clause suppresses the freedom of expression. However, these individuals overlook the fact that our common law would dictate the same. The right to free expression is not absolute. There are certain categories of words beyond the realm of protection. Words which incite lawlessness are one such category.

The U.S. Supreme Court has consistently distinguished between speech which merely advocates lawless activity and speech which incites lawless activity. The former is protected while the latter is not. If the United States were to become a party to the Genocide Convention, genocide would become a "lawless activity." The treaty has merely incorporated our commen law into its text.

The 1969 decision, Bradenburg against Ohio, reiterated the principle that the constitutional guarantees of free speech and free press do not permit the State to forbid advocacy of, for example, the use of violence, unless the advocacy is directed to inciting or producing lawless action, and is likely to produce such action. The Brandenburg court drew a distinction between the abstract teaching of ideas and the preparation and direction of overt acts.

I would never support the ratification of treaty which compromised or negated any of the rights our political system values. Certainly, the American Civil Liberties Union would not support such a treaty either. But the ACLU does support the Genocide Convention. The treaty does not, in any way, affect the first amendment, or any other rights guaranteed to our citizens by the Constitution. There is no excuse for the Senate's failure to ratify this treaty. I urge my fellow Senators to examine the treaty, and the empty criticisms directed at it, and vote for its approval.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no other request for time on this side.

Does the minority leader wish to have any of my time?

Mr. BAKER. Mr. President, if the majority leader will yield to me. I have no need for my time under the standing order, and I know of no request for time, and I yield it back.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1981

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of

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

the pending business, House Joint Resolution 610, which will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 610) making continuing appropriations for the fiscal year 1981, and for other purposes.

The Senate resumed consideration of the bill.

NOTE: COMMITTEE AMENDMENTS AGREED TO EN BLOC

In the RECORD of Friday, September 26, 1980, at page S13558, middle column, the committee amendments agreed to en bloc are incorrectly set forth in that they were not taken from the Star Print. In the permanent RECORD the committee amendments agreed to en bloc will be set forth as follows:

On page 2, strike line 8;

On page 3, strike line 20, through and including page 4, line 2, and insert in lieu thereof the following:

(4) Whenever an Act listed in this subsection has been passed by only the House as of October 1, 1980, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriation Acts for the fiscal year 1980, except section 201 of title II of the Departments of Labor, and Health, Education, and Welfare and Related Agencies Appropriations Act, 1980 (H.R. 4389) as adopted by the House of Representatives on August 2, 1979.

On page 5, line 6, beginning with "current" strike through and including "authority on line 8, and insert in lieu thereof the following:

rate which would have been provided under the terms of the conference report (House Report 96–787), and in accordance with associated agreements stated in the Joint Explanatory Statement of the Committee of Conference, accompanying H.R. 4473, except that for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of $280,000,000: *Provided*, That not more than $105,700,000 for this amount shall be for AID/Washington Operating Expenses.

On page 5, line 22, after "1980,", insert the following:

except that the amount provided therein for salaries and expenses of the General Accounting Office shall be $216,000,000 for the purposes of this joint resolution and that seciton 309 of H.R. 7593 shall be deemed not to be applicable to the General Accounting Office.

On page 6, after line 12, insert the following:

that for Operating Expenses of the Agency for International Development the rate for operations shall be at an annual rate of $280,000,000: *Provided*, That not more than

On page 6, strike line 22, through and including page 7, line 8;

On page 7, strike line 18, through and including line 20;

On page 8, line 2, strike "Act; and" and insert "Act;";

On page 8, line 3, after "3,", insert the following:

"title III, title VIII";

On page 8, line 5, strike "Act." and insert "Act; and";

On page 8, after line 5, insert the following:

"activities for support of State Medicaid Fraud Control Units at the matching rate specified in section 1903(a)(6) of the Social Security Act, notwithstanding the limitations on eligible quarters contained therein.

On page 9, line 9, strike "for fiscal year 1981";

On page 9, line 15, after "102" insert the following:

"(a) and (b) and section 127";

On page 9, line 25, strike "such amounts as may be necessary" and insert "$2,030,000,000 shall be available";

On page 10, line 2, strike "terms, conditions, and";

On page 10, line 5, after "96–1244", insert the following:

except that for the purpose of State allocations the ratio for residential energy expenditures and heating degree days shall be 50 per centum each in lieu of the 25 percentum and 75 per centum referred to in the House Report; and except that the sum of $30,000,000 shall be reserved for payments to any State which would receive under the above formula an amount less than 75 per centum of the amount it would have received under the State allocation formula for low-income energy assistance as provided in the regulations published on May 30, 1980 in volume 45, No. 106, Federal Register, pages 36810–36838, such payments to be the amount necessary for the allocations to those States to be equal to 75 per centum of their allocation under such regulations; the energy assistance program shall be continued under the terms and conditions of such regulations and any nonformula amendments thereto, except that an eligible household shall also include any single person household at or below 125 per centum of poverty.

(i) Such amounts as may be necessary for projects and activities provided for in the Energy and Water Development Appropriation Act, 1981 (H.R. 7590), at a rate of operations, and to the extent and in the manner provided for in such Act as adopted by the House of Representatives and the Senate on September 24, 1980, notwithstanding section 102(c) and section 127 of this joint resolution: *Provided*, That appropriations and funds made available to the Appalachian Regional Commission, including the Appalachian Regional Development Programs, by this or any other Act shall be used by the Commission in accordance with the provisions of the applicable appropriation Act and pursuant to the Appalachian Regional Development Act of 1965, as amended, notwithstanding the provisions of section 405 of said Act.

(j) Funds available under the provisions of this section for child nutrition programs of the Department of Agriculture may be used to pay valid claims submitted in fiscal year 1981 regardless of the period in which the meals were served.

(k) Such amounts as may be necessary to continue activities of the National Health Service Corps under section 338(a) of the Public Health Service Act at a rate not to exceed the fiscal year 1981 budget estimate.

(l) Such amounts as provided in H.R. 8105, entitled the Department of Defense Appropriations Act, 1981, as passed the House of Representatives, September 18, 1980, and under the authority and conditions provided in the Department of Defense Appropriations Act, 1980.

On page 15, after line 6, insert the following:

SEC. 112. Notwithstanding any other provision of this joint resolution, appropriations made by section 101(a)(1) to carry out military construction projects may be used for the purpose of entering into contracts for the construction of new projects to the extent that such new projects have been included in identical form in the Military Construction Appropriation Act, 1981, as passed by the House and the Senate.

SEC. 113. Of the additional amount appropriated under Public Law 96–304, to the Department of Agriculture, Forest Service for "Forest Management, Protection and Utilization", $15,000,000 for emergency activities caused by the eruption of Mount St. Helens in Washington State shall remain available for obligation until expended.

SEC. 114. Notwithstanding any other provision of this joint resolution, the activities described in House document numbered 96–368 for the Environmental Protection Agency shall be continued at a rate not to exceed an annual rate contained in the Senate passed version of H.R. 7631.

SEC. 115. Notwithstanding any other provision of law, no funds available to the Secretary of Education shall be used to promulgate or enforce any final regulations which replace the current "Lau remedies" for use as a guideline concerning the scope or adequacy of services to be provided to students of limited English-language proficiency, or for defining entry and exit criteria for such services, before June 1, 1981.

SEC. 116. Notwithstanding section 101(a) of this joint resolution, the Administrator of the Small Business Administration, pursuant to section 4(c)(5)(a) of the Small Business Act, as amended, is authorized to issue notes to the Secretary of the Treasury in an amount not to exceed $174,000,000 for the purpose of providing disaster loans.

SEC. 117. (a) Notwithstanding any other provision of law, no part of any of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code, or an employee covered by section 5348 of that title, in an amount which exceeds—

(1) for the period from October 1, 1980, until the next applicable wage survey adjustment becomes effective, rate which was payable for the applicable grade and step to such employee under the applicable wage schedule that was in effect and payable on September 30, 1980, plus 50 percent of the difference between that rate and the rate which would be payable were it not for the limitation contained in section 613 of Public Law 96–74; and

(2) for the period consisting of the remainder of the fiscal year ending September 30, 1981, a rate which exceeds as a result of a wage survey adjustment the rate payable on September 30, 1980, by more than the overall average percentage of the adjustment in the General Schedule during the fiscal year ending September 30, 1981.

(b) For the purpose of subsection (a) of this section, the rate payable to any employee, who is covered by this section and who is paid from a schedule which was not in existence on September 30, 1980, shall be determined under regulations prescribed by the President.

(c) The provisions of this section shall apply only with respect to pay for services performed by affected employees after the date of enactment of this Act.

(d) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit,

which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

SEC. 118. Notwithstanding the provisions of section 101, activities of the Department of Energy to initiate preimplementation of standby gasoline rationing plans, as authorized by the Emergency Energy Conservation Act of 1979, shall be funded at not to exceed an annual rate for obligations of $46,000,000.

SEC. 119. Notwithstanding any other provision of this joint resolution there is appropriated $1,383,000,000, to remain available until expended, for strategic petroleum reserve petroleum acquisition as authorized by the Energy Policy and Conservation Act of 1975 (Public Law 94–163) and the Energy Security Act (Public Law 96–294).

SEC. 120. Notwithstanding section 101(a) of this joint resolution, obligations for grants to States for the work incentive program authorized by title IV of the Social Security Act shall not exceed the rate of $251,615,000.

SEC. 121. Notwithstanding any other provision of this joint resolution, the amount available for the Postal Service shall not exceed the amount as reported in H.R. 7583 by the Senate Committee on Appropriations.

SEC. 122. Notwithstanding section 101(a) of this joint resolution, the following programs in the Department of Health and Human Services shall be continued at the following levels:

Health Care Financing Administration:

Professional Standards Review Organizations, at the level of the President's budget request for fiscal year 1981;

Research Demonstration and Evaluation, Federal Funds, at the level of $34,000,000;

Social Security Administration: Limitation on Research and Statistics, Survey of Income and Program Participation, $11,000,000.

SEC. 123. Notwithstanding any other provision of law, when the President determines that a State, county, or local unit of general purpose government is significantly affected by a major population change due to a large number of legal immigrants within six months of a regular decennial census date, he may order a special census, pursuant to section 196 of title XIII of the United States Code, or other method of obtaining a revised estimate of the population, of such jurisdiction or subsections of that jurisdiction in which the immigrants are concentrated. Any such special census of revised estimate shall be conducted solely at Federal expense. Such special census or revised estimate shall be conducted no later than twelve months after the regular census date and shall be designated the official census statistics and may be used in the manner provided by applicable law.

SEC. 124. From sums appropriated to the Bureau of Prisons, the Bureau is directed to protect and maintain McNeil Island, Washington, pending disposal of the island by the General Services Administration, and the Bureau is thereby directed (a) to immediately cease dismantling the island's physical facilities, and (b) to develop and implement a plan, which must be approved by the General Services Administration in coordination with the Fish and Wildlife Service, to protect and maintain the island's physical facilities, natural resources, and wildlife.

SEC. 125. Notwithstanding section 101(a) of this joint resolution, $280,000,000 for aging social services and centers, $38,100,000 for aging research, training, and special projects, and $3,000,000 for White House Conference on Aging shall be available under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981.

SEC. 126. Should it be necessary such amounts, as may be required for expenses, Presidential transition, notwithstanding any other provision of this joint resolution, but at a rate of operations not in excess of the amount as reported in H.R. 7583 by the Senate Committee on Appropriations.

SEC. 127. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1980.

Mr. MAGNUSON. Mr. President, the bill is open for further amendment under the unanimous-consent agreement. So I defer to the Senator from Connecticut.

AMENDMENT NO. 2413

Mr. WEICKER. Mr. President, I call up at this time amendment No. 2413 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2413.

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

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

The amendment is as follows:

On page 14, starting with line 9, strike all through line 6 on page 15, and insert in lieu thereof the following:

SEC. 110. Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981", shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest when such rape or incest has been reported promptly to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.".

Mr. WEICKER. Mr. President, I offer this amendment in an attempt to bring the discussion of Federal funding for abortions within the contours of the Constitution.

Specifically, the amendment would strike the abortion funding restriction contained in section 110 and section 111. It would replace these sections with existing law.

In its seminal decision of the abortion matter, Roe against Wade, the Supreme Court prefaced its discussion of the constitutional issues involved in the abortion question by acknowledging that:

One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitude toward life and family and their values, and the moral standards one establishes and seeks to observe, are all likely to influence and to color one's thinking and conclusions about abortion. In addition, population growth, pollution, poverty and racial overtones tend to complicate and not to simplify the problem.

Yet, the Court recognized that these philosophical and emotional factors were extraneous to its consideration of the issue.

Our task, of course, is to resolve the issue by constitutional measurement, free of emotion and of predilection.

As Senators, we too are entrusted with the responsibility of handling this issue in a rational manner, adhering to the strictures of the Constitution. We are called upon to decide this matter keeping the basic constitutional rights of all Americans in mind. We are not here to carry the water for any one group.

We in Congress, however, have whittled away the right of an indigent woman to decide whether to terminate her pregnancy. At the time of the 1976 Supreme Court decision in Maher against Roe, the medicaid statute provided reimbursement for all abortions medically necessary for the preservation of physical or mental health. The fiscal year 1979 medicaid abortion funding to: abortions necessary to preserve the life of the pregnant woman; abortions needed for rape and incest victims; and abortions necessary to prevent serious long-lasting damage to a woman's physical health. Thus, the fiscal year 1979 language excludes abortions necessary to preserve a woman's health but not required to prevent long-lasting physical health damage.

We went even further into interfering with the woman's right to abortion in the fiscal year 1980 appropriations bills. In the continuing appropriations bill and the District of Columbia appropriations bill, the provision for funding abortions is necessary to prevent serious long-lasting damage to the woman's physical health. We did this despite the clear statement by the Supreme Court in Roe against Wade that the State may not regulate, even during the third trimester, abortion "where it is necessary * * * for the preservation of the * * * health of the mother."

Mr. President, in Harris against McRae the Supreme Court held that the Hyde amendment language contained in the fiscal year 1980 appropriation bills violates neither the fifth amendment nor the establishment clause of the first amendment. My amendment would continue current law in this continuing appropriation bill.

My amendment would also strike the limitation of judicial review of legislative acts contained in section 111.

Mr. President, to be blunt, this section is insidious. It would put acts of Congress outside the Constitution.

One of the basic tenets of constitutional law was articulated by Justice

Marshall in *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 132, 2 L.Ed.60(1803):

It is emphatically the province and duty of the judicial department to say what the law is. Thus, the particular phraseology of the Constitution of the United States confirms that a law repugnant to the Constitution is void; and that the courts, as well as other departments, are bound by that instrument.

The tripartite system upon which our Constitution is premised provides for a system of checks and balances over three equal branches of government. Article III of the Constitution very clearly states that an integral part of this system of checks and balances is judicial review of constitutionality. The Supreme Court explained this balance in United States against Nixon:

In the performance of assigned constitutional duties each branch of the Government must initially interpret the Constitution and the interpretation of its powers by any branch is due great respect from the others. . . . Our system of government requires that federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. (*Powell* v. *McCormack*). In *Baker* v. *Carr*, 369 U.S. at 211, the Court stated: "Deciding whether a matter has in any measure been committed by the Constitution to any other branch of government, or whether the action of that branch exceeds whatever authority has been committed, is itself a delicate exercise in constitutional interpretation and is a responsibility of this Court as ultimate interpreter of the Constitution." *U.S.* v. *Nixon*, 418 U.S. at 683, 684 (1973).

Alexander Hamilton, in Federalist No. 78, discussed the importance of judicial review of legislative acts:

By a limited constitution I understand one which contains specified exceptions to the legislative authority. . . . Limitation of this kind can be preserved in practice no other way than through the medium of the *courts of justice; whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void.* Without this all the reservation of particular rights or privileges would amount to nothing. . . . *No legislative act therefore contrary to the Constitution can be valid.* . . . (Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of legislature declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter, rather than the former.

Mr. President, the attempt, in section 111, to remove the actions of Congress from judicial review would gut our constitutional system. It is imperative that we delete it.

It is not my intention, Mr. President, to engage in prolonged debate on the issue this morning. Suffice it to say, I do not feel that further substantive changes in the law are properly a matter of an appropriations bill.

I support the argument against that lies in the fact that this is exactly the vehicle in the past through which substantive changes have been enacted. But in this case we are not even talking about an appropriations bill. We are talking about a continuing resolution. We are talking about a continuing resolution which goes to December 15 of this year.

It would seem to me that on the very substantive changes which are involved in the House language on this matter that this is a situation deserving of our debate during the course of a new Congress and not in the last-minute rush to adjourn during the heat of a political campaign.

I do not see much point into going to all the reasons why I have opposed Hyde as to why I oppose this extension of Hyde. But, needless to say, I have very deeply felt reasons for not wanting to see such an extension take place.

I hope my colleagues will take the responsible course to continue the law now in effect, which is Hyde, and not go beyond it. Much damage has already been done to too many people in the sense of congressional action and to exacerbate a very unjust situation by compounding it with what I deem to be an unconstitutional provision, would stand to the discredit of this body. I urge the adoption of my amendment.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. WEICKER. Have the yeas and nays been ordered on the amendment?

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered on the amendment.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PACKWOOD. Mr. President, I join in support of the amendment of the Senator from Connecticut for very much the same reasons. Without casting any criticism on the majority or the minority party or the majority or minority leaders for this Senate's and this Congress inability to pass appropriations bills for the fiscal year, we must remember that what we are working on today is a continuing resolution, and by the very nature of the resolution it is to continue the present law until we can have sufficient time to decide whether or not we want to change it.

This is not the time to change. This is the time to pass these resolutions, get us through the recess and the elections, back into session, back into time to discuss the appropriation bills for the entire fiscal year.

Now, as to the three amendments that are in the appropriation bill as it has come from committee, I am in full accord with the Senator from Connecticut not only as to the arguments on the substance and the merits of that legislation but on the procedure. I think on the merits those three amendments are bad legislation, but certainly on procedure they are ill-timed and unjust.

Let us take a look at the substance, for a moment, of the three amendments. The first amendment prohibits the Department of Health and Human Services from providing abortion funding in cases of rape or incest. Or, to put it the other way around, it limits it solely to those cases involving the life of the woman.

Current law includes rape and incest. I find the current law too narrow. I have a hard enough time supporting the current law, which is the Hyde amendment. All I am saying is that at this time, this is not the appropriate measure to discuss whether or not we should further tighten and further restrict medicaid funding of abortions.

Second, the continuing appropriations resolution as we have it would permit States to refuse to participate in particular aspects of the medicaid program, contrary to current law and policy, or, put more specifically, Mr. President, it would allow States to decide for themselves, in a Federal program, whether they want to have lesser standards than the Federal standards.

This argument is not limited to funding abortions for rape, incest, or anything else. This goes to the very fundamental issue of Federal programs. One can argue whether or not we should have Federal programs, but there are very few Federal programs that, if we do have them, do not set down certain standards. We say that if the States or the local governments want to participate in those programs—and many of them are matching funds programs—they will participate on the standards as set in the Federal law.

If we start down this road on this resolution, which is the wrong vehicle on this subject, then there is no limit to the undercutting of Federal programs that we can undertake.

What about education programs? What about vocational rehabilitation programs? What about all the other programs that the Federal Government partially funds and the State matches? We simply say, by general consensus, that we have decided to have a Federal program, and by general consensus we think the following standards, one, two, three, four, and five are minimum standards that should be met and then say, "But if the States do not want to do one, two, and three, that is all right anyway."

Mr. President, if that is going to be the policy, we should not have any policy; we should not have any Federal program. This certainly is the wrong vehicle to be arguing that particular subject. As I say, that subject does not relate to just the funding of abortions. That is a very fundamental Federal-State question.

The third borders on or is probably unconstitutional because, by the very nature of the third amendment, we are trying to remove from the courts the power to say something is unconstitutional and to remedy it if the remedy

is to continue funding while an issue is on appeal to the Supreme Court.

This particular language grew out of an abortion case in which the Federal district court found that a law passed by Congress limiting medicaid funding of abortions was unconstitutional in some respect. The district court ordered the continuing of the funding of abortions. The case was appealed. The case eventually got to the Supreme Court, but during the pendency of the appeal the funding of the abortions continued. The Supreme Court reversed the decision.

The issue is this, and this is the single issue in this particular amendment: Between the time that a Federal district court finds an act of Congress illegal, unconstitutional, between that time and final decision by an appellate court, if the district court finds that, in order to remedy the illegal or unconstitutional nature of the act, it must continue funding of the particular program and that is the only way to remedy the unconstitutionality of the act, shall we endeavor to take that power away from the courts during the pendency of the appeal?

First, on the merits, my answer would be no, we should not. On the substance, I think it is clearly constitutional—I am not sure, but I think so. Although we have the power to set the jurisdiction of Federal courts, I do not think we have the power to say to a Federal court: "You cannot pass upon the constitutionality of Acts of Congress." That does transcend the separation of powers.

Most importantly, Mr. President, it once more emphasizes the reason that we should not enact this on a continuing resolution. Here you have a constitutional question of the first order involving the very nature of separation of powers, involving the power of Federal courts to declare acts of Congress unconstitutional; involving the power of courts to declare remedies. And for us, on a bill that will be in effect for only a few months, to change the existing law is unwise.

Mr. President, for all of those reasons, substantively and procedurally, I hope that the amendment of the Senator from Connecticut will be adopted and that we will leave the law as it is in the continuing resolution. Then if we want to get on to debating this and fighting these issues—as I think we surely will—when we get into the appropriations for the full year, so be it. This is not the time and this is not the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I listened with great interest to the observations of my friends from Connecticut and Oregon. It is significant to me that neither of them has addressed the only relevant point in this debate, and that point is: does this Congress have the right, moral or otherwise, to use taxpayers' funds to destroy innocent human life?

I have said over and over on this floor that if I can be persuaded that abortion is not the deliberate termination of innocent human life, I will say no more. But nobody can be persuasive on that point, because it simply is the deliberate termination of innocent human life.

The House position on this matter is exactly right. Regardless of any opinion about constitutionality, the fact remains that something like a million and a half babies are being killed deliberately each year in this country. And for what? Nobody is very clear. Some talk about a woman's right to make a decision as to her own body. I do not want to argue with that, except somebody has to stand up and talk about the rights of that innocent unborn child; the right to be born, the right to live, the right to breathe, play, and laugh.

I have been gratified that there seems to be a growing understanding of the horrendous nature of this issue. For a while, the Southern Baptist Convention, which is a body representing the church to which I belong, has appeared to be almost ambivalent on this question.

Back on June 12, in St. Louis, the Southern Baptist Convention no longer had even the appearance of any ambivalence whatsoever.

I will not take the time to read into the RECORD the Associated Press story relating to the action taken by the Southern Baptists Convention.

I do ask unanimous consent, Mr. President, that this article be printed in the RECORD at this point.

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

SOUTHERN BAPTISTS CONDEMN ABORTION, URGE LAW

ST. LOUIS (AP).—The nation's largest Protestant body, the Southern Baptist Convention, strongly condemned abortion yesterday and called for a law to prohibit it "except to save the life of the mother."

The Southern Baptists, in one of the sharpest antiabortion stands taken by a major Protestant denomination, urged either legislation or a constitutional amendment to outlaw abortion.

"All medical evidence indicates that abortion ends life of a developing human being," declared a resolution approved after an hour's debate by the convention of 13,500 "messengers."

It asserted the "sacredness and dignity of all human life, born and unborn," and denounced all policies allowing "abortion on demand," claiming present national laws and policy permitted such abortions.

Dr. William D. Hillis, a faculty member at the Johns Hopkins School of Hygiene and Public Health and at Good Samaritan Hospital, opposed the position, arguing it did not allow for consideration of individuals who may need abortion in cases of rape or incest.

Southern Baptists in the United States number 13.4 million. Although the convention does not purport to speak for all of them, it is the denomination's most broadly representative organ, expressing its views and acting for it.

The decision put the convention into the struggle for revised law or constitutional change barring abortion except to save the mother's life. Similar stands have been taken by the Catholic Church and numerous Protestant antiabortion groups.

Most major Protestant denominations, however, have adopted positions in support of the 1973 U.S. Supreme Court decision allowing abortion.

Southern Baptists had earlier taken a less severe view of the issue, and several "messengers" argued for reaffirming those past qualified positions, but their efforts failed.

The Rev. Larry Lewis, of St. Lewis, led the campaign for the new resolution, saying past statements had been interpreted as supporting abortion.

"Something has to be done," he said. "It is intolerable that the lives of 1.5 million babies are being taken every year." Others cited abortion as the principal cause of death today.

Mr. HELMS. Mr. President, I ask unanimous consent that the resolution adopted by the Southern Baptist Convention be printed immediately following the previous article to which I referred.

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

RESOLUTION NO. 10—ON ABORTION

Whereas, Southern Baptists have historically affirmed the Biblical teaching of the sanctity of all human life, and

Whereas, All medical evidence indicates that abortion ends the life of a developing human being, and

Whereas, Our national laws permit a policy commonly referred to as "abortion on demand,"

Be it therefore resolved, That the Southern Baptist Convention reaffirm the view of the Scriptures of the sacredness and dignity of all human life, born and unborn, and

Be it further resolved, That opposition be expressed toward all policies that allow "abortion on demand," and

Be it further resolved, That we abhor the use of tax money or public, tax-supported medical facilities for selfish, non-therapeutic abortion, and

Be it finally resolved, That we favor appropriate legislation and/or a constitutional amendment prohibiting abortion except to save the life of the mother.

Mr. HELMS. Mr. President, all sorts of representations are made about complications that occur when an abortion is not permitted. Let me quote from the June 6, 1980, edition of a publication of the Center for Disease Control. It states:

In a large metropolitan area of Texas, a review was undertaken of 600 consecutive hospital charts of women with abortion-related complications that caused them to seek emergency medical care. The chart review revealed no increase after the restriction, compared to the time interval before the restriction, in either the number or proportion of Medicaid- or Title XX-eligible women admitted for abortion complications. If a large proportion of women were resorting to illegal abortion, such complications would be expected to increase.

Mr. President, I shall not have a great deal more to say. We have said it over and over again on this floor. But let me recite once more an incident that occurred to me 2 or 3 years ago in Durham, N.C. Durham, as the distinguished Presiding Officer knows, is the home of Duke University. The Duke University Medical Center is one of the world's outstanding teaching hospitals. Many of

the people who administer that hospital and serve as medical experts are close friends of mine.

One Sunday morning just after church, I stopped by the Duke University Medical Center and I went to the intensive care division of the children's hospital there. They required me to put on a white gown, a mask, and all the other things that are customary, and they took me on a tour of this facility. I think I shall never forget the 40 or 50 tiny little beds lined up throughout that intensive care section. In most of them was a baby that could be held in the palm of my hand. Nurses and doctors were scurrying back and forth using the most highly developed technological equipment costing millions upon millions of dollars to save the lives of these little ones.

Then the director of that intensive care center took me across the hall to the lounge. There must have been a dozen young couples there, some of them down on their knees praying that the lives of the babies across the hall would be spared.

I caught a plane that afternoon to return to Washington, D.C. On the very next day I stood right in this spot and we had a rather strenuous debate on this very question of using Government funds to deliberately terminate innocent human life.

I remember stating that afternoon as the debate proceeded what a contradiction it was for our society to do so much to save human life and to also destroy it.

Mr. President, the House position on this question is right. I hope the amendment of the distinguished Senator from Connecticut will not be adopted. At the appropriate time, when all Senators have had their say, it is my intent to move to table the amendment. I thank the Chair.

Mr. MAGNUSON. Mr. President, the intent of the Weicker amendment is to take last year's conference language of which he is the author.

This is a continuing resolution. A continuing resolution should just continue current law, as the Senator from Oregon pointed out so well. The amendments added in the House make significant changes from the current law. The Department of Justice has said that some of these House amendments are probably unconstitutional.

For instance, if a State chooses, it could refuse to provide medicaid expenses for an abortion to save the life of a low-income woman who is pregnant. Also, a low-income woman who was the victim of rape or incest could not receive medicaid funding for an abortion.

In the committee, an attempt to go to last year's Senate-passed language failed by just one vote. The language offered by Senator WEICKER is just to take the current law, which is already more restrictive than last year's Senate-passed language.

Let me repeat that: The current law is much more restrictive than the language passed by the Senate last session.

We do not need to forge new ground. I recommend we stay with the current law. I support the amendment of the Senator from Connecticut.

I do not know why these fundamental policy questions should always occur on appropriations bills. We have argued the abortion question. I think we have voted on it in the Senate 90 times. These votes have been mainly on the HEW appropriations bill. It will come up again this year on that blil. But to put it on a continuing resolution which is only a money bill that will provide Federal funds for a short time and to go through all this fuss and feathers over the House amendments, which were mainly put in on the floor—I believe I am correct—is wrong. The fact is that two of them, I think, are unconstitutional to begin with.

Why should the constitutionally questionable amendment be placed on a continuing resolution?

BAUMAN AMENDMENT

The purpose of the Bauman amendment is to eliminate existing medicaid requirement that States cover all medically necessary abortions for which Federal funding is available. This provision would permit States to deny medicaid funding for abortions even when the life of the mother is in jeopardy. This restriction goes far beyond the Federal funding limitations contained in even the most restrictive version of the "Hyde amendment." The Supreme Court recently upheld the "Hyde amendment" on the grounds that encouraging child birth, except in the most urgent circumstances, is rationally related to the legitimate governmental objective of protecting potential life. Clearly, the most urgent circumstances are cases in which the woman's life is endangered, where protection of the life of the mother must also be taken into account. The Bauman amendment disregards this fundamental consideration, and thus raises serious constitutional questions not addressed in the recent Supreme Court ruling.

ASHBROOK AMENDMENT

The House bill also includes a provision in section 510, which would prevent the executive branch from complying with certain court orders. In particular, the provision would prohibit compliance with judicial orders where the court has concluded that the expenditure of Federal funds is necessary to eliminate what the court has found to be an unconstitutional or otherwise illegal restriction in a Federal program. If enacted, the provision would place the executive branch in an untenable position should a court, in overturning any of the appropriation act's restrictions, order the expenditure of Federal funds without the restriction. This effort to limit the role of the courts is counter to the fundamental constitutional concept of separation of powers and would create the potential for a constitutional confrontation among the three branches of Government.

Mr. President, it is a violation of all the rules of Congress to place that kind of amendment on a continuing resolution. I cannot understand it.

Mr. President, we are going to argue the abortion question, I suppose, on the HEW appropriations bill when it comes up, and it does not belong on that bill either. It is pure legislation on an appropriation bill. To put it on the continuing resolution is abhorrent to the legislative processes of Congress. I hope the Weicker amendment will be sustained.

Mr. WEICKER. Mr. President, I thank my distinguished colleague from Washington for his comments, with which I concur.

Very briefly, Mr. President, I should like to respond to some of the remarks made by the distinguished Senator from North Carolina. I do not intend, as indicated at the outset, to get into a complete debate on the substance of what is before us, but I noticed that in the comments of the Senator from North Carolina he chose to emphasize substance and not procedure, which, of course, is his right. As has been indicated, procedure is as much at fault as what is being proposed.

Mr. President, let me make some points. The Senator from North Carolina indicates that these are taxpayer moneys that are being used for the deliberate termination of innocent human life. I think a correct statement of fact and law is that taxpayer moneys are being used by Government to fund that which is legal. These are not collection plate moneys we are talking about. These are taxpayer moneys. This is a secular Government. These taxpayer moneys are used to fund that which is the law of the land and the law of the land, other people's philosophies and religions to the contrary notwithstanding, is that abortion is legal. Legal under certain very precise circumstances.

That is what the moneys are used for, Mr. President, and it is not the job of this body to take up the slack of what cannot be effectively argued to or believed by various congregations the width and breadth of this land. Rather, it is our function to legislate policies into laws, to have them go through the constitutional process—which, in the case of abortion, they have—and then see to it that the law of the land, not the tenets of any particular creed or faith, is obeyed and implemented.

I disagree, for example, with the Supreme Court decision which upholds the Hyde amendment. I disagree, but I accept it. It is the law of the land as we sit here today and argue this point. But those who are the advocates of the Hyde amendment would have it that though they agree with the Supreme Court in upholding Hyde they ignore the Supreme Court on the matter of Roe against Wade. They cannot have it both ways.

There is a total ignoring of the legality of abortion, in the choice of words, "The deliberate termination of innocent human life." Carried to its logical definition, that would be murder, and certainly would be illegal. Of course, it is not mur-

der and it is not illegal. Abortion is legal by virtue of the same law of the land which says that the Hyde amendment is legal. So let us understand very clearly that I care not a whit what the Pope in Rome or the presiding bishop of any faith or rabbi or whomsoever has to say on this subject. Let them say it from their pulpits, let them convince their congregations. That, is uniquely their duty, their function, their purpose in life.

My only obligation vis-a-vis there is only to see that whatever they do and say is protected from any interference by this Nation. That is my only governmental obligation.

As to law, Mr. President, it is defined in only three places: The Congress of the United States, the President of the United States, and the Supreme Court of the United States. And that is it. Whether Senator WEICKER likes it or not, Hyde is legal. It is the law of the land, the law of the land. And, indeed, the same holds true of Roe against Wade whether Senator HELMS likes it or not. It is the law of the land. Mr. President, if that law is to be changed, then it has to be changed through the constitutional process. Congress is not a surrogate for the leaders and disciples of any faith.

Mr. President, I think it necessary that these very basic issues, which continue to reappear in debate be carefully defined on this floor. In the case at hand, we are not talking about a repeal of the substance of the Hyde amendment; we are talking about continuation of the Hyde amendment, which I find—as do many of my colleagues—repugnant in substance but which certainly does not deserve further extension as is being proposed here today.

Certainly, in the closing hours of legislature, in the feverish pitch of an election campaign, is no time to make the kind of determination being put before the body this morning.

In any event, it will always be this Senator's duty to do all within his power to assure that the laws of the United States of America are carried out both de facto and de jure.

Mr. EXON addressed the Chair.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I emphasize once more that we are talking about three changes of law in the continuing resolution. The one that is the most debated is the first, changing the standards for the funding of medicaid abortions from rape, incest, or life of the woman to just life of the woman. The other two have far-reaching constitutional implications that the first may or may not. There is no question that the second two do. One is, can we deny to the Federal courts the power to declare an act of Congress unconstitutional and, in its remedy, to order continuation of funding? Is that constitutional for this Congress to take away from the Court? I do not know, but I think it is. But it is not for this bill to do it.

Second is the issue of whether or not, in the medicaid program as far as abortions are concerned, we can say to the State, no matter what we do, "no matter that this is a Federal program, you go ahead and set the standards you want, even though we are funding it."

It may or may not be constitutional. I think it is bad policy.

My distinguished colleague from North Carolina has indicated, and I am quoting, that abortion is the deliberate termination of innocent human life.

Mr. President, that is his opinion. It is the opinion of a number of people in this country. But the overwhelming number of people in this country do not think that abortion is the deliberate termination of innocent human life, or call it by the term that that definition is murder. They do not think so.

By any standard or measure by which public opinion can be gaged, the bulk of people in this country say that a woman, if she wants, ought to have the right to have an abortion. It does not say we have to fund it. It says she ought to have the right.

They cannot convince me the bulk of people in this country are saying that murder is good.

The difference is that the Senator from North Carolina thinks that the rest of us should think it is murder, as if it were heresy to have a difference of opinion.

Mr. President, we do have differences of opinion in this body and on this subject. The fact that we reach different conclusions is the one thing that distinguishes humans from other life on this planet.

The elephant is stronger, the horse is faster, the butterfly is more beautiful, the sponge is more durable. The difference is that God gave us the capacity to think and, on occasion, reach different conclusions.

Mr. President, I, again, am going to read a list of organizations that have endorsed a woman's right to decide for herself whether or not she wants an abortion. I have not reverified this list in the last few months, and if by chance I read the name of an organization here that has subsequently changed its position, I will be happy to clarify the record.

Let us take religious organizations first. These are organizations that have said it is all right for a woman to make a choice as to whether or not she wants an abortion:

RELIGIOUS ORGANIZATIONS WHICH HAVE ENDORSED ABORTION RIGHTS

National Federation of Temple Sisterhoods, 1965 (reaffirmed 1975).
Episcopal Church, 1976 (reaffirmed 1968).
American Baptist Church, 1968.
American Friends Service Committee, 1970.
National Council of Jewish Women, 1969 (reaffirmed 1979).
Presbyterian Church in the U.S. Committee on Women's Concerns and General Assembly, 1970 (reaffirmed 1978).
Lutheran Church in America, 1970 (reaffirmed 1978).
B'nai B'rith Women, 1970 (reaffirmed 1978).
Moravian Church in America, Northern Province, 1970.
United Church of Christ, General Synod, 1971 (reaffirmed 1977).
Women's League for Conservative Judaism, 1972 (reaffirmed 1974).
American Humanist Association, 1972 (reaffirmed 1977).
American Jewish Congress and Women's Division, 1972 (reaffirmed 1978).
Board of Church and Society, United Methodist Church, 1972.
United Presbyterian Church, USA, General Assembly, 1972 (reaffirmed 1979).
Church of the Brethren, 1972.
Baptist Joint Committee on Public Affairs, 1973.
Women of the Episcopal Church, 1970 (reaffirmed 1973).
National Association of Laity, 1973.
American Ethical Union, 1973 (reaffirmed 1979).
Young Women's Christian Association, 1973 (reaffirmed 1979).
American Lutheran Church, 1974.
Reorganized Church of Jesus Christ of Latter Day Saints, 1974.
Central Conference of American Rabbis, 1975.
Unitarian Universalist Women's Federation, 1975 (reaffirmed 1979).
Christian Church (Disciples of Christ), 1975.
Friend Committee on National Legislation, 1975.
United Methodist Church, Women's Division and Board of Global Ministries, 1975.
Union of American Hebrew Congregations, 1975.
American Ethical Union, National Women's Conference, 1975 (reaffirmed 1979).
Reformed Church America, 1975.
Catholics for a Free Choice, 1975.
United Synagogue of America, 1975.
United Methodist Church, General Conference, 1976.
Episcopal Women's Caucus, 1978.

Mr. President, those are perfectly respectable religious organizations, organizations which at their very core are concerned with ethics and morality.

I do not think there is a Member of this body that would say those organizations condone the deliberate termination of innocent human life, that is, murder.

They condone the right of a woman to make the choice of whether or not she wants an abortion and they would not condone that choice if they thought it was murder. Let us look at some medical organizations that have endorsed a woman's right to make a decision of whether or not she wants an abortion:

MEDICAL ORGANIZATIONS WHICH HAVE ENDORSED ABORTION RIGHTS

American Public Health Association, 1968.
American Medical Women's Association, 1969.
American Psychiatric Association, 1969.
Group for the Advancement of Psychiatry, 1969.
American Protestant Hospital Association, 1970.
American Psychoanalytic Association, 1970.
American Medical Association, 1970.
American Medical Student Association, 1970.
American College of Obstetricians and Gynecologists, 1970.
Physicians Forum, 1973.
American Association of Planned Parenthood Physicians, 1973.
Physician's National Housestaff Association.
American Academy of Pediatrics.

Mr. President, those are organizations concerned with life. Those are organizations, medical organizations, whose principal dedication is to the preservation of human life. They would not condone a woman's right to make a choice

of whether or not she wants to have an aborton if they thought it was the deliberate termination of innocent human life, that is, murder. They simply would not agree to it.

Lastly, Mr. President, let me read the names of some other organizations that have endorsed a woman's right to make a choice as to whether or not she wants an abortion:

OTHER ORGANIZATIONS WHICH HAVE ENDORSED ABORTION RIGHTS

National Abortion Rights Action League, 1968.
American Civil Liberties Union, 1968.
Planned Parenthood—World Population, 1969.
American Psychological Association, 1969.
National Organization for Women, 1970.
Urban League, 1970.
White House Conference on Children and Youth, 1970.
American Association of University Women, 1971.
American Home Economics Association, 1971.
National Association of Social Workers, 1971.
National Council on Family Relations, 1971.
National Emergency Civil Liberties Committee, 1972.
American Bar Association, 1972.
Child Welfare League of America, 1973.
American Veterans Committee, 1973.
Americans for Democratic Action, 1973.
Women's International League for Peace and Freedom, 1973.
Human Rights for Women, 1973.
National Association of Women Deans, Administrators and Counselors, 1973.
Intercolleagiate Association of Women Students, 1973.
Women's Legal Defense Fund, 1974.
Workmen's Circle, 1974.
Americans United for Separation of Church and State, 1974.
National Women's Political Caucus, 1974.
National Alliance for Optional Parenthood, 1975.
National Commission on the Observance of International Women's Year, 1975.
National Conference of Black Lawyers, Women's Task Force, 1976.
National Women's Conference, 1977.
Mexican American Women's National Association, National Training Conference, 1977.
Coalition of Labor Union Women, 1977.
Women's Equity Action League.
Zero Population Growth.
Sierra Club.
Friends of the Earth.
Environmental Action.
National Conference of Commissioners of Uniform State Laws.
American Parents' Committee.
President's Task Force on the Mentally Handicapped.
National Capital Tay-Sachs Foundation.

Mr. President, medical, legal, religious organizations reached a conclusion in their minds and their hearts different from that of the Senator from North Carolina.

They do not think that abortion is the deliberate termination of innocent human life. The bulk of Americans share that same view.

But apart from what the majority the minority in this country think, it is interesting that of all the maior needs, as we call them, in this country, the major needs that are generally recognized as minimally essential only, the right of a woman to choose whether or not she wants an abortion is a constitutional right.

This Congress funds housing for the poor. We have appropriations for food, for educational assistance, for medical care—all for the poor; because we think it unfair that simply because you are poor, you are denied an adequate education, medical care, food, or housing. Yet, not one of those has risen to the level of a constitutional right.

There is no Supreme Court decision that says that, as a matter of constitutional right, you may have a house or an education or medical care. But the Supreme Court has said that, as a matter of constitutional right, you are entitled to make the choice as to whether or not you want to have an abortion.

We are perfectly willing to fund housing, food, education, and medical care for the poor, because we think it is decent, not because there is a constitutional right to do so. We think it is decent. But when it comes to abortion, the one issue where we have a constitutional right to make a decision, we say that if you are poor, tough luck. We are not going to let you exercise that right because we disagree with your choice to do so.

Mr. President, this is not the place nor the forum to attempt to write individual constitutional views into legislation because we are unable to change the Constitution.

I pray that one day this issue no longer will be with us, because I believe that what the bulk of Americans believe will finally set the law and we will fund an abortion in much the same way that we fund other programs for the indigent, because we think it is the right thing to do. Until that time, I suppose we will continue to have these debates.

Mr. President, I close by saying that for a variety of reasons—humane, constitutional, and procedural—not only is this not the bill and not the time, but also there is not now and there will not be an appropriate time to take away from poor women the effective exercise of a constitutional right simply because they are too poor to afford to exercise it themselves.

THE PRESIDING OFFICER (Mr. HEFLIN). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have listened with great interest to the debate on this subject. Once again, we have reached the position in which good men of good will have a difference of opinion on a very fundamental and moral issue.

I have addressed this matter previously in several debates we have had in this body on the matter of abortion. I suppose that what it comes down to finally is a moral question.

I am not sure that, simply because it is a continuing resolution or simply because it might be better to wait until after the election to consider this matter, we should necessarily put aside, once again, a very fundamental question. This is one of those questions, unlike many others we face from time to time in the U.S. Senate, in which personal conviction has to play a part.

I do not like to use the term "murder" in connection with abortion. I am not sure that that is very fair, because murder is the act of taking a life illegally. Those who oppose capital punishment say that the State should not murder. It is not murder, in the opinion of this nonlawyer, when the law allows it.

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

Mr. EXON. I yield.

Mr. HELMS. I should like the record to show that the Senator from North Carolina has not used the word "murder," not once in this debate nor in any other. I simply refer to the termination of an innocent human life.

Mr. EXON. I was fully aware that my friend from North Carolina had not used that term, but it has been used in the debate this morning.

Mr. HELMS. That is correct—and rather improperly, I believe.

Mr. EXON. Mr. President, while good men can differ on this very vital matter and members of families can disagree on this very vital matter, speaking personally of my convictions, I have to say that although my wife and I agree on this matter, our children do not necessarily agree with us.

It all goes back, of course, to the decision by the Supreme Court in the early 1970's, when the Supreme Court, for the first time, decided that it would take up the matter of the constitutional right of abortion, and that decision was made.

I am interested in the remarks and arguments made on the floor this morning with regard to the fact that abortion is the law of the land. Speaking as one who does not agree with the Supreme Court decision, I feel that the Supreme Court had a right to make that decision, but I happen to believe that the Supreme Court was wrong in its interpretation. Therefore, it seems to me that it is the responsibility of Congress—the House and the Senate—to take a stand on this issue if we want it to be corrected.

Frankly, I do not see the great unfairness of giving States and State laws some rights in the matter of funding abortions; because I believe that even those who agree completely with the Supreme Court decision would have to agree that with respect to taxes collected from taxpayers who do not agree on this fundamental question, some consideration should be given in recognition of their objections to their tax dollars being used for abortions.

My friend from Oregon cited many organizations which are on record for abortion—or some type of abortion. I was interested that he mentioned the Episcopal Church, women of the Episcopal Church, and the Episcopal Women's Caucus. Since I have been speaking in a personal vein, I hope my colleagues will not mind my saying that I happen to be an Episcopalian from birth, a practicing Episcopalian, and a contributor to Episcopal Church.

The fact that the Episcopal Church, rightly or wrongly, does not agree with me on this matter does not mean that I am going to leave the Episcopal Church. But I am standing on the floor of the U.S. Senate today, and I say that I do not agree with the majority of my church, if indeed they have made a deci-

sion that abortion is acceptable. Just because there is a strong feeling pro and con on a moral issue like this is no reason for the Senate not to take a position.

And that is why the Senate will be taking a position in a few moments when my friend from North Carolina makes the tabling motion that he is about to make.

Therefore, I hope when that motion is made, notwithstanding the recognition of the strong division on this basic moral issue, notwithstanding the fact that it might be that in the United States today the majority of the people favor abortion, notwithstanding all of that, we can realize and recognize as Senators involved in debate on what I think is a very fundamental matter, that there are those of us in the Senate who believe basically that the House of Representatives-passed version on this continuing resolution is the correct one.

Mr. MAGNUSON. Mr. President, there have been some powerful arguments made on both sides, but I still maintain that they are all irrelevant.

As to the argument of the Senator from Nebraska, I wonder if he thinks it belongs on a continuing resolution. It does not belong on this resolution. We have argued the policy of abortion, or the pros and cons of abortion, long before the Senator from Nebraska came to the Senate, and I think we voted 90 times on it in the Senate. But I still make the point that it does not belong on this continuing resolution. It does not belong on the HEW bill. It does not belong on any appropriations bill.

It belongs, actually, in a legislative committee, and this is carrying it too far to put it on a continuing resolution.

The Senator from Nebraska made a good argument on his viewpoint. This only runs until December 15, and we clutter the whole argument all up again and have to go at it all over again prior to December 15. As a matter of fact, we may have the HEW bill up here long before this resolution expires.

A continuing resolution should continue to tell the Federal Government they can spend money to keep people operating, and that is all.

A regular appropriations bill will probably be brought up long before December 15, and I just cannot understand why Senators continue to put policy matters on appropriations bills.

The Senator is a member of the Budget Committee. Does the Budget Committee consider abortions? No; that is a money committee. Why should the appropriations bill be saddled with legislation of this type?

The argument has been made pro and con. We are not going to change any votes here, I do not think, no matter what is said today. But I still maintain that all of this argument is irrelevant to this resolution, and I am hopeful that the argument of the Senator from Connecticut will prevail because, as he pointed out, and as the Senator from Oregon pointed out so well, we should stick to current law.

I have tried over and over again to get the proper legislative committees to address themselves to this problem of abortion. They will not do it. I do not think we will get them to do it before November 4 because it is too much of a political hot potato. But it is a legislative matter. It is a policy matter. And I do not buy this argument that Congress has not the right to overturn the court.

We do that very often. But it is a policy matter. It does not belong on this resolution at all.

I am hopeful that the amendment of the Senator from Connecticut will be adopted.

Mr. EXON. Mr. President, I certainly share the concern of the distinguished chairman of the Appropriations Committee. I have heard him stand on this floor on many occasions and make the point that he just made, and probably he has made a good point.

I hope that maybe somehow some day we will be able to change or streamline the rules of procedure in both the House of Representatives and the Senate some day to prevent what I recognize as a source of constant irritation to the able chairman of the Appropriations Committee.

Nevertheless, since it is allowed and since it is germane, then those of us who feel very strongly about this issue cannot be persuaded that we should not make whatever approach we think is possible to represent our point of view when these matters flow through the legitimate legislative processes.

The issue is germane. It might be that at some future time I would be in a position to join with the distinguished chairman of the Appropriations Committee and make some changes so that we would not have to have all of these measures come up time and time again on a whole series of issues.

Mr. MAGNUSON. Mr. President, the issue of germaneness cannot be brought up in the Senate because it is a House continuing resolution. It is part of the House continuing resolution, and we cannot bring up the issue of germaneness at all here.

I think the Bauman amendment can be subject to a point of order. I think it would be. But we are in a straitjacket because we have to take the House continuing resolution and we cannot bring up the question of germaneness.

We are also in a time jacket. If we do not get this resolution done in the next 36 hours, all Government is going to stop, and the Attorney General has so ruled that no one should go to work. I wish that would apply to Members of Congress also. It might be healthy, I think, for the country.

Mr. HELMS. Mr. President, I think we debated this issue long enough on this occasion. I will not prolong it.

I only observe, after hearing the long list of people who support abortion, that everyone who belongs to every one of the organizations my colleague from Oregon has mentioned has already been born.

I am concerned about the rights of the millions of unborn children who cannot speak for themselves in this debate.

I have heard a number of references this morning to the secular view on abortion.

In that connection, we might do well to think about de Tocqueville who came to this country in the middle of the 19th century trying to find the secret of the miracle of America. He said he went to the docks and the miracle was not there. He went in the big cities and the small towns and the miracle was not there. He went out on the great farms and the miracle was not there.

He returned to France. He said:

> Then I went into the churches of America and there I saw people who while certainly not perfect were at least trying to be good, and that was genius of America, the miracle of America.

He offered the judgment that America was becoming a great nation because America was trying to be a good nation.

For so long that America remains good, America will remain great. But when America stops being good, America will stop being great.

So let us not disdain the people who protest the termination of innocent human life on moral and religious grounds. They are the heart of America. And their understanding of the sanctity of all human life is at the heart of the miracle of this country.

I move to table the amendment and I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

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

Under the previous order, the Senator from Oregon has 10 minutes if he chooses to use them.

Mr. PACKWOOD. Mr. President, I have already used the time that I need and I have no further need for the time and I will yield back the 10 minutes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the amendment of the Senator from Connecticut. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BAKER (after having voted in the negative). Mr. President, on this vote I have a live pair with the distinguished senior Senator from Pennsylvania (Mr. SCHWEIKER). If he were present and voting he would vote "yea." I have previously voted "nay." I therefore withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. LONG), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Mississippi (Mr. STENNIS), the

Senator from Illinois (Mr. STEVENSON), the Senator from Alabama (Mr. STEWART), the Senator from Florida (Mr. STONE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

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

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Nevada (Mr. LAXALT), the Senator from South Dakota (Mr. PRESSLER), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

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

The result was announced—yeas 34, nays 45, as follows:

[Rollcall Vote No. 456 Leg.]

YEAS—34

Armstrong	Ford	McClure
Biden	Garn	Melcher
Boren	Hatch	Mitchell
Boschwitz	Hatfield	Provmire
Cochran	Heflin	Randolph
Danforth	Heinz	Roth
DeConcini	Helms	Thurmond
Dole	Huddleston	Warner
Domenici	Humphrey	Young
Durenberger	Jepsen	Zorinsky
Durkin	Johnston	
Exon	Lugar	

NAYS—45

Baucus	Hayakawa	Percy
Bellmon	Hollings	Pryor
Bentsen	Inouye	Ribicoff
Bradley	Jackson	Riegle
Bumpers	Kassebaum	Sarbanes
Burdick	Kennedy	Sasser
Byrd, Harry F., Jr.	Leahy	Schmitt
	Levin	Simpson
Byrd, Robert C.	Magnuson	Stafford
Cannon	Mathias	Stevens
Chafee	Metzenbaum	Talmadge
Chiles	Moynihan	Tsongas
Cohen	Nelson	Wallop
Cranston	Nunn	Weicker
Glenn	Packwood	
Hart	Pell	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mr. Baker, against.

NOT VOTING—20

Bayh	Laxalt	Stennis
Church	Long	Stevenson
Culver	Matsunaga	Stewart
Eagleton	McGovern	Stone
Goldwater	Morgan	Tower
Gravel	Pressler	Williams
Javits	Schweiker	

So Mr. HELMS' motion to lay on the table Mr. WEICKER'S amendment (No. 2413) was rejected.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

UP AMENDMENT NO. 1694

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an unprinted amendment numbered 1694 to amendment number 2413:

In lieu of the language proposed to be inserted by the Senator from Connecticut insert the following:

Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service: *Provided, however,* That the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

Mr. WEICKER. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor. Does the Senator yield?

Mr. EXON. I will not yield for a point of order at this time.

Mr. President, the amendment I have offered is a simple one. In deference to the managers of the bill and the other Senators, I am hopeful we could have a vote on this in very short order.

Let me explain briefly what this compromise amendment is. Basically, it is the same amendment that I offered to the continuing resolution when almost the same matter came up last year. What my amendment does, Mr. President, is simply to take the traditional position of the U.S. Senate majority on abortions, which is to say that abortions can be allowed only when the life of the mother is at stake, or in the case of reported rape or incest.

Mr. President, this differs—Mr. President, may we have order in the Senate, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. EXON. Mr. President, what my amendment does is it simply changes the bill as it came over from the House of Representatives, changing it only to include rape and incest, reported rape and incest, as one of the matters involving the criteria of when funds can be used.

Therefore, those who are supporting the House of Representatives' position with the stricter Hyde amendment, if they support the amendment offered by the Senator from Nebraska, would, in essence, be voting for the House position as it was reported to us, except that we are adding and allowing rape and incest to be covered with abortion funds. Otherwise, the amendment offered by the Senator from Nebraska is in line with the House-passed bill.

It so happens that the Senator from Nebraska has not generally——

The PRESIDING OFFICER. The Senator from Nebraska is entitled to the courtesy of being heard. The Senate will be in order.

Mr. EXON. The Senator from Nebraska has not generally supported the strict Hyde amendment because I feel very strongly that reported rape and incest should be included. It so happens that that generally has been the majority position of the U.S. Senate. Therefore, I think there is no need to repeat all of the arguments which have been made previously and in the Senate so far this morning.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I raise the point of order that this is legislation on an appropriation bill.

Mr. EXON. Mr. President, it seems to me that if the Senator from Connecticut is raising the germaneness question, the germaneness question is put to rest because of the language in the House-passed bill.

Mr. WEICKER. Mr. President, again I raise the point of order that this is legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair is not clear on what the Senator from Nebraska has raised.

Mr. EXON. I would advise the Chair that I assume that the Senator from Connecticut was raising a germaneness issue. If he is not, then my request of the Chair would not be in order in the opinion of this Senator.

The PRESIDING OFFICER. Does the Senator from Connecticut raise the point that the amendment is legislation?

Mr. WEICKER. That is the point of order raised by the Senator from Connecticut.

The PRESIDING OFFICER. Has the Senator from Nebraska raised the defense that it is germane?

Mr. EXON. Yes, Mr. President, the Senator from Nebraska is raising the point that it is germane, as I said a few minutes ago, since it is included in House language.

The PRESIDING OFFICER. Under the precedents of the Senate, since the defense of germaneness has been raised and under rule XVI, the Chair submits the issue of germaneness to the Senate for its decision without debate.

The question is, Is the amendment of the Senator from Nebraska germane to House language?

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Does the Chair hold that the fact that the House had already approved the language in the amendment of the Senator from Nebraska does not indicate the germaneness of the amendment?

Mr. EXON. Will the Senator from North Carolina please use the mircrophone? The Senator from Nebraska cannot hear.

The PRESIDING OFFICER. The debate is now not in order. Is there objection to the Senator's parliamentary inquiry?

Without objection, the Senator from North Carolina may proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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, under circumstances that have developed, I have no need for a parliamentary inquiry. I thank the Chair.

Mr. WEICKER. Mr. President, I withdraw my point of order.

The PRESIDING OFFICER. The point of order is withdrawn.

Mr. EXON. Mr. President, the yeas and nays have been suggested—I believed ordered—on my amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. Is there any further debate on the amendment.

Mr. STEVENS, Mr. WEICKER, and Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this language is much more restrictive than the final language of the conference report last year. In the committee, I offered the Senate language from last year and it was voted down, although there were several Senators absent. The Senator from Connecticut has offered last year's conference report language, which is the current law.

One of the areas omitted from the amendment offered by the Senator from Nebraska concerns the subject of ectopic pregnancy. I cannot understand why we in this body should legislate against performing a kind of medical service designed to preserve the childbearing capacity of a woman. I do not understand this limitation, period. This is a continuing resolution and the decision to put in the language which was agreed upon in the conference report of last year on the continuing resolution seemed to me to be in the best interest of all concerned, so long as we understand that many of us will not permit further change to be made in conference and that this is, in effect, the bottom line.

Mr. President, I must oppose the amendment of the Senator from Nebraska because I think it is far too restrictive in terms of what must be permitted in the area of allowed abortions under this bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I oppose the amendment on the grounds of what it does. On its face, it appears to be a States rights amendment. But what it does, in effect, is to permit the State to go far beyond what the law is relative to the Federal funding of abortions; that is, a State could deny Federal funds even when the life of the mother is endangered.

That is what is involved here, Mr. President. Let nobody mistake the innocent-sounding words as to what could happen: A State could go further, even where the life of the mother is in danger, and nobody has suggested that funds should not be available for that—nobody. Not in the debate earlier today, not in Hyde, nowhere have I seen that. If this amendment passes, then medicaid funds could be denied in all situations. That is the fallacy in this amendment. Therefore, I urge its disapproval.

Mr. PACKWOOD. Mr. President, I want to make sure that I understand the amendment of the Senator from Nebraska. Is the Senator from Nebraska saying that the Federal medicaid program will fund abortions for life, rape or incest, but if the States choose not to fund for any of those purposes, the State can do that?

Mr. EXON. The Senator is asking a question of the Senator from Nebraska. I believe a fair answer to the question is yes.

Mr. PACKWOOD. I wanted to make sure I fully understand that this amendment goes beyond anything that Congress, the House or the Senate, has done, period—now, last month, last year, or any other time.

Mr. President, we are saying to a State, "We have a Federal program. Those Federal programs in medicaid have the following minimum standards for abortion: Money may be spent if the life of the woman is in danger, if the pregnancy is the result of rape, or if the pregnancy is the result of incest. It is a Federal program and you put up some matching funds. But, even though this is now a mixed Federal-State program, if you do not want to fund it for life, if you do not want to fund it for rape, or if you do not want to fund it for incest, that is fine, knock it out."

Mr. President, I know of no other Federal program, whether it be in the field of medicine or otherwise, where we say, "We think the following policies are good and we are willing to help the States fund some of these programs, but they must meet certain standards." No other programs do I know of where we say "But they have to be certain standards."

The Senator from Nebraska would not only say on the one hand, "We have a program which does A, B or C," but "The States do not have to fund A, B, and C."

Second, to go so far as to say that if the States want to take away funding for those indigent women who are pregnant if that pregnancy endangers their life, I hope, is beyond any limits that this Congress now or ever thinks of going.

Mr. MAGNUSON. Mr. President, this language, as was pointed out, would allow the States, if they choose, to refuse to fund abortions for the life of the mother.

Again I say, Mr. President, this is not the time nor the place to get into the so-called States rights amendment. I urge the rejection of the amendment.

This is legislation, purely and simply, to reenact the amendment we turned down, the Weicker motion, and I do not see any reason for it, to get into the argument of States' rights on a continuing resolution.

I do not understand what the Senator from Nebraska is thinking about.

Let us vote.

SEVERAL SENATORS. Vote!

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, there seems to be some confusion on this matter. It is true, generally, that the statements have been made that this is more restrictive law than we have at the present time. But it is not as restrictive. It is not as restrictive as the measure that was passed by the House of Representatives.

Putting it another way, the compromise Exon amendment would allow the States to increase coverage under abortion, to include provable rape and incest, or promptly reported rape or incest, which the House language does not do.

This is not totally a States' rights issue, as allegations have been made on the floor in debate.

What we are doing is not throwing the door wide open to the States, but we are making it more liberal than the House-passed language by allowing the States, at their option, to include rape and incest, but not mandating that they do so.

The PRESIDING OFFICER (Mr. LEVIN). The question is on agreeing to the amendment of the Senator from Nebraska. 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 Indiana (Mr. BAYH), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Wisconsin (Mr. NELSON), the Senator from Illinois (Mr. STEVENSON), the Senator from Alabama (Mr. STEWART), and the Senator from Florida (Mr. STONE) are necessarily absent.

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

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER (Mr. EXON). Is there any other Senator in the Chamber who wishes to vote?

The result was announced—yeas 47, nays 37, as follows:

[Rollcall Vote No. 457 Leg.]

YEAS—47

Armstrong	Durkin	Mitchell
Baker	Exon	Nunn
Biden	Ford	Pressler
Boren	Garn	Proxmire
Boschwitz	Hatch	Pryor
Bumpers	Hatfield	Randolph
Byrd, Harry F., Jr.	Heflin	Roth
Cannon	Heinz	Sasser
Chiles	Helms	Simpson
Cochran	Hudd'eston	Stennis
Danforth	Humphrey	Talmadge
DeConcini	Jepsen	Thurmond
Dole	Johnston	Wallop
Domenici	Lugar	Warner
Durenberger	McClure	Young
	Melcher	Zorinsky

NAYS—37

Baucus	Inouye	Pell
Bellmon	Jackson	Percy
Bentsen	Javits	Ribicoff
Bradley	Kassebaum	Riegle
Burdick	Kennedy	Sarbanes
Byrd, Robert C.	Leahy	Schmitt
Chafee	Levin	Stafford
Cohen	Magnuson	Stevens
Cranston	Mathias	Tsongas
Glenn	Matsunaga	Weicker
Hart	Metzenbaum	Williams
Hayakawa	Moynihan	
Hollings	Packwood	

NOT VOTING—16

Bayh	Laxalt	Stevenson
Church	Long	Stewart
Culver	McGovern	Stone
Eagleton	Morgan	Tower
Goldwater	Nelson	
Gravel	Schweiker	

So Mr. EXON's amendment (UP No. 1694) was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment in the first degree as amended.

The yeas and nays have been ordered.

Mr. HELMS. Mr. President, I ask unanimous consent that the yeas and nays on the pending amendment be vitiated.

Mr. WEICKER. Mr. President, reserving the right to object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WEICKER. Mr. President, I suguest 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 the quorum call be rescinded.

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

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

Mr. HELMS. Mr. President, I ask unanimous consent that the yeas and nays which are ordered on the Weicker amendment, as amended, be vitiated.

Mr. LEAHY. Reserving the right to object, Mr. President, I wish to make a parliamentary inquiry.

If the Senator from Connecticut wanted to speak, I will withhold.

Mr. HELMS. If the Senator will bear with me, I am going to yield to Senator WEICKER.

Mr. LEAHY. I thank the Senator.

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

Mr. WEICKER. 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. WEICKER. 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 Connecticut.

UP AMENDMENT NO. 1694, AS MODIFIED

Mr. WEICKER. Mr. President, I ask unanimous consent that prior to acting on the amendment of the Senator from Connecticut, as amended by the amendment of the Senator from Nebraska, already agreed to, that the following langauge be inserted at line 11, after the word "service": "Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

In lieu of the language proposed to be inserted by the Senator from Connecticut insert the following: Notwithstanding any other provision of this joint resolution except section 102, none of the funds made available by this joint resolution for programs and activities for which appropriations would be available in H.R. 7998, entitled the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act, 1981, as passed the House of Representatives on August 27, 1980, shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy: *Provided, however,* That the several states are and shall remain free not to fund abortions to the extent that they in their sole discretion deem appropriate.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Connecticut, as amended.

The amendment (No. 2143), as amended, was agreed to.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the amendment, as amended, was agreed to.

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

The motion to lay on the table is agreed to.

The PRESIDING OFFICER. Under the agreement, no further amendments are in order.

The Senator from Washington.

UP AMENDMENT NO. 1695

(Purpose: Technical amendment, clarifying the intent of section 101(c) of this joint resolution)

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I can submit a technical amendment which clarifies the intent of section 101(c) of the joint resolution.

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

The legislative clerk read as follows:

The Senator from Washington (Mr. MAGNUSON) proposes an unprinted amendment numbered 1695:

On page 6, line 2, strike the period and insert: ; and the provisions of section 306 of H.R. 7593 shall apply to any appropriation, fund or authority made available for the period October 1, 1980, through December 15, 1980, by this or any other act.

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

The amendment (UP No. 1695) was agreed to.

BILINGUAL EDUCATION REGULATIONS

Mr. DANFORTH. Mr. President, section 115 of House Joint Resolution 610, as reported by the Senate Appropriations Committee, provides that the Department of Education shall not use its funds to promulgate final regulations, before June 1, 1981, concerning the scope of adequacy of services for students of limited English proficiency or for defining entry and exit criteria for such services. The section was authored by the Senator from Florida (Mr. CHILES).

I believe it is imperative that the Department of Education and the American people understand clearly the meaning and intent of section 115. For that reason, I would like to ask Mr. CHILES a few questions about section 115.

Section 115 makes reference to the so-called "Lau remedies." It is my understanding that reference is made simply to identify which regulations are being prohibited, and in no way is intended to give any kind of congressional "seal of approval" to the Lau remedies or any kind of congressional acquiescence in their use as guidelines or for any other purpose whatsoever. Is that correct?

Mr. CHILES. Yes, that is correct. The reference is for descriptive purposes only. It neither ratifies nor prohibits the current civil rights enforcement practices of the Department. We simply delayed any new regulations until June 1, 1981, as a compromise.

Mr. DANFORTH. Section 115 refers to the prohibited regulations as "regulations which replace the current 'Lau remedies' for use as a guideline." I, for one, think the proposed bilingual education regulations published on August 5, 1980, do not simply replace the "Lau remedies" but go well beyond them, by being regulations and not simply remedies. I take it that the use of the term "replace" is meant, again, only to identify the subject matter of the regulations we are talking about.

Mr. CHILES. Yes.

Mr. DANFORTH. It is my understanding that the purpose of section 115 is to buy Congress and the public some time. Section 115 enables Congress to review in a deliberate way the issues sparked by the publication of the proposed bilingual education regulations on August 5, 1980 without concern that those regulations or similar regulations will be promulgated in final form before Congress has time for a full review and discussion.

Mr. CHILES. That is correct. I have many serious concerns about the scope of services, and the exit and entry criteria of the proposed regulations. I have asked the Congressional Budget Office to do a full analysis of the cost implications and I intend to pursue the issue at hearings during the delay period. I believe that we need a strong bilingual program to promote English proficiency

but not one that fosters bicultural separatism.

Mr. DANFORTH. Mr. President, I hope that section 115 is part of the continuing resolution when it becomes law. As I have said in previous statements on the floor of the Senate, I believe very serious and fundamental questions are raised by the proposed bilingual education regulations. Section 115 gives Congress an opportunity to examine the issues that have been raised.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Carolina (Mr. MORGAN), the Senator from Alabama (Mr. STEWART), and the Senator from Florida (Mr. STONE) are necessarily absent.

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

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Nevada (Mr. LAXALT), the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The PRESIDING OFFICER (Mr. BRADLEY). Have all Senators in the Chamber desiring to vote done so?

The result was announced—yeas 58, nays 27, as follows:

[Rollcall Vote No. 458 Leg.]

YEAS—58

Baucus	Glenn	Packwood
Bellmon	Hart	Pell
Bentsen	Hatfield	Percy
Biden	Heinz	Pryor
Boren	Hollings	Randolph
Bradley	Huddleston	Ribicoff
Bumpers	Inouye	Riegle
Burdick	Jackson	Sarbanes
Byrd, Harry F., Jr.	Javits	Sasser
	Kennedy	Stafford
Byrd, Robert C.	Leahy	Stennis
Cannon	Levin	Stevenson
Chiles	Magnuson	Talmadge
Cochran	Mathias	Tsongas
Cohen	Matsunaga	Warner
Cranston	Melcher	Weicker
Dole	Mitchell	Williams
Durkin	Moynihan	Young
Exon	Nelson	Zorinsky
Ford	Nunn	

NAYS—27

Armstrong	Hatch	Metzenbaum
Baker	Hayakawa	Pressler
Boschwitz	Heflin	Proxmire
Chafee	Helms	Roth
Danforth	Humphrey	Schmitt
DeConcini	Jepsen	Simpson
Domenici	Kassebaum	Stevens
Durenberger	Lugar	Thurmond
Garn	McClure	Wallop

NOT VOTING—15

Bayh	Gravel	Morgan
Church	Johnston	Schweiker
Culver	Laxalt	Stewart
Eagleton	Long	Stone
Goldwater	McGovern	Tower

So the joint resolution (H.J. Res. 610), as amended, was passed.

Mr. MAGNUSON. 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. MAGNUSON. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees.

The motion was agreed to, and the Presiding Officer (Mr. BRADLEY) appointed Senators MAGNUSON, STENNIS, ROBERT C. BYRD, PROXMIRE, INOUYE, HOLLINGS, BAYH, EAGLETON, CHILES, JOHNSTON, HUDDLESTON, LEAHY, SASSER, YOUNG, HATFIELD, STEVENS, MATHIAS, SCHWEIKER, BELLMON, WEICKER, MCCLURE, and SCHMITT conferees on the part of the Senate.

● Mr. HAYAKAWA. Mr. President, I would like to take this opportunity to explain why I voted against this omnibus continuing resolution, House Joint Resolution 610.

While this kind of legislation has become routine of late, I object to last minute, temporary legislation which allows the leadership to postpone action on the appropriations bills, which should be finished before the beginning of the fiscal year. Similarly, I object to the leadership's action to prohibit the second concurrent budget resolution from being debated. The fiscal year ends tomorrow; if we had finished with the budget, and the pending appropriations bills, we would not need this legislation. However, because the leadership has failed to adequately schedule debate on the Senate floor, we have not finished the business which is our statutory responsibility.

My vote against this resolution is a statement of my objection to the procrastination and failure of the leadership.●

RECESS FOR 1 HOUR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 1 hour.

There being no objection, the Senate, at 1:18 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. RIEGLE).

RECESS UNTIL 2:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:45 p.m. today.

There being no objection at 2:18 p.m., the Senate recessed until 2:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. RIEGLE).

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

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. STENNIS. Mr. President, I shall not detain the Senate but a minute or two. I have a statement to make here about the retiring Chief of our Engineers.

LT. GEN. JOHN W. MORRIS

Mr. STENNIS. Mr. President, it is a privilege for me to pay tribute to the retiring Chief of Engineers, Lt. Gen. John W. Morris, who will retire on September 30.

I will not repeat the details of his exceptionally distinguished career since a colleague of ours has already done so in the RECORD.

General Morris is a superb leader and really a brilliant engineer and a gentleman with the highest standard of integrity. In these traits he is equalled by some, of course, but I do not believe he is exceeded by any. It has been my priviledge to have known and received invaluable assistance and counsel from General Morris for over 10 years. As chairman of the Armed Services Committee and Defense Appropriations Subcommittee and as a member of the Energy and Water Development Subcommittee, I have depended on him repeatedly for advice and counsel in both military engineering and civil works functions. I could and did act on his counsel with confidence in many grave matters.

Perhaps General Morris' greatest accomplishment has been his dynamic leadership of the Corps of Engineers during the past 4 years, a period of tumultous change of this country's national water resource development policies. He has insured that the Corps of Engineers is superbly postured and prepared for the challenges and opportunities in the 1980's.

I congratulate General Morris, a most distinguished Chief of Engineers, who joins a long line of distinguished Chiefs of Engineers. I regret to see him leave the service but I know he will be highly useful elsewhere and I wish him great continued success and satisfaction.

Mr. President, one of the most concise and perceptive statements on where we have been, where we are now, and where we should be going in water development was made by General Morris in remarks to the water resource Congress last February and illustrates his tremendous grasp of this subject.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks to which I have made reference.

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

LET'S GET BACK TO WORK

The time has come for the Water Resource Developers of this country to start rolling up their sleeves and getting back to work. We have been holding back long enough. In fact, we have been resting so

long that we have gotten somewhat out of condition, and before we can truly get the machinery of water resource development into high gear I expect we will have to go through a training period. Two years ago—and even last year to some extent—I did not feel as optimistic—or confident—as I do now that there will be a major upturn in the development of our nation's water resources.

In looking back over the resource development program in our country there are several periods which seem to have clear identity and character and which we need to recognize and understand—"Understand" because each has taken a logical place in the process of adjustment associated with American Water Resource Development. These periods are relatively short and generally quite recent.

Some here might be surprised to learn that several major Corps of Engineers projects started as make-work projects in the depth of the Depression: Fort Peck in Montana, Bonneville Dam on the Columbia River, Lake Texoma on the Texas-Oklahoma border and Conchas Dam in New Mexico, to name a few.

The 1927 flood on the Lower Mississippi took over 300 lives and drowned thousands of miles from Cairo to the Gulf, and the hurricane-spawned flood at Lake Okeechobee in 1928 took 1,836 lives. In the 1930s there were floods in Kansas and Pennsylvania, California and Kentucky, New England and in the Ohio and Mississippi Valleys. The latter alone left a million people homeless. At almost the same time our prairies were stripped and dust filled the air and covered the earth over thousands of square miles.

Consequently, from the mid 1930s to mid 1960s there was a strong national movement to control the nation's waters to recover from drought and also to prevent loss of life and property from flooding. There was an equal enthusiasm to develop our waterways and hydroelectric power productivity after World War II. Admittedly, there were lulls during these periods such as the no-new-start policy of President Eisenhower and a very strong opposition to "Pork Barrel" development such as expressed by Harold Ickes and Justice Douglas.

ENVIRONMENTAL PERIOD

For a variety of reasons the steam began to go out of the development attitude in the early 1960s. Some of the reasons included the growing competition for monies in Southeast Asia, the national concern over the environment, the emerging preservationist attitudes, and, probably of more importance, the complications of economic analysis and overemphasis of the value of benefit-cost ratios. In any event, by the late 1960s the passage of the National Environmental Policy Act brought a leave-it-alone philosophy based on a belief that only nature can improve on nature.

We can relate to the 1970s as the decade of the environment for the water programs—a decade of diminishing investment, increased regulation and changing methods of doing business. In my opinion, we have emerged from the 1970s with a 10-year record of lesser growth than our national interest in natural resources deserved. On the positive side, we have accommodated the national environmental objectives in our planning and project development to the point that a return to a period of development could be accommodated with full and proper responsibility for the environmental effects of such development.

CONSERVATION PERIOD

So you may ask are we ready now to embark upon a major investment program in the water resources area? You and I may be, but I do not believe the Nation is ready. We could surely do it, but there seems to be yet another period through which we must work our way before we have exhausted the alternatives to development, and also learned how to develop our resources in a manner which truly best serves the national interest and future generations. That period, and the one we are entering as we start the decade of the 1980s is a period of conservation.

This new emphasis on conservation may turn out to be one of the most significant features of water resources management and development in the decade ahead. I believe we are going to see the conservation ethic dominate public policy in the eighties as strongly as the environmental ethic dominated the seventies.

The conservation period will involve new and modified activities including a complete review of operating procedures, emergency planning for drought, reuse of waste water, reevaluation of all consumptive uses of water, and others. Certainly, our experiences with energy shortages should be ample cause to manage our water efficiently.

Certainly, another water shortage is in the future. We should soon be able to demonstrate that reductions of the total national need for water by conservation measures, while quite valuable, will in themselves be insufficient to manage the Nation's water resources properly and prepare judiciously for times of shortage. We, as a Nation, will have to do more to assure a good supply of water to all our people. We will have to store during time of plenty, and to transport large quantities of water during times of shortage. But first we must demonstrate that the need surpasses the fruits of merely using less. Then the conservation period will be on its way into our history and in proper balance with the environmental objectives.

IMPEDIMENTS TO A DEVELOPMENT INVESTMENT PROGRAM

Besides needing to resolve the requirement that a good national conservation program must precede a new development program, there are several remnant procedural problems which also must be solved before we could proceed rapidly with a major investment program. Even if the green light came on tomorrow, we are not ready. These procedural problems include cost sharing and our national policy and review capability.

Cost Sharing: Most of the cost sharing decisions seem either to be behind us or are now being considered by the Congress. A few cost sharing issues do remain. Perhaps the most complicated and delaying is Section 221 which is presently causing 35 states difficulty in agreeing to formal cost sharing with the Federal Government on recreation and water supply. Until this is relieved, we will continue to have many investment opportunities beyond our reach.

National Policy and Review Capability: The Executive Branch of Government needs a national Water Resource Council under a strong, separately-appointed leader, comprised of agencies with principal interest in water resource development and which has the responsibility and authority to review policy matters and make decisions.

We must be careful to keep project review separated from policy review or the Water Resources Council, as I envision it, would become bogged down in detailed engineering matters at the expenst of policy decisions. Leave the engineering to the agencies that will ultimately be responsible for building the project.

PRIORITIZING INVESTMENTS

If we can remove cost sharing constraints and policy delays, then we are well on our way to starting up the water resource development machinery.

But there does remain one additional and critical matter . . . in many ways the most difficult to handle. It has to do with the credibility not only of the program but of the individual projects in the minds of the people of the country and, of course, the Congress.

Before I start this, I would like to make it clear than I am not against benefit-cost ratios, and I am certainly not advocating their abandonment.

In recent years I have gradually but surely reached the conclusion that as valuable as the benefit-cost ratio may be, it has become an over-used and misused tool.

Its value in establishing investment priorities has been weakened because few people really understand the details of deriving the benefit cost ratio. It is a target for attack by those who oppose the project . . . a target not only because of the arithmetic on which it is based, but also as the symbol of indifference to environmental and other non-computable costs and benefits.

Further, history has proven time and again that economic analyses are so ultraconservative that the costs are invariably on the high side and the benefits, without exception, on the low side.

What all of this adds up to is my belief that with the environmental objectives and the conservation objectives, economic analysis is only one part instead of the whole . . . and, I believe, a less important part than we have allowed it to appear.

Having developed our water resources to the extent that we have, I strongly advocate an approach which resolves problems based on national need rather than on pure economics.

Had this approach been used on the Missouri River, we would have one project from Gavins Point to the headwaters at Fort Peck. Thus the erosion problems which must now be addressed as individual problems would have been part of the total project and properly charged against total major project benefits.

Of immediate importance is the ongoing National Navigation Study. My hope is that that study will identify the best water transportation system which the natural features of this country can support. It should be a total system, and we should not require that each and every segment, addition or improvement meet some arbitrary, economic test. We need the entire system to be that which best serves the total national interest.

Similarly, in the hydropower study, we should never repeat the serious errors of the 1960s by failing to provide power because of an economic evaluation predicated on such volatile data as the cost of alternate sources of fuel. This Nation needs all the energy which can be reasonably obtained through competent engineering and design, and we should provide that energy in the national interest. We need not be constrained by economic evaluations other than to identify the least expensive investment to meet the Nation's needs.

In summary, I definitely believe and sense that there is an emerging national attitude which, in due course, will lead us to another period of development of natural resources and particularly water. However, before this attitude bears fruit, we must wring out all of the water to be gained by a well thought out and mature national conservation program. And equally important, we must get our act together on identifying projects which will be developed. These projects will be of a character which will be fully compatible with the environmental objectives which were clearly established in the 1970s and conservation objectives being developed in the 1980s.

There is important work to be done. And the way now, for the first time in years, seems to be clear. We will get there by keeping our eyes on selected targets and by working diligently within the mainstream of our national objectives. The logic of proper development of our Nation's water

resources is now acceptable to most of America. Still, the credibility of the program needs attention. Basically, the likelihood of undertaking such a program will increase proportionately to its credibility . . . that is, a program which conforms to environmental and conservation objectives and follows an acceptable system for setting investment priorities.

Before concluding, I'd like to tell you about what Senator Bob Kerr of Oklahoma said in a speech to the people at Wichita, Kansas, who were interested in extending navigation on the Arkansas River from Tulsa to Wichita, Kansas. That was on 26 November 1962. At the conclusion of that speech he said something I will always remember. He said: "Be careful what you dream . . . it might come true."

In my judgment, it's dreaming time again . . . but you'd better be careful.

Thank you very much.

Mr. STENNIS. Mr. President, I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DECONCINI). Without objection it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar under the judiciary, beginning with Mr. Richard L. Williams, of Virginia, and going through Mr. Norman P. Ramsey, of Maryland, en bloc.

Mr. BAKER. Mr. President, reserving the right to object, and I advise the majority leader that I will not object, I would like to take just a moment on this reservation to explain to the distinguished majority leader and to others, some of whom are in the Chamber and some who are not, why we reached this point, how we have reached this point, and something of the circumstances and detail that have led us to this point.

First of all, contrary to some rumors that I heard earlier, no member of this group of 10 nominees for the Federal judiciary was held by a particular Senator on this side. I call the attention of my colleagues particularly to the concern expressed by some that the distinguished Senator from North Carolina, Mr. HELMS, had placed a hold on one nominee.

As I indicated earlier to some of our colleagues, the Senator from North Carolina did not place a hold on one nominee. On the contrary, he asked for permission to extend further his inquiry into all 10 of these nominees. I understand, as a matter of fact, that he dispatched some 60 letters to various people around the country inquiring independently of their qualifications and desirability of the confirmation of those nominees for the Federal judiciary.

I will also point out at this time that there are no remaining objections. The Senator from North Carolina, indeed, has not objected to any of the members on this list.

I am happy to say that, after a long and torturous clearing process on this side, we are prepared now to consider these nominees and to agree to their confirmation. I express my thanks to the majority leader for the time that he has afforded us so the Senator from North Carolina and others could be as diligent as they always are and produce the result that they have now produced in regard to the quality of the judiciary.

I know some Members still have reservations about some members of the judiciary who are being nominated. But I think it is a testimonial to the good faith and conscientious discharge of their senatorial duties that, notwithstanding that sort of concern in some cases, assent has been granted now for me to announce, which I now do announce, that there is no objection to the consideration of all 10 of these nominees nor to their confirmation in executive session.

Mr. HATFIELD. Mr. President, we reserve the right to object.

Mr. President, I would like to underscore the comments made by the minority leader.

Some months ago the minority leader appointed a three-member screening committee within the Republican Conference. I happened to be appointed to that screening committee, one of three, Mr. TED STEVENS, of Alaska, and JOHN TOWER, of Texas, being the other two. Of course, as is fairly well-known within the body, I have had various colleagues who have an interest in these judicial appointments contact me in behalf of the nominee from their State, I do not believe without exception from both sides of the aisle, indicating strong support and the qualifications they felt were embodied in the nominees.

We have discussed these matters very frankly from the premise that as the minority party we are trying to act responsibly in handling all nominations, not just judicial appointments but all nominations.

The Senator from North Carolina, as Senator BAKER has already stated, at no time approached me in any way to try to hold up any of the nominations. The Senator from North Carolina is well-known for his perseverance in finding out all the facts. I suppose that is part of his background as a media man, as well as part of his character as a U.S. Senator. He wants to have all the facts before him. Perhaps more diligently than many of the rest of us does he pursues such responsibilities.

I must say that he did not come to me at any time and indicate any desire to hold up any nominee, particularly, Mr. Erwin of North Carolina.

So, in the effort to fulfill the assignment given to us by Senator BAKER, our leader, we have carefully, this three-member screening committee, gone over all the nominations that have been sent up here for many posts besides the judiciary.

I think today is again strong evidence that we want to try to minimize what may have been a tradition in this body in years past of holding up nominations per se in an election year because our commitment is that all the functions of Government must perform to their utmost capacity and efficiency. If there is a failure to confirm, it is going to impinge upon that ability to perform in a judicial district or in an administrative post. We are not going to try to frustrate that ability because we want to facilitate that highest performance of duties and responsibilities of government.

I merely wanted to make that record as well as to underscore the statement of the minority leader in reference to the Senator from North Carolina. I will not object.

Mr. HELMS. Mr. President, reserving the right to object, and I shall not object, I thank the distinguished minority leader and my friend from Oregon (Mr. HATFIELD) for their generous comments.

The nomination of Judge Richard C. Erwin has caused a great deal of controversy in my State. Questions were raised about the nomination and I made inquiries about them. I felt it my duty to do so. It took time. I have just talked with Judge Erwin and I must say, Mr. President, that at all times he has conducted himself as a gentleman and I have tried to do the same. I believe he has understood my feeling that I have a duty as a Senator to be satisfied with all nominees, and especially judges who hold lifetime appointments.

In the case of another nominee from North Carolina, the Honorable Gerald Arnold, I have sent dozens of letters of inquiry to distinguished judges and attorneys in North Carolina requesting an assessment of Judge Arnold's qualifications. Upon the receipt of responses from the majority of the judges and lawyers to whom I wrote, I promptly returned a blue slip. It is my expectation that Judge Arnold's nomination may be confirmed after the Senate's recess.

In the case of Judge Erwin, some newspaper editors in my State have been highly critical of me for presuming to ascertain the facts about several reports that came to me. I have done my constitutional duty as a Senator as I perceive that duty.

Mr. President, having said all that, I resent a contrived falsehood circulated by former U.N. Ambassador Andrew Young in a syndicated column published under Mr. Young's byline in newspapers all over this country. In North Carolina, this scurrilous, unfounded column appeared in at least two newspapers on September 16. It makes the charge that the Senator from North Carolina tried to make a deal with Judge Erwin.

That is typical of the falsehoods that Mr. Andrew Young so often distributes, orally and otherwise.

You might remember, Mr. President, that Mr. Young is the man who described the Ayatollah Khomeini as a saint. He was about as correct on that as he was when he stated in his column that Senator HELMS "reportedly" tried to make a deal with Judge Erwin. Who "reported" such a falsehood? Nobody. But that didn't restrain Andrew Young from contriving an utter falsehood, which I shall demonstrate in just a moment. Mr. Presi-

dent, I ask unanimous consent that the article to which I referred be printed in this point in the RECORD.

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

REAGANITES TO TURN BACK CLOCK ON JUSTICE?

(By Andrew Young)

WASHINGTON.—When Jimmy Carter stood before the NAACP convention in Miami last June and attempted to paint a picture of what a President Reagan would mean in terms of federal court appointments, my first reaction was that it was a bit too soon to conjure up "the Reagan scare."

Now, I've had second thoughts about the timeliness of that speech—particularly after the last two weeks of behind-the-scenes scheming by Reagan campaign manager Paul Laxalt and other Reagan surrogates in the Senate to thwart six pending nominations to the federal bench.

The six in question just so happened to be three black males, two women (one white, one black), one Hispanic, and one white liberal male, whose only fault seems to be that he is too liberal. Senate observers describe these candidates as "boy scouts and girl scouts" with "spotless credentials."

In contrast, there are seven additional pending nominations for federal judgeships. All are white males who happen to enjoy the backing of prominent Reagan supporters such as Sens. S. I. Hayakawa, John Danforth, Charles Percy and Harry F. Byrd, Jr. These nominees were praised last week by South Carolina's Strom Thurmond, the Judiciary Committee's ranking Republican, as "beyond scrutiny," Thurmond avowed that the committee could now move forward with the seven nominations supported by the Reaganites. He was not prepared to clear the way for the other six, on the ground that staff investigations of the six had not been completed, the implication being that some of them might not be fit to be judges.

Hence a Reaganite manuever designed to confirm the impeccable seven and scuttle the disparaged six.

Sen. Edward Kennedy, chairman of the Judiciary Committee, was not buying this deal. He wondered aloud if objections to the six had anything to do with color, sex or political background, and offered additional staff to help Thurmond in the arduous task of investigating the nominees. Kennedy also exercised his prerogative as chairman and said the impeccable seven would not be steamrollered through the committee while the disparaged six were held hostage, awaiting the outcome of the November election.

There are clear reasons why Laxalt, Thurmond and Co. are interested in halting these appointments. It has something to do with race and sex, but it goes beyond these familiar contentions to a question of philosophy, a desire to retard the role of the courts in the defense of basic human and social rights. Conservatives are eager in their anticipation of a Reagan victory which would enable them to pack the court system and reverse the march toward genuine equal justice under the law.

The worst case among the six smacks of extortion. Far-right North Carolina Sen. Jesse Helms has refused to return the "Blue Slip" on North Carolina nominee Richard Erwin. (The "Blue Slip" system, once supposedly dead, is still alive and well. It gives a senator an automatic veto of any judicial nominee from the senator's state.) Erwin's confirmation hearing in the Senate has been described as a "honeymoon."

However, in additon to being black, his record in the North Carolina state legislature confirms that he is also pro-labor. Helms reportedly has stated, 'This man tried to gut our right-to-work laws . . . and is pro-union." Helms is further reported to have attempted a deal where he would sign off on the nomination if Erwin would admit publicly that he had made a "mistake" in introducing legislation to amend his state's right-to-work law in order to support the rights of workers to organize. Erwin, now a state judge and an honorable one at that, refused on the grounds of principle.

The philosophical design to disrupt and change the American judicial system goes beyond the courts. Reaganites in the Senate recently demanded further hearings on an obscure U.S. Parole Board nominee from Minnesota, Les Green, whose public and private record had already been thoroughly scrutinized. Democrats, trying to complete confirmation proceedings before adjournment, asked what more was there to hear with regard to the Green appointment. He was chosen for the board specifically because he is an ex-offender and is thought to bring a different point of view to the parole process. He is also black.

Much of the appointment-blocking strategy can be traced to the smoke-filled rooms of the Republican Convention in Detroit, where Strom Thurmond was given the go-ahead by the Reagan camp to do everything necessary to plow under the pending nominations. This maneuvering is political, pure and simple.

Since July, Republican senators have been busy ducking Judiciary Committee executive sessions. Kennedy, however, got smart and tied the fate of the six to that of the seven—a neat parliamentary move that ensures a final attempt at confirmation before the end of this session.

Thurmond and his allies insist that they have bent over backwards to be fair to blacks and women, but in Detroit Reagan and Laxalt sensed an opportunity to seize the initiative before the anticipated January inaugurution.

President Carter is right: they want to turn back the clock, and the courts and justice as well.

Mr. HELMS. Mr. President, I have in my hand an affidavit signed by Judge Richard C. Erwin. I shall read part of it and I am going to ask unanimous consent in a moment that all of the affidavit appear in the RECORD. It says:

Richard C. Erwin, being duly sworn, deposes and says:

1. That your affiant wishes to make this affidavit relating to a newspaper column entitled "Reaganites to Turn Back Clock on Justice" authored by Mr. Andrew Young which your affiant was advised was published in the Winston-Salem Sentinel and the Charlotte News on September 16, 1980.

2. Senator Helms has not attempted to make a deal with me on any matter whatsoever at any time.

3. Your affiant has not made any statement to any person whomsoever which would give the impression or the suggestion that Senator Helms had offered any type deal whatsoever.

4. Mr. Young nor any agents of Mr. Young contacted me with reference to the published article in question. The last time your affiant saw Mr. Young or had any contact with him was during the summer of 1976.

Mr. President, I ask unanimous consent that the entire affidavit be printed in the RECORD at this point.

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

STATE OF NORTH CAROLINA, COUNTY OF WAKE, AFFIDAVIT

Richard C. Erwin, being duly sworn, deposes and says:

1. That your affiant wishes to make this affidavit relating to a newspaper column entitled "Reaganites to Turn Back Clock on Justice" authored by Mr. Andrew Young which your affiant was advised was published in the Winston-Salem Sentinel and the Charlotte News on September 16, 1980.

2. Senator Helms has not attempted to make a deal with me on any matter whatsoever at any time.

3. Your affiant has not made any statement to any person whomsoever which would give the impression or the suggestion that Senator Helms had offered any type deal whatsoever.

4. Mr. Young nor any agents of Mr. Young contacted me with reference to the published article in question. The last time your affiant saw Mr. Young or had any contact with him was during the summer of 1976.

5. Your affiant has not had any contact with Senator Helms since his meeting with him on August 20, 1980 except a letter which your affiant answered. The letter did not mention the term, "blue slip."

Executed in Raleigh, North Carolina, this 26th day of September, 1980.

Richard C. Erwin, Judge, North Carolina Court of Appeals; affiant.

R. J. Duke Short, Chief Minority Investigator, United States Senate Judiciary Committee, witness.

Sworn to and subscribed before me this 26th day of September, 1980, Zenobia A. Jefferson, Notary Public; My comission expires February 22, 1983.

Mr. HELMS. So, Mr. President, this affidavit speaks for itself. I find it deplorable that Mr. Young is going around this country making statements of that sort and, in fact, distributing such statements via his syndicated newspaper column. This was a falsehood—he is bound to know that it is a falsehood.

Mr. President, that is the story on the Erwin nomination. I did my best to explore the facts relating to Judge Erwin. I think the minority leader and others may affirm that at no time have I tried to do other than to ascertain the facts in the case of this nomination.

I might add in conclusion, Mr. President, that it is the policy of the Senator from North Carolina, when a nomination comes before a committee of which the Senator from North Carolina is a member, to make the same sort of careful inquiry. I do it on the Foreign Relations Committee, I do it on the Agriculture Committee, and in the case of judicial nominees from the State of North Carolina, I do it. And I will continue to do so. I thank my distinguished colleague from Tennessee and my distinguished colleague from Oregon for their thoughtful comments.

Mr. BAKER. Mr. President, reserving for a brief moment, I express my appreciation to the Senator from North Carolina, not only for his remarks but, once again, for his diligence and perseverence in a matter of utmost importance.

I see on the floor the distinguished senior Republican, the ranking member of the Judiciary Committee (Mr. THURMOND). It was under Senator THURMOND'S leadership that the Judiciary Committee, on our side, has threaded its way through a very difficult time and brought to the floor a number of nominations that we are now about to confirm, I believe. There are a great number of other

judicial nominations which are still in the Committee on the Judiciary.

I express my personal appreciation to the Senator from South Carolina for his good work in bringing this matter to this point, especially for his good work in sending a member of his staff to North Carolina to assist the Senator from North Carolina in trying to arrive at this point.

Mr. President, a final word. I express my appreciation to the distinguished assistant minority leader (Mr. STEVENS), to Senator HATFIELD of Oregon, who is on the floor, and to Senator TOWER of Texas, who have served as members of the informal screening committee who, daily, have been beseiged, sometimes almost beleaguered, by requests to consider the confirmation or absence of confirmation of particular nominees. I think they have served us well.

Mr. President, with that, I have nothing further to say except to reiterate my observation to the majority leader that I have no objection.

Mr. CRANSTON. Mr. President, reserving the right to object and I shall not, I thank the distinguished majority leader for bringing these nominations to this final stage. I have spoken to him innumerable times on the two nominees from our area, California, where we need more people on the bench, particularly in and around Los Angeles. There are two very fine nominees, those now before the Senate, Consuelo B. Marshall and David Vreeland Kenyon, one a Democrat, one a Republican. Both will make outstanding judges.

I also thank the members of the Judiciary Committee for their cooperation and I thank the distinguished minority leader for his cooperation in bringing this to this very fine point.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority whip for his words. He has indeed pressed for the confirmation of the two nominees from California. I am delighted that clearance is now being given for the other nominees.

Mr. BAUCUS. Mr. President, I want briefly to thank the Senator from South Carolina, the Senator from Tennessee, the Senator from North Carolina, and the Senator from Oregon for not pursuing the rights and privileges they have at this time. They obviously could hold up these nominations if they so desired. They chose not to do so, I am sure for reasons that the minority has to function, it has to continue, it has to operate in a nonpartisan and bipartisan way. I personally want to thank the Senators for taking a forthright and statesmanlike approach to this matter and not holding up these nominations at this time.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the nomination?

Mr. THURMOND. Mr. President, I thank the distinguished Republican leader (Mr. BAKER) for his kind words. I want to say just a word about the nomination of Judge Erwin of North Carolina.

Mr. President, I was not notified that these nominations were coming up today, as I usually am, but somebody called me and tipped me off about them. I am very glad to be here to make this point

The distinguished Senator from North Carolina (Mr. HELMS) was concerned about an article by Andrew Young that appeared in the Charlotte News on September 16, 1980. It is headed "Reaganites Block Vote on Key Judges." When the question was raised in the article that Senator HELMS was trying to get a deal out of this matter with this judge, I knew in my own heart that it was untrue.

Senator HELMS is one of the best men I have ever known. He would not try to strike such a deal. In order to clear the record, however, we did send the investigator from the Committee on the Judiciary down to see Judge Erwin, who, I understand, is a State judge, and he talked with him. The investigator obtained an affidavit, which refutes what Andrew Young said. It in effect stated that the statements by Andrew Young in his column are false. I wanted this record to show clearly today that Senator HELMS has taken no step in any way to try to prohibit this nomination except to get the truth.

The investigator went down and obtained his affidavit which completely exonerated—if that is the proper word—Senator HELMS in this matter. Judge Erwin, the black judge, whom Andrew Young seemed to want to help, repudiated the remarks of Andrew Young in his column.

Mr. President, I want the people of this Nation to know that when Andrew Young makes a false statement, he ought to have his hand called. That is exactly what we tried to do, to get the truth. Judge Erwin made an affidavit under oath that these statements by Andrew Young were false. Mr. President, that is where the truth was found.

Mr. President, I just wanted to explain that to the Senate.

(Mr. BAUCUS assumed the chair.)

Mr. DECONCINI. Will the Senator yield for just a comment?

Mr. THURMOND. I am pleased to yield.

Mr. DECONCINI. Mr. President, I want to commend the Senator from North Carolina on this matter, because when this arose, I do not know how many Senators he contacted, but he did write to me a long, lengthy letter, explaining his objection—his concern, really, not an objection at that point—regarding the nomination that was in question. As one Senator who sits on the Judiciary Committee, I thought it was totally objective, totally without bias on his part. Whatever the accusations are by former Ambassador Young, they certainly are not substantiated by the record that the Senator from North Carolina conveyed at least to this Senator.

I am appalled that those kinds of charges would be levied at the Senator. I compliment him for his willingness to proceed, because I could see how the Senator from North Carolina could be considerably upset with such charges. It only demonstrates the ability and the understanding of the processes of this body to function and to provide the confirmation of these judges, including the one from North Carolina.

Let me also add, if the Senator will indulge me for one more moment, Mr. President, that the Senator from South Carolina has demonstrated the same kind of leadership on the Committee on the Judiciary, a willingness to take case-by-case appointments, obviously from a different administration than he might prefer, but willing to proceed with the advancement of these appointments, because the need of the judiciary does come before party preference.

I commend the Senator and ranking member.

Mr. THURMOND. Mr. President, I thank the Senator from Arizona. I understand that Ambassador Young has been saying that Republicans are against black judges and women, which is another false statement. I want to say for the record that the Republicans on the Judiciary Committee have not voted against a single black judge that President Carter has nominated. He has nominated, he says, more than any President in history—more than all Presidents, I believe he said, in all of history. I want the record to show that I cannot recall a single Republican on the Judiciary Committee voting against a black judge who has come before that committee.

In closing, Mr. President, I want to say in my judgment, there is no finer man in the Senate than JESSE HELMS. He is a man of unquestioned character and integrity. When I saw this article, it just burned me up, because I knew there was something wrong. I am glad our investigator has obtained the truth and shown that Andrew Young, a former Ambassador to the United Nations appointed by President Carter, made false statements in this article.

(Mr. DECONCINI assumed the chair.)

Mr. HELMS. Mr. President, I am deeply grateful to the distinguished Senator from Arizona (Mr. DECONCINI) and my very able friend from South Carolina (Mr. THURMOND) for their comments.

FEDERAL JUDGES FOR VIRGINIA

Mr. WARNER. Mr. President. I rise in strong support of the confirmation of two respected Virginians who have been nominated to serve as U.S. district judges: James Harry Michael, Jr., for the western district of Virginia; and Richard Leroy Williams, for the eastern district. I have consistently advocated publicly and in conferences with my colleagues that Virginia is in need of additional U.S. district judges.

These two nominees have been carefully selected through the merit selection commission process initiated by my distinguished senior colleague, Senator HARRY F. BYRD, Jr., and then by the Senate Judiciary Committee. In giving them my full support, I am applying one standard of judgment and one standard only, irrespective of political or other considerations. That standard, in a single word, is "merit."

The citizens of the Commonwealth of Virginia, members of the Federal bench and bar, and my Senate colleagues as well, have my personal pledge: That, to

whatever extent I am now, or may ever become, involved in the process of selecting Federal judges, I will faithfully adhere to that same standard. For positions of such high trust and responsibility, bearing so directly and intimately on the lives and property of free Americans, there can be no other standard.

Each of the two nominees whose names are now before us meets that standard. Each has distinguished himself in the legal profession and in public service. Each has been rated as "well-qualified"—the highest ranking awarded by the American Bar Association Standing Committee on the Federal Judiciary. Each is unequivocally deserving of support and confirmation by the Senate.

Harry Michael of Charlottesville has served continuously as a leading figure in the senate of the Commonwealth of Virginia since his first election to that body in 1967. In addition to his senate committee responsibilities, he is a member of the Virginia State Crime Commission and the Virginia Code Commission, and chairs the Virginia Commission on Coal and Energy.

Senator Michael previously served 12 years as an appointed member of the school board of the city of Charlottesville. For 13 years he also served as associate or assistant judge of Charlottesville's Juvenile and Domestic Relations Court. In addition, he has worked actively with the Legal Aid Society of Charlottesville, and has been a lecturer in the University of Virginia School of Law.

A 1940 graduate of the College of the University of Virginia, and of its law school in 1942, Harry Michael served on active duty in the U.S. Naval Reserve from 1943 through 1946. Since that time he has been engaged in the private practice of law in his native Charlottesville.

Senator Michael has been admitted to practice before the Virginia Supreme Court of Appeals and various lower courts of the Commonwealth, the U.S. district courts for the eastern and western districts of Virginia, the U.S. Court of Appeals for the fourth circuit, and the U.S. Supreme Court.

In addition to his many professional memberships, a simple listing of Harry Michael's civic and community activities fills more than a full, single-spaced typewritten page. He is married to the former Barbara Elizabeth Puryear and is the father of two daughters.

Richard L. Williams of Richmond is a leading member of one of that city's most prominent law firms, McGuire, Woods & Battle. Like Harry Michael, Dick Williams is a native Virginian and a graduate of the University of Virginia and its law school.

In World War II, from 1940 through 1945, Mr. Williams served as an Army corporal and later as an Air Force second lieutenant.

He began his professional practice in Richmond immediately after receiving his law degree in 1951.

In 1972, Dick Williams left his law firm to serve the city of Richmond as judge, first of the law and equity court and later of the circuit court. He returned to private practice in 1976. During this period he also served as a lecturer at the University of Virginia Law School.

He too is a member of numerous civic and professional organizations, and has been admitted to practice before the Supreme Court of Virginia, the U.S. District Court for the Eastern District of Virginia, the fourth circuit court of appeals, and the U.S. Supreme Court. He is married to the former Eugenia Kellogg and has two sons and two daughters.

Mr. President, I am confident that these two distinguished Virginians, if confirmed, will serve in the finest traditions of the Federal judiciary. Their confirmation will provide citizens of my State with needed judicial services of high quality.

I am very heartened today that the leadership and my colleagues have made it possible that this group may go forward and be of service to the citizens of not only my State, but elsewhere in the United States.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the distinguished majority leader and the distinguished minority leader for working this out, where these nominees will be brought before the Senate this afternoon.

Having recommended for appointment Richard L. Williams, of Richmond, Va., to be a U.S. district judge for the eastern district, and having recommended James Harry Michael, Jr., of Charlottesville, Va., to be a U.S. district judge for the western district of Virginia, I am delighted that the Senate today will have an opportunity to vote on these nominations.

I think each of these men will qualify for the very important position to which each has been nominated.

I hope that the Senate will act unanimously on these nominations.

NOMINATION OF NORMAN P. RAMSEY TO THE FEDERAL DISTRICT COURT, DISTRICT OF MARYLAND

Mr. SARBANES. Mr. President, I am very pleased to rise in support of the nomination of Norman P. Ramsey of Maryland to serve on the U.S. District Court for the District of Maryland. It is my firm conviction that Norman Ramsey will bring great strength and quality to the Federal bench. He is one of Maryland's preeminent lawyers with an outstanding record of professional practice and public service.

Norman Ramsey, 57 years old, attended Loyola College in Baltimore and graduated from the University of Maryland Law School where he was an editor of the law review. His law school education was interrupted by service in the U.S. Marine Corps during World War II. Following law school he served, 1947–48, as law clerk to the Honorable W. Calvin Chesnut, one of Maryland's most distinguished Federal district judges. Upon completing his clerkship he joined the office of the U.S. attorney for the District of Maryland serving from June 1948 until December 1950.

At the end of 1950 Norman Ramsey became an associate in the Baltimore law firms of Semmes, Bowen & Semmes and continued his practice there until January 1955. He spent the next 2 years in the office of the attorney general for Maryland, first as an assistant attorney general and then as the deputy attorney general.

In January 1957 he returned to the law firm of Semmes, Bowen & Semmes as a partner and has since practiced with that firm and now acts as its managing partner. During this period of private practice he has at various times been specially appointed as a Special Assistant City Solicitor for Baltimore City and as a Special Assistant Attorney General for the State of Maryland to handle unusually important and complex legal matters.

From 1951 until 1970 he was also a lecturer at the University of Maryland Law School in a wide range of courses. He has been a very active trial practitioner in the Federal courts with extensive experience in both civil and criminal and in jury and nonjury cases. Throughout this period of broad and varied practice, Norman Ramsey has consistently demonstrated outstanding ability and has established himself as one of Maryland's finest lawyers.

In addition to his distinguished record as a practicing attorney, both public and private, Norman Ramsey has been very active in bar activities. From 1963–75 he served on the Board of Governors of the Maryland State Bar Association and in 1973–74 was the president of the Maryland State Bar Association. For many years he has been Maryland's delegate to the American Bar Association and in 1975–78 he served on the Board of Governors of the ABA. From 1968–74, Norman Ramsey was a member of the ABA Standing Committee on the Federal Judiciary, and he is currently chairman of the ABA's Standing Committee on Communications. For a number of years he was president of the Legal Aid Board of Baltimore.

As demanding as his professional activities have been—both his practice and his bar activities—Norman Ramsey has also held a number of important public positions; in this respect he has demonstrated his deep commitment to the community and to carrying out his responsibilities as a citizen. He has served as president of the School Board and as president of the Civil Service Commission, two of the most important boards and commissions of the city of Baltimore. At present he serves as the president of the Baltimore City Fire Board and as a member of the city's Board of Ethics. Service on these boards and commissions demand an enormous amount of time and dedication and often requires dealing with some very difficult public issues. In these positions Norman Ramsey's leadership has been of the highest quality. and he stands as an example of dedicated and responsible citizenship.

Both as a lawyer and as a citizen Norman Ramsey has demonstrated a profound sense of the importance of the rule of law and a keen knowledge of the law. I have every confidence in his ability, integrity, character, judgment, and in his commitment to equal justice under the law. Maryland and the Nation will benefit from the great strength and quality he will bring to the Federal District Court for the District of Maryland.

NOMINATION OF THE HONORABLE GEORGE HOWARD, JR.

Mr. BUMPERS. Mr. President, I support George Howard, Jr., for the position of U.S. District Judge for the Eastern and Western Districts of Arkansas, without reservation or equivocation.

Judge Howard currently serves as a member of the newly created Arkansas Court of Appeals. Before being appointed to his present position by Governor Clinton, Judge Howard served as an associate justice of the Arkansas Supreme Court. He served as a member of the Arkansas State Claims Commission from 1969 to 1977, and was chairman of that commission during the time I was Governor of Arkansas. He received the distinguished jurist award in 1980 from the Federal Bar Association. He has performed in an exemplary manner on the bench and in the bar of Arkansas.

Although the committee has been supplied detailed biographical information about Julge Howard, I want to point out that he served on the Arkansas Advisory Committee to the U.S. Commission on Civil Rights from 1965 to 1969.

More important than his excellent judicial and legal background for this position, Judge Howard has the temperament and judgment to serve with distinction on the Federal bench. Married and the father of four children, he has a broad base of experience in his community which is required of any person selected for this sensitive position.

He is a member of the New Town Missionary Baptist Church in Pine Bluff, Ark., and he now serves as a member of the board of trustees and superintendent of the Sunday school. He is a veteran of World War II, having served in the U.S. Navy in the South Pacific.

He has been in the forefront of civil rights activities in Arkansas since he began practicing law in the early fifties. He has made a lasting contribution to the State and to our Nation in this capacity.

In his previous judicial assignments, he has been fair, and has demonstrated a knowledge of the law that will make him an outstanding addition to the Federal bench in Arkansas.

I do not believe the Judiciary Committee received a single negative comment on Judge Howard's nomination. I rare tribute indeed.

It is my firm belief that Judge Howard will serve with distinction, and will reflect credit on himself, his State, his Nation, and the American system of justice.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Richard L. Williams, of Virginia, to be a U.S. district judge for the eastern district of Virginia.

Hipolito Frank Garcia, of Texas, to be a U.S. district judge for the western district of Texas.

James Harry Michael, Jr., of Virginia, to be a U.S. district judge for the western district of Virginia.

George Howard, Jr., of Arkansas, to be a U.S. district judge for the eastern and western districts of Arkansas.

Charles P. Kocoras, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Susan C. Getzendanner, of Illinois, to be a U.S. district judge for the northern district of Illinois.

Richard C. Erwin, of North Carolina, to be a U.S. district judge for the middle district of North Carolina.

David Vreeland Kenyon, of California, to be a U.S. district judge for the central district of California.

Consuelo B. Marshall, of California, to be a U.S. district judge for the central district of California.

Norman P. Ramsey, of Maryland, to be a U.S. district judge for the District of Maryland.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider en bloc the nominations which were confirmed en bloc.

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

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominees.

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

Mr. PRYOR. Mr. President, I rise in support of Judge George Howard, Jr., who has just been confirmed as the new U.S. district judge for the eastern and western districts of Arkansas.

His service to our State has been of the highest caliber, and I have the greatest confidence in his ability to serve as an outstanding Federal district judge.

In our State, his early career was distingiushed by his dedicated service as a member of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights and his chairmanship of the advisory committee for 2 years.

Judge Howard is also a renowned legal scholar and a man deeply dedicated to the legal profession. It was my privilege to reappoint George Howard to the Arkansas State Claims Commission, where he rendered exemplary service as its chairman and appoint him to be a member of the Arkansas State Supreme Court. Judge Howard's judicial perceptiveness and knowledge of the law earned him the respect of his colleagues and fellow Arkansans and was further recognized in his recent appointment to the Arkansas Court of Appeals.

He has been an outstanding citizen of our State and has distinguished himself and our judicial system by providing fair and just application of the law. He will be an asset to the Federal district court.

It is with great pleasure I observe that the Senate has confirmed Judge Howard's nomination. I am able to say with certainty that this man will serve his State and country with great distinction. I am proud to know a man of his integrity and ability.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 1 hour, for the purpose only of the introduction of bills and resolutions, petitions and memorials, and statements by Senators into the RECORD.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may speak therein.

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

SENATOR GARY HART

Mr. ROBERT C. BYRD. Mr. President, one of the most impressive legislative records in the Senate today is that of the senior Senator from Colorado, GARY HART. During his 5½ years in the Senate, he has introduced more than 180 bills and amendments. Of those 180 legislative items, the Senate acted on more than 160 either in committee or on the Senate floor; the Senate passed 115 in whole or in part; and more than 70 have been incorporated into public law either in concept or as originally drafted. Fewer than 20 received no Senate action at all. Moreover, Senator HART's successful initiatives were not minor issues. They dealt with critical problems of defense, tax cuts, restraints on Federal spending, clean air, and energy.

This is a remarkable record. Introducing bills and amendments is relatively easy, but seeing those legislative initiatives through is a difficult task, one that marks the effective Senator.

As a member of the Armed Services Committee, the Budget Committee, and the Environment and Public Works Committee, GARY HART has been an articulate advocate of the interests of the Nation and of Colorado.

Early in his Senate career, he staked out his own distinctive stand on defense issues as a member of the Armed Services Committee. He was among the first defense analysts to stress the importance of the quality of our military effort, as well as the quantity of our forces. Senator HART is concerned about what happens on the battlefield, not merely what happens on paper here in Washington.

A number of his proposals for a more effective defense are already underway. Six major ship and weapon system procurement items are included in the fiscal year 1981 defense procurement bill recently signed into law. Much of the equipment will go toward building the "new Navy" envisioned by Senator HART, a Navy that is based on smaller, less expensive ships that will work together in large numbers, providing a force with greater mobility and invulnerability.

On the Budget Committee, Senator HART has long been a proponent of a balanced Federal budget. During Budget Committee hearings, he offered his own version of a balanced budget, including suggested cuts in Federal spending. The

Hart proposal contributed to the balanced budget that was adopted by the Senate earlier this year. He also has been active in working to reduce the heavy burdens of taxes and inflation on the American people.

In the field of energy, GARY HART chaired a special Budget Committee task force that explored the budgetary implications of synfuel proposals. The work of this task force contributed to the eventual synfuel program that was signed into law.

GARY HART is one of the Senators who began working early on solar energy development. In 1975, he introduced legislation to require energy audits of Federal buildings, greater conservation, and use of solar technology where appropriate. His bill later became law. In 1976, he worked to develop a national solar energy program, which also was signed into law. In 1978, he secured the passage of a provision authorizing solar energy equipment in housing projects sponsored by the Agency for International Development.

In his capacity as chairman of the Military Construction Subcommittee of the Senate Armed Services Committee, GARY HART took the lead in urging our military installations to include solar heating and cooling systems in their facilities. He also successfully promoted legislation to authorize military contracts for the production of fuel derived from refuse.

In an editorial endorsing GARY HART, the Rocky Mountain News discusses his innovative approaches and impressive legislative record. This paper, of course, has followed Senator HART's career very closely, and I would like to share its views with my colleagues. I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

HART OUTSHINES CANDIDATES IN GOP BATTLE

The calendar is creeping up on Sept. 9, primary day, a day when one of three, maybe four, Republicans will win an opportunity to try to undo a good thing. That good thing, of course, is the tenure in office of U.S. Sen. Gary Hart, a Democrat who has demonstrated rather extraordinary political talent.

The GOP candidates for the nomination don't exactly make one's heart go thumpety-thump. In their vision of America's future and their expressed insight into national and international affairs, they are about as exciting as a pinup of a sumo wrestler.

The slickest of the crew is Howard "Bo" Callaway. You have probably seen his television commercials. "Bo Callaway, Bo Callaway . . ., some folk singer croons. Its as if Callaway was the hero in a TV show. "Davy, Davy Crockett . . ."

Callaway has already been around the political track a couple of times. He was a Georgia congressman back when the nation was engaged in resolving one of the most significant social issues of the century, the question of discrimination against blacks. Callaway voted against all the major civil rights bills that came before Congress. Maybe he could be forgiven for that if he would say he was sorry. He won't.

Then there's Sam Zakhem, an interesting character of the wild-eyed variety who has driven even members of his own party crazy while serving in the Legislature. His brand of confused, know-nothing, far-right politics has no place in the U.S. Senate. He has his fans—so, probably, did Attila the Hun—but shouldn't be taken seriously for so important a job.

Next: John Cogswell, an Englewood lawyer and probably a very decent fellow. But what are his qualifications for the office? If he has said anything perceptive about any issue or given evidence of unusual leadership qualities, we have missed it.

The best of the Republican candidates was—is?—Mary Estill Buchanan. She is popular with the voters—the evidence being the huge margins by which she has been elected secretary of state—but not with the party of her choice. Her GOP comrades, treating her like a snake in a maternity ward, have apparently managed to keep her off the ballot, though there may still be time for a court reversal. Her sin? She is a moderate. Not a liberal, mind you, but a moderate, a woman of the center, someone who is against big government, for instance, but doesn't think enactment of the ERA would mark the end of home and hearth.

Contrast these candidates with Gary Hart.

Although the Republicans are trying to portray him as one of those Democrats who would tax us from womb tc tomb, Hart has, in fact, eschewed New Deal liberalism, understanding that the solutions it offers are no longer solutions at all, but part of the problem. Instead of clinging to irrelevant and outmoded ideologies, he has sought a fresh approach to American politics, one that will provide answers to today's problems.

A big spender? The record doesn't support the charge. Unlike the Ted Kennedys of our polity, he has opposed national health insurance, explaining that the nation just can't afford it. He proposed $15 billion in budget cuts this year and detailed how it could be done—as one praise-worthy example, by lopping off 1,000 jobs at the Department of Energy. He opposed the Chrysler ballout and has fought other special interests, arguing, "If you want government off your back, get your hand out of the government's pocket."

The Republicans would have you believe Hart is anti-defense. It's not so. In this area, he is actually for increased spending—if it is also intelligent spending. He contends that a bigger military is not necessarily a better military unless it is bigger in the right spots. With ex-Sen. Robert Taft Jr. of Ohio, a conservative Republican, he published a much-applauded "white paper" calling for a large ship-building program. His detailed knowledge of defense issues has won him the respect of the Pentagon and even some of the old, super-hawk curmudgeons on the Senate Armed Services Committee, who originally regarded him with suspicion.

Concerning the economy, he worked out a scheme calling for a balanced budget and tax cuts for businesses and workers provided they stuck to voluntary wage-price guidelines. It was an admirable suggestion, embodying both liberal and conservative ideas. If Congress would adopt something of the sort, inflation could be whipped.

When you sit down and talk to Hart, what impresses you most is that he has done his homework, and then some. On almost any important issue, it seems he has a grasp of particulars that is little short of amazing. It is obvious that he doesn't just react to issues, he turns them this way and that, looks at them from the top, the bottom and every side he can find, collects facts and then collects more facts, brings a very fine mind to bear on the gathered information, and then proposes creative answers. This is rare in an age when legislators are mostly satisfied to let administrators do the thinking for them.

It was Gary Hart—by way of illustration—who came up with the idea of requiring the U.S. military to install solar devices on its new buildings when cost effective. That idea became a bill, that bill became a law, and the consequence has been a doubling of the solar energy industry and significant savings in nonrenewable fuels.

Largely because of his hard work and reputation as a careful thinker—but also because he is articulate and perhaps even charismatic—Hart has become a leader in the Senate. He has been credited with doing more than any other senator in attempting to secure passage of SALT II. Whatever one thinks of that proposed treaty, it remains almost unheard of for a first-term senator to lead the way on so major an issue.

Colorado needs that kind of clout in its congressional representation. With the rest of the nation hungry for the energy resources in the Rockies, the state could face virtual devastation unles its delegation knows how to fight for Colorado interests. Hart was a prime mover on legislation that secured some $6 million a year for Colorado counties unable to tax federal lands within their boundaries, and co-sponsored another bill providing government help in cleaning up uranium mine tailings in the state. He is now in the thick of the battle to save the state from overly anxious and potentially destructive synfuels development.

It goes without saying that, not just the state, but the country needs elected officials with Hart's qualities. It is a much different world today than it was just a decade ago, and it's essential that our political leadership include those whose minds are not locked into perceptions that have little connection with the new realities, chief among them our shriking resources.

So the News is not going to be coy. Although papers usually wait until much closer to Election Day to make their endorsements, we consider Hart so able and his possible opponents so weak that we are stating our position today. We endorse Hart.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

TENTH REPORT OF THE UNITED STATES SINAI SUPPORT MISSION—MESSAGE FROM THE PRESIDENT—PM 248

The Presiding Officer laid before the Senate the following message from the President of the United States. together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit herewith the Tenth Report of the United States Sinai Support Mission. It covers the Mission's activities during the six-month period

ending October 1, 1980. This report is provided to the Congress in conformity with Section 4 of Public Law 94–110 of October 13, 1975.

The Peace Treaty of Egypt and Israel signed in Washington on March 26, 1979, called for the United States to continue its monitoring responsibilities in the Sinai until January 25, 1980, when Israels armed forces withdrew from areas east of the Giddi and Mitla Passes. This mission was completed on schedule and to the satisfaction of all parties.

Trilateral talks in Washington in September of 1979 resulted in agreement that the United States would use the Sinai Field Mission to perform certain functions, among those specified in Annex I of the Treaty, relating to the verification of military constraints applicable to limited forces zones located in the western two-thirds of the Sinai. The Egyptian and Israeli Governments subsequently confirmed orally their acceptance of three articles on the operations of the Sinai Field Mission from an agreement still under negotiation which deals with arrangements in the Sinai up to the time of final Israeli withdrawal in April 1982. Administration officials have conveyed the text of these three articles to appropriate Congressional committees and have briefed them on the other aspects of the proposed agreement. They will continue to keep the Congress fully informed of progress in the negotiations on the remainder of the proposed agreement.

This year's funding of the Sinai Support Mission is authorized under Chapter 6, Part II of the Foreign Assistance Act, "Peacekeeping Operations." At my request, Congress restored 6 million dollars and approved an additional FY–1980 funding of 3.9 million dollars so that the Sinai Support Mission could perform verification functions entrusted to it.

The American peacekeeping effort in the Sinai has been a highly successful one. I know the Congress will continue its support of this mission as part of the larger U.S. effort to achieve our goal of permanent peace in the Middle East.

JIMMY CARTER.

The WHITE HOUSE, *September 29, 1980.*

PLANS FOR UNITED STATES PARTICIPATION AND SUPPORT OF SCIENTIFIC AND TECHNOLOGICAL ACTIVITIES INVOLVING EGYPT AND ISRAEL—MESSAGE FROM THE PRESIDENT—PM 249

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to Section 8 of Public Law 96–35, I am pleased to transmit the report outlining plans for United States' participation and support of scientific and technological activities involving Egypt and Israel.

It is clear that science and technology have played an important role in strengthening U.S. bilateral cooperation with these countries. Recognizing this, my Administration fully supports the view that encouraging trilateral cooperation on activities of a scientific and technological nature can contribute much to building a permanent structure of peace in the Middle East. We will continue to support the development and strengthening of scientific and technological activities that enhance relations between the peoples of Egypt, Israel and the United States.

JIMMY CARTER.

The WHITE HOUSE, *September 29, 1980.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that the President of the United States, on September 26, 1980, approved and signed the following acts:

S. 215, An act for the relief of Renuka Pavia.

S. 1650, An act to provide for the development of Aquaculture in the United States, and for other purposes.

S. 2223, An act to permit any Indian to transfer by will restricted lands of such Indian to his or her heirs or lineal descendants, and other Indian persons.

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–4677. A communication from the Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the Consolidated Defense Related Employment Program for fiscal year 1979; to the Committee on Armed Services.

EC–4678. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report of a proposed letter of offer to the Philippines for defense articles estimated to cost in excess of $25 million; to the Committee on Armed Services.

EC–4679. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a secret report on contract award dates for the period of September 15 to December 15, 1980; to the Committee on Armed Services.

EC–4680. A communication from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Act of January 8, 1971, authorizing the establishment of the Voyageurs National Park, and for other purposes; to the Committee on Energy and Natural Resources.

EC–4681. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Senate Buildings Beauty Shop. For the Fiscal Year Ended February 29, 1980; to the Committee on Governmental Affairs.

EC–4682. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the fiscal year 1982 appropriations request of the Federal Election Commission; to the Committee on Rules and Administration.

EC–4683. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, notice that the Army intends to exercise the provision for exclusion of a clause concerning the examination of records by the Comptroller General; to the Committee on Armed Services.

EC–4684. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Navy's Computerized Pay System is Unreliable and Inefficient—What Went Wrong?"; to the Committee on Armed Services.

EC–4685. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to consolidate and simplify the mortgage credit and related authorities contained in the National Housing Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–4686. A communication from the Acting Assistant Secretary of the Interior, transmitting, notice of a project proposal from the Buffalo Rapids Project, Irrigation District No. 2, Montana, under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC–4687. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to obtain adequate law enforcement services at water resource development projects under his jurisdiction; to the Committee on Energy and Natural Resources.

EC–4688. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a Report of Building Project Survey proposing the acquisition of space in a building to be constructed under lease agreement; to the Committee on Environment and Public Works.

EC–4689. A communication from the Administrator, General Services Administration transmitting, pursuant to law, amended prospectuses which propose continued occupancy under succeeding leases for space located at 1701 North Fort Myer Drive, Arlington, Virginia; to the Committee on Environment and Public Works.

EC–4690. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the twentieth report on abnormal occurrences at licensed nuclear facilities; to the Committee on Environment and Public Works.

EC–4691. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Section 74 Seafood Processing Study"; to the Committee on Environment and Public Works.

EC–4692. A communication from the Chairman, United States Advisory Commission on Public Diplomacy, transmitting, for the information of the Senate, a report on the International Communications Agency; to the Committee on Foreign Relations.

EC–4693. A communication from the Acting Commissioner of the Immigration and Naturalization Service, U.S. Department of Justice, transmitting, pursuant to law, 665 reports concerning visa petitions which the Service has accorded third and sixth preference classification under the Immigration and Nationality Act; to the Committee on the Judiciary.

EC–4694. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a technical adjustment to the deferral transmitted on August 27, 1980 in the President's twelfth special message for fiscal year 1980; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

PRIVACY PROTECTION ACT OF 1980—CONFERENCE REPORT

By Mr. ROBERT C. BYRD (for Mr. BAYH) from the committee of conference, submitted a report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1790) to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes (Rept. No. 96–1003).

By Mr. FORD, from the Committee on Energy and Natural Resources, with an amendment (in the nature of a substitute).

S. 2279. A bill to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 33955.

By Mr. PRYOR, from the Committee on Governmental Affairs, with an amendment:

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 (Rept. No. 96–1004).

By Mr. PRYOR, from the Committee on Governmental Affairs, without amendment:

H.R. 6065. An act to amend title 5, United States Code to provide that military leave be made available for Federal employees on a fiscal year rather than a calendar year basis, to allow certain unused leave to accumulate for subsequent use, and for other purposes.

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. CHAFEE:

S. 3165. A bill to amend the Trade Act of 1974 to improve the operation of the generalized system of preferences; to the Committee on Finance.

S. 3166. A bill to postpone the designation of certain recently subdivided articles under the Tariff Schedules of the United States as eligible articles under the generalized system of preferences established by the Trade Act of 1974 until the International Trade Commission has conducted a study of potential market disruption; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE:

S. 3165. A bill to amend the Trade Act of 1974 to improve the operation of the generalized system of preferences; to the Committee on Finance.

IMPROVEMENT IN OPERATION OF GENERALIZED SYSTEM OF PREFERENCES

● Mr. CHAFEE. Mr. President, today, I am introducing legislation designed to improve the generalized system of preferences (GSP) by providing increased protection for domestic manufacturers from growing duty-free imports, and by insuring that more of the poorer developing nations receive a greater share of the benefits of this program.

Under title V of the Trade Act of 1974, the generalized system of preferences was created to help lesser developed nations expand their industries by insuring them access to markets in the United States. The GSP program is an important and worthwhile foreign aid tool that benefits many nations. Yet, the program is not without problems.

During the first 5 years of operation, only the most advanced of the developing countries have benefited from the GSP program. In fact, the top five countries (Taiwan, Hong Kong, Brazil, Korea, and Mexico) accounted for more than 50 percent of all GSP duty-free imports from 1976 to 1978. The remaining benefits were divided between more than 100 poorer nations.

In addition, there is evidence that the safeguards originally intended to protect U.S. manufacturers from less expensive duty-free imports have not worked adequately. Domestic firms have discovered that it is most difficult to have a product removed from the list of GSP eligible imports. An industry or community must be so severely hurt in order to demonstrate that GSP imports have been the direct cause of such harm, that when relief finally comes, it is often too late.

An example of this problem occurred in the U.S. apparel manufacturing industry. In 1976 and 1977, Korea and Taiwan captured a large share of the U.S. leather apparel market as a result of the GSP program. When these two countries exceeded their allowable limits on duty-free imports, and the product was removed from the eligible list, damage had already been irreparable. Taiwan and Korea, already well-established sellers of leather products in the United States, simply continued to increase their share of the American market, even with the duty in effect. Consequently, the U.S. leather apparel industry is in shambles, today.

Certainly, the GSP program is a commendable endeavor. We should continue to assist our less deveoped trading partners. But we want the program to be equitabe to U.S. manufacturers as well as to poor nations. Does it make sense that the most developed of the developing countries—the countries with the more advanced and competitive industries—should receive most of the benefits of this program? Does it make sense for the U.S. taxpayer to be contributing billions of dollars every year in trade adjustment assistance to people who have lost their jobs, while at the same time allowing duty-free imports to increase? I think not.

Mr. President, in April, Senator RIBICOFF, chairman of the International Trade Subcommittee of the Senate Finance Committee, asked me to review the GSP program, including the President's 5-year report to Congress on its operation, and to make specific recommendations to the subcommittee as to how the program could be improved.

The bill I introduced today embodies those recommendations and it is my hope that the Trade Subcommittee will begin debate on this legislation before the end of the year. My bill raises several issues and concerns about the operation of the GSP program that I believe deserve discussion and clarification.

A summary and explanation of my proposal follows:

Mr. President, I urge all my colleagues to study this bill carefully and to add their support. It is a moderate program, and I believe that it preserves the integrity and spirit of GSP, while providing increased protection for U.S. jobs.

I ask unanimous consent that the bill and an accompanying summary be printed in the RECORD.

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

S. 3165

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

SECTION 1. AUTHORITY TO EXTEND PREFERENCES.

Section 501 of the Trade Act of 1974 (19 U.S.C. 2461) is amended by striking out the second sentence and the period at the end of the first sentence and by inserting in lieu thereof the following: "if, after taking into consideration the extent to which other major developed countries are undertaking a comparable effort to assist developing countries by granting generalized preferences with respect to imports of products of such countries, the President determines that—

"(1) the effects of such action will clearly and importantly further the economic development of developing nations, and

"(2) the action may not reasonably be expected to cause or threaten to cause such a decline in sales, production, or employment for United States producers of like or directly competitive products that there will be market disruption (within the meaning of section 406(e)(2)).".

SEC. 2. DEFINITION OF BENEFICIARY DEVELOPING COUNTRY.

(a) LIMITATIONS ON DESIGNATION.—Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462) is amended—

(1) by striking out "and" at the end of paragraph (5),

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and "or", and

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) if such country has a trade surplus in manufactured goods with the United States.".

(b) FACTORS TO BE CONSIDERED BY THE PRESIDENT.—Subsection (c) of section 502 of such Act is amended—

(1) by inserting after "inhabitants," in paragraph (2) the following: the degree of growth and competitiveness of its industries,",

(2) by striking out "and" at the end of paragraph (3),

(3) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and

(4) by adding at the end thereof the following new paragraphs:

"(5) the trade history and trends of such country, including both eligible duty-free articles and tariff articles exported to the United States;

"(6) the anticipated benefits to the economic development and trade activities of such country as a direct result of such designation; and

"(7) the tariff and nontariff barriers imposed by such country to the importation of United States products.".

SEC. 3. DESIGNATION OF ELIGIBLE ARTICLES.

(a) PROCEDURE FOR COMMISSION CONSIDERATION.—Subsection (a) of section 503 of the

Trade Act of 1974 (19 U.S.C. 2463) is amended to read as follows:

"(a) (1) On the first day of September each year the President shall publish, and furnish to the International Trade Commission, a list of articles and detailed product descriptions (identified by their item number under the Tariff Schedules of the United States) which may be considered for designation as eligible articles for purposes of this title.

"(2) Before any such list is furnished to the Commission, there shall be in effect an Executive order under section 502 designating beneficiary developing countries. The provisions of sections 131, 132, 133, and 134 of this Act shall be complied with as though action under section 501 were action under section 101 of this Act to carry out a trade agreement entered into under section 101.

"(3) In its consideration of such articles, the Commission—

"(A) shall conduct a study to determine the probable economic effect the elimination of duty for such articles will have upon United States industries producing like or directly competitive articles, and

"(B) shall consult with appropriate advisory groups from business and labor and shall hold public hearings after issuing notice thereof and allowing a reasonable period for public comment.

"(4) The Commission shall report to the President its findings and recommendation with respect to each such article, including a recommendation as to whether the article should be designated as an eligible article for purposes of this title. The report shall include any dissenting or separate views and shall be made available to the public, together with the records of any public hearings held with respect to such articles. The Commission shall cause a summary of the report and the hearings to be published in the Federal Register.

"(5) After receiving the advice of the Commission with respect to the listed articles, the President shall designate those articles he considers appropriate to be eligible articles for purposes of this title by Executive order. In making such designations the President shall include a detailed product description of each such article.".

(b) LIMITATIONS ON ELIGIBILITY AND SUBDIVISION.—Subsection (c) of section 503 of such Act is amended by adding at the end thereof the following new paragraphs:

"(3) If the value (as determined under section 301(b)(6) of title 13, United States Code) of all duty-free entries of an article designated under subsection (a) for the most recent 4 calendar quarter period for which data is available exceeds—

"(A) $250,000,000, or

"(B) 50 percent of the appraised value of all imports of such article (whether duty-free or dutiable),

then that article shall cease to be an eligible article for purposes of this title as of the first day of the first calendar quarter beginning after such data are available.

"(4) No article designated as eligible for the purposes of this title may be subdivided into 2 or more eligible subarticles unless—

"(A) such subdivision does not cause the duty-free import limitations of section 504 (c) to be exceeded,

"(B) notice of the intended reclassification is published and a public hearing is held with respect to such reclassification,

"(C) such subdivision does not cause or threaten to cause such a decrease in sales, production, or employment in the United States that there will be market disruption (within the meaning of section 406(e)(2)) (determined on the basis of a study by the President of the effects of such action on United States producers or like or directly competitive products and after consultation with appropriate advisory groups from business and labor), and

"(D) the President transmits to the Congress, on the day on which the President publicly announces his intention to take such action, a document setting forth an explanation of the action intended to be taken and the reasons for such action, in terms of the national economic interest and the purposes of this title.".

SEC. 4. LIMITATIONS ON PREFERENTIAL TREATMENT.

(a) LIMITATION BASED UPON GROWTH RATE OF DOMESTIC INDUSTRY.—Subsection (c) of section 504 of the Trade Act of 1974 (19 U.S.C. 2464) is amended—

(1) by striking out so much of such subsection as precedes "then" in paragraph (1) and inserting in lieu thereof the following:

"(c)(1) The quantity of an eligible article from any designated beneficiary developing country permitted to enter the United States duty-free under this title for any calendar year—

"(A) shall, if the annual growth rate for the United States industry (as determined by the Secretary of Labor) which produces a like or directly competitive product is less than the annual growth rate for the United States gross national product for the same period, remain at the level established for the preceding calendar year,

"(B) shall, if the annual growth rate for such industry (as so determined) is the same as or greater than the annual growth rate for the United States gross national product for the same period, be increased to an amount which bears the same ratio to $25,000,000 as the gross national product of the United States for the preceding calendar year bears to the gross national product of the United States for calendar year 1974, but

"(C) may not exceed 50 percent of the appraised value of the total imports of such article (whether duty-free or dutiable) into the United States during the preceding calendar year.

"(2) Whenever the President determines that any country, except as provided in subsection (d), has exported (either directly or indirectly) to the United States a quantity of any eligible article in excess of the limitations in paragraph (1)", and

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 504(c) of such Act (as amended by subsection (a) of this section) is amended—

(A) by striking out "(1)" and inserting in lieu thereof "(A)",

(B) by striking out "(ii)" and inserting in lieu thereof "(B)", and

(C) by striking out "(iii)" and inserting in lieu thereof "(C)".

(2) Subsection (d) of section 504 of such Act is amended by striking out "(c)(1)(B)" each place it appears and inserting in lieu thereof "(c)(1)(C)".

(c) PROCEDURE FOR REDESIGNATION.—Section 504 of such Act is amended by adding at the end thereof the following new subsections:

"(f) Notwithstanding the provisions of subsection (c)(3), a country which is no longer treated as a beneficiary developing country with respect to an eligible article by reason of the limitations of subsection (c)(1) may not be redesignated as a beneficiary developing country with respect to that article unless—

"(1) imports of the article from such country for the calendar year immediately preceding the year for which the redesignation is to be made did not exceed the limitations of subsection (c)(1),

"(2) that country requests redesignation with respect to the article,

"(3) there is compliance with all of the provisions of section 502 with respect to designation of the country as a beneficiary developing country and with respect to designation of the article as an eligible article,

"(4) a review is made of the need and appropriateness of such redesignation in light of the country's trade performance and economic trends,

"(5) the President notifies the Congress of the intended redesignation and transmits an explanation of the reasons for redesignation, and

"(6) notice of the intended redesignation is published and a public hearing is held with respect to the redesignation.

"(g) A country which ceases to be treated as a beneficiary developing country with respect to eligible articles specified in any single 3-digit item classification of the Tariff Schedules of the United States by reason of the limitations of subsection (c)(1) in 3 calendar years may never be redesignated as a beneficiary developing country with respect to articles specified in that classification.".

SEC. 5. EMERGENCY PETITIONS FOR TERMINATION OF ELIGIBILITY.

(a) IN GENERAL.—Title V of the Trade Act of 1974 (relating to generalized system of preferences) is amended by redesignating section 505 as 506 and by inserting after section 504 the following new section:

"SEC. 505. EXPEDITED TERMINATION OF ELIGIBILITY.

"(a) (1) Within 10 days after the filing of a petition under this section by an entity described in section 201 (a) (1), the United States International Trade Commission shall commence an investigation to determine, with respect to an eligible article, or articles which are the product of a beneficiary developing country, whether—

"(A) an industry in the United States—

"(i) is materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is materially retarded,

by reason of imports of the article or articles to which the petition relates.

"(b) (1) Within 30 days after commencing an investigation under subsection (a), the Commission shall make a preliminary determination with respect to whether there is a reasonable indication that such injury, threat of injury, or material retardation has occurred by reason of imports of such article or articles.

"(2) If the preliminary determination of the Commission is negative, the investigation shall be terminated. If the preliminary determination of the Commission is affirmative, then—

"(A) the designation of such article as an eligible article, or

"(B) the designation of such country as a beneficiary developing country,

shall be suspended with respect to articles entered, or withdrawn from warehouse, for consumption after the date of such preliminary determination.

"(c) Within 10 days after the date on which the Commission makes a positive determination under subsection (a) with respect to an article or a beneficiary developing country, the Commission shall commence a thorough investigation of the matters alleged in the petition. Within 180 days after the date on which it commences such investigation, the Commission shall make a final determination, based upon the best information available to it at the time of the determination, with respect to whether such injury, threat of injury, or retardation has occurred by reason of imports of such article or articles.

"(d)(1) If the final determination of the Commission is negative, the suspension of designation under subsection (b)(2) shall be terminated, and, upon request therefor filed with the customs officer concerned on or before the 90th day after the date of such final determination, the entry or withdrawal of any article to which the suspension applied, and—

"(A) that was made after the date of the preliminary affirmative determination and before the date of the final negative determination, and

"(B) with respect to which there would have been no duty if the suspension had not applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the date of the final determination.

"(2) If the final determination of the Commission is affirmative then—

"(A) the designation of such article as an eligible article, or

"(B) the designation of the country as a beneficiary developing country,

shall be terminated, and such termination shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the preliminary affirmative determination.

"(e) The President may not designate an article as an eligible article, or a country as a beneficiary developing country, under this title during the 12-month period which begins on the date of a final affirmative determination by the Commission under this section with respect to such article or country.".

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking out the item relating to section 505 and inserting in lieu thereof the following items:

"Sec. 505. Expedited termination of eligibility.
"Sec. 506. Time limit on title; comprehensive review.".

SUMMARY

Summary of the major provisions of the Chafee bill to amend and improve the Generalized System of Preferences.

Section I—Authority to extend preferences: Specifically states that such preferential treatment may be granted by the President only if:

1. the effects of such beneficiary status "clearly and importantly" further the economic development of developing nations;

2. consideration is given to similar action being taken by other major developed countries; and

3. the action does not "cause or threaten to cause" a serious decline in sales, production, or employment of U.S. producers, (such that market disruption results).

Section II—Beneficiary developing country:

A. Adds additional requirement that prevents designating a country as a beneficiary developng country if:

such country has a trade surplus in manufactured goods with the United States;

B. Expands upon the conditions the President must take into account when considering any country for beneficiary developing country GSP status.

Conditions:

1. More in-depth study of the economic factors of a country beyond the per capita gross national product including the degree of growth and competitivenss of such country's industries;

2. The trade history and trends of such country;

3. The anticipated benefits to such country's economic development as a direct result of preferential status; and

4. Trade barriers of such country which hinder U.S. exports.

Section III—Eligible articles:

A. Requires the President to publish and furnish the International Trade Commission with a list of eligible articles (and product descriptions) under consideration on September 1, of each year.

B. A more extensive review will be required by the ITC when considering the listed articles. ITC report will be public information.

Included in this review must be:

1. Public hearing;

2. Consultation with appropriate business and labor advisory groups; and

3. Adequate notice for comment period by the public.

C. Limitations of GSP imports of an article from all beneficiary countries: Sets a dollar limitation of:

1. $250,000,000 on duty-free imports, or

2. 50 percent of total imports of any one duty-free article that enters the United States from all GSP designated countries.

D. Conditions for subdividing GSP articles: Prevents the subdividing of GSP eligible articles into two or more GSP eligible subarticles unless:

1. The subdivision does not cause the duty-free import limitations to be exceeded;

2. The subdivision does not cause or threaten to cause a serious decline in sales, production or employment in the United States, (such that market disruption results) as determined after study and consultation with appropriate groups;

3. A public hearing is held and report to be released; and

4. The President must notify Congress of his intentions and reasons for such action.

Section IV.—Limitations on preferential treatment:

A. Links the growth or decline of individual U.S. industries to the dollar limitation of an eligible article entering the United States duty-free.

1. If the growth of a specific industry is equal to or greater than the growth rate of the U.S. gross national product (for the previous 12 month period), then the dollar limit on GSP eligible products shall be increased at the same rate that the U.S. gross national product has grown.

2. Hold-harmless provision: If the growth rate of a specific industry is less than the growth rate of the U.S. gross national product (for the previous 12 months), then the dollar limit on GSP eligible products shall remain at the amount set for the previous calendar year.

B. Redesignation Requirement: When a country loses its beneficiary status with respect to GSP eligible articles, such country may not be redesignated as a beneficiary country unless a public hearing is held and sufficient reason is presented to warrant such action.

C. If a country exceeds these limitations three times on articles within a single 3 digit T.S.U.S. category (i.e., for three years) then it loses GSP eligibility for all articles in the single 3 digit T.S.U.S. category.

Section V.—Emergency petitions for market disruption:

Injured parties may submit petition for removal of a product or country, upon which:

ITC shall conduct a 30-day "reasonable cause" investigation to determine whether there is reasonable indication that material injury has occurred or is threatened.

1. If 30-day determination is negative, further investigation is terminated.

2. If 30-day determination is positive, then:

(a) GSP eligibility is immediately suspended; and

(b) ITC commences a 180-day investigation to determine whether duty-free eligibility for such article or country should be repealed.

i. If 180-day determination is negative, further investigation is terminated and GSP status is reinstated.

ii. If 180-day determination is positive, then GSP is immediately terminated.

Petitions for redesignation for GSP eligibility may be made to the President after 12 months from date of final determination of injury.●

By Mr. CHAFEE:

S. 3166. A bill to postpone the designation of certain recently subdivided articles under the Tariff Schedules of the United States as eligible articles under the generalized system of preferences established by the Trade Act of 1974 until the International Trade Commission has conducted a study of potential market disruption; to the Committee on Finance.

PROPOSED CHANGES IN GENERALIZED SYSTEM OF PREFERENCE SYSTEM

● Mr. CHAFEE. Mr. President, today, I introduced a bill, S. 3165, to make several broad changes to the generalized system of preferences program. In addition, I am introducing S. 3166, a measure to correct a specific problem that has developed in the administration of the GSP.

In 1975, Congress established a special tariff arrangement known as the generalized system of preferences. The program's purpose was to grant certain "developing" countries preferential tariff treatment so that their products could enter the United States duty-free. The intent was to help these poorer nations diversify their economies, increase their export earnings, and purchase imports of basic necessities.

As part of this program, Congress established safeguard limitations to protect U.S. industries. Competitive-need limits were set so that only the least competitive producers would be eligible.

Under the formula, once a beneficiary country achieved a certain level of efficiency in a particular sector, the specified products imported from that country would be removed from this preferential status. Congress defined the standard for this level of achievement as either the shipment by that country of more than 50 percent of the total U.S. imports of that product for 1 calendar year or, the shipment by that country of more than a certain dollar value—$41.9 million for 1979—which is adjusted annually to reflect the growth in the U.S. gross national product (GNP).

This year, the President took action to circumvent this competitive-need limit in order to allow more duty-free imports to enter the United States. This was achieved by subdividing one duty-free eligible article into five GSP eligible articles.

This change will effectively raise the total duty-free ceiling on this particular article from $42 million worth of imports to $210 million.

The article in question is precious jewelry products, of particular importance to my State of Rhode Island, where 30 percent of the manufacturing work force is employed by the jewelry indus-

try, and other States, like Massachusetts, New York, New Jersey, and California, where jewelry manufacturing is an important part of the economy.

While this subdivision is limited to jewelry products, it is important for every Senator to note that this action, taken by executive order, could occur on any GSP eligible article. This subdivision represents the first such action taken for the purpose of raising the dollar limit placed on GSP imports, and therefore has the potential of affecting all future GSP imports.

My concern is both for the equitable operation of a fair generalized system of preferences, and for my own State's economy. As a member of the International Trade Subcommittee, I question the appropriateness of this action by the President in administering the GSP. As the Senator from Rhode Island, I am concerned that a fivefold increase in duty-free jewelry imports will cause increased unemployment and force many small jewelry manufacturers out of business.

With more than 15 percent of the jewelry workers in my State out of work, an increase in inexpensive imports could mean disaster to Rhode Island. Because the entire domestic jewelry industry is under pressure due to fluctuating prices of precious metals, pollution control requirements, and increasing imports from developed and developing countries, a subdivision of this kind could devastate jewelry manufacturers throughout the Nation.

Today, I am introducing a bill that will simply postpone the effective date of the increase in GSP imports set for March 31, 1981, until the International Trade Commission has completed a 6-month study on the effects this action will have upon domestic producers. My proposal would preserve the status quo until all of the ramifications of the President's action have been learned and released to the public. No new restrictions would be placed on GSP imports, nor would jewelry imports from any country be limited.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY

This bill would simply postpone the effective date of the proposed subdivision of the G.S.P. eligible article 740.10 into five new G.S.P. eligible articles (740.11, 740.12, 740.13, 740.14, 714.15) scheduled to become effective on March 31, 1981, until the International Trade Commission has conducted a 180 day study of the effects of such action and makes the report public.

(If this measure is enacted before Congress adjourns, the ITC study could be completed prior to the March 31, 1981 date.)

The bill makes no changes to the current G.S.P. program or to the current level of duty-free jewelry imports entering the United States under the G.S.P. program.

ADDITIONAL COSPONSORS

S. 1873

At the request of Mr. GARN, his name was added as a cosponsor of S. 1873, a bill to establish a procedure for the processing of complaints directed against Federal judges, and for other purposes.

SENATE JOINT RESOLUTION 196

At the request of Mr. PROXMIRE, the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 196, a joint resolution authorizing the President to proclaim March 16 of each year as "Freedom of Information Day."

SENATE JOINT RESOLUTION 207

At the request of Mr. BENTSEN, the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 207, a joint resolution to authorize and request the President to proclaim November 28, 1980 as "Salvation Army Day."

SENATE RESOLUTION 525

At the request of Mr. HOLLINGS, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Rhode Island (Mr. PELL), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of Senate Resolution 525, a resolution expressing the sense of the Senate with respect to the anticipated vote in the United Nations regarding the seating of a permanent representative of Cambodia.

AMENDMENT NO. 2323

At the request of Mrs. KASSEBAUM, the Senator from North Carolina (Mr. HELMS), the Senator from Wyoming (Mr. SIMPSON), the Senator from Texas (Mr. TOWER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Virginia (Mr. WARNER), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of amendment No. 2323 intended to be proposed to H.R. 2255, a bill to amend the Bank Holding Company Act of 1956 to limit the property and casualty and life insurance activities of bank holding companies and their subsidiaries.

Mr. GARN. Mr. President, I have been a strong supporter of the concept of judicial discipline, and have cosponsored the major judicial tenure acts during my term of office. During the 94th Congress I cosponsored S. 1110 with Senator NUNN and Senator Allen; during the 95th Congress I cosponsored S. 1423, a bill which eventually passed the Senate. I have recently discovered that I am not listed as a cosponsor of S. 1873, the Senate version of a judicial tenure act which the Senate passed in October 1979. I wish now to correct this oversight, and ask unanimous consent that I be added as a cosponsor to S. 1873.

It is my understanding that House and Senate principals are now discussing the bill, and I join the majority of our colleagues in both Houses (the House passed its version on September 15, 1980) in an expectation that differences can be worked out and a bill enacted this year.

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

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mr. ZORINSKY. Mr. President, the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition and Forestry will hold a field hearing on the Farmers Home Administration's biomass energy program. The hearing is scheduled for October 17 at 9:30 a.m. in the East Union, University of Nebraska, Lincoln. Further information may be obtained by contacting Reider Bennet-White, Committee on Agriculture, Nutrition and Forestry.

SUBCOMMITTEE ON IMPROVEMENTS IN JUDICIAL MACHINERY

Mr. DECONCINI. Mr. President, I wish to announce that the Subcommittee on Improvements in Judicial Machinery will hold hearings pursuant to the resolution of the Committee on the Judiciary regarding the investigation of contracts between Robert L. Vesco and officers and employees of the United States.

The hearings will be held on October 2, 1980, at 9 a.m. in room 2228 Dirksen Senate Office Building.

For further information, please contact Michael J. Altier, 224-3618.

ADDITIONAL STATEMENTS

BILINGUAL EDUCATION RULES

● Mr. HARRY F. BYRD, JR. Mr. President, the proposed U.S. Department of Education regulations on bilingual education are the latest illustration of bureaucratic arrogance in Washington.

An excellent analysis of these unwarranted, counterproductive and expensive regulations, by Marvin Stone, editor of U.S. News & World Report, appears in the September 22 edition of that magazine.

I have joined in sponsoring Senate legislation to prevent the education agency from enforcing the regulations, which would require many school districts to provide instruction in the native languages of children with poor skills in English.

As I see it, the Department of Education proposal would tend to keep children out of the mainstream of America. It flies in the face of one of the fundamental purposes of our Constitution—"to form a more perfect Union."

In addition, it would be very costly. Some school districts would have to furnish instruction in dozens of languages, and qualified teachers would be impossible to find. Officials in Fairfax County, Va., have pointed out that under the proposed rules, they would have to scrap their existing program of intensive instruction in English and substitute teaching in as many as 50 foreign languages.

Furthermore, as Marvin Stone points out in his editorial, a fundamental issue of local autonomy in education is involved. Mr. Stone poses this question:

If Federal officials can direct the curriculum to the extent now proposed, what is to prevent them someday from telling your school all the things it must—or must not—teach?

The question is a good one.

I ask that the text of Mr. Stone's article, "Meddling in Bilingual Teaching," be printed in the RECORD.

The article follows:

MEDDLING IN BILINGUAL TEACHING

(By Marvin Stone)

Shirley Hufstedler's first major mistake as Secretary of Education is a 25-page set of regulations that tells local schools precisely what they must do—or else—to help 831,000 children of foreign origin who have not yet gotten a grasp of English.

School boards, superintendents and principals recognize the urgency, but they know that the way to deal with the so-called bilingual problem in any locality can be determined in detail only by local conditions—not by universal rules, distant bureaucrats, federal inspectors and government lawyers.

Uneasy educators thought they had a guarantee against just this sort of interference, in the act setting up the new Department of Education. It says: "No provision . . . shall be construed to authorize . . . control over the curriculum, program of instruction, administration, or personnel of any educational institution . . ."

But read further: ". . . except to the extent authorized by law."

In fact, ED's predecessor, a branch of the Department of Health, Education and Welfare, has assumed for several years that it possessed a legal mandate to harry and threaten school districts that did not follow the methods it dictated. For legal basis, Hufstedler cites the Civil Rights Act of 1964:

"Each federal department and agency . . . empowered to extend federal financial assistance . . . is authorized and directed to effectuate the provisions [forbidding discrimination in federally aided programs] by issuing rules, regulations or orders." The law authorizes HEW to use a cutoff of funds as a weapon.

Finally, Hufstedler refers to the Supreme Court's 1974 decision, in *Lau v. Nichols*, that failure to give special help to foreign-speaking children denied them their right to equal education. The Court also ruled, however, that the help could take a variety of forms.

So much for history, a classic story of how bureaucracy and the outreach for authority feed on each other to grow. Now educators stand alarmed by the proposed regulations, which, if put into effect, would box them in more rigidly than anything before. The rules call, in new detail, for repeated conferences with parents who may not speak a word of English; for recurrent special testing; for a whole added system of record keeping. Local costs are estimated at up to 360 million dollars a year in addition to aid now being contributed by state and federal governments.

Qualified teachers are impossible to find in the numbers demanded. Los Angeles needs 1,500 more bilingual instructors. Hartford is scouring Puerto Rico for help. Michigan falls 860 short, Fairfax County, Va., a bedroom community for Washington's diplomatic corps, despairs in its search for more teachers to meet ED specifications: "There aren't any."

Fairfax County's own schools, helping children native to some 50 languages, consistently produce students who score astronomically above federal criteria on standard tests. Such school systems as this are appalled at the prospect of dismantling their proven procedures for one that has never demonstrated the ability to improve student performance. And their experience with HEW convinces them that they do not have the money or endurance for the fight to win proffered "waivers" of ED rules.

A number of major associations representing schools are battling for a measure of local option. Their pleas are carried in letters to Hufstedler and in appeals at regional hearings now being conducted by the Department of Education.

If changes are not won by those routes, the battlers talk of seeking relief through the courts. On their reading of the laws, they believe they have a chance. And there is a feeling that this is the time to take a stand. For underneath the objections runs a chilling question: If federal officials can direct the curriculum to the extent now proposed, what is to prevent them someday from telling your school all the things it must—or must not—teach?●

DECLINING READINESS UNDERMINES DEFENSE AND FOREIGN POLICY COMMITMENTS

● Mr. JEPSEN. Mr. President, during the past 2 years, an increasing number of my colleagues have shared my growing unease over what is clearly a substantial gap between this country's commitments and its capability to back them up. As knowledge of this situation spreads among our allies—and it has in recent months—the credibility and reliability of the United States as a partner in the defense of the Western World is questioned.

The potential results of this situation are unacceptable. At a minimum, our allies may begin to have second thoughts about relations with us, and perhaps hedge their bets through accommodation to the Soviet Union and its allies.

In his state of the Union message earlier this year, the President made what he called a new commitment to "force if necessary" in the security of the Persian Gulf. He proposed to back up that commitment by developing the so-called "rapid deployment force." I agree with the President's intent, but for the plan to have any substance, we obviously must have the real capability to back it up.

However, the only solid progress toward a rapid deployment force is a new headquarters consisting of 250 men. No new divisions will be created, no additional aircraft will exist, and not one additional soldier will be available to carry out this new commitment. All the President has done is to ask an Army already stretched too thin to cover more territory. The politics of this hollow commitment must be as obvious to the Russians as it is to our friends in the Middle East.

A more fundamental problem is the readiness of our conventional forces. Because of the disturbing evidence presented to the Armed Services Committee, I recently visited with one of our Army divisions and had numerous conversations with soldiers at all levels. It is apparent to me—as it would be to anyone—that the readiness of our Armed Forces has deteriorated to dangerous levels.

The most glaring deficiency is the severe shortage of trained mid-level leaders, non-commissioned officers and petty officers. Our Armed Forces cannot operate efficiently with only half the authorized number of such officers.

I want to emphasize that these are not just ROGER JEPSEN'S estimates. Both the Secretary of the Army and the Army Chief of Staff have publicly criticized the defense budget stating in a joint letter to the Secretary of Defense that the Army created by his actions would have "neither near-term readiness, modernization or sustainability." Data recently presented to members of the Armed Services Committee showed the trend in Army combat readiness since January, 1976. Specifically, the data shows an alarming decline since January, 1977 in Army divisions based in the continental United States.

Combat readiness has declined dramatically and now stands at an unacceptable level—but the administration has known this for almost 2 years.

Steps should have been taken long before now to reverse this trend. Those corrective congressional actions that were taken this year to improve and protect military benefits were passed in the face of vigorous opposition from the Carter administration.

As Commander-in-Chief of our Armed Forces, President Carter is entrusted with the responsibility for our national security. His failure to recognize and correct our readiness shortfall should be of grave concern to all Americans. The readiness of CONUS division cannot be treated in such a cavalier fashion. Many of these units are earmarked for short-notice deployment to Europe or for rapid deployment force contingencies.

This decline in the combat readiness of our active Army divsions is just one example of Jimmy Carter's "Myth of military might."

Today, I call upon the President to be honest with the American people and work with Congress to correct this dangerous situation. We must raise the combat readiness of our troops to the level of defense necessary to maintain the fact, not the myth, of true peace through strength.●

POLICEMAN OF THE YEAR

● Mr. HOLLINGS. Mr. President, although none of us can predict what exactly will happen during a day's work, the police officer can be assured that anything can happen to him or her including serious injury and death.

But, just as we expect more of those in authority, we expect our police to be above reproach. We expect them to be always calm and always reasoned. We expect them to face every danger without flinching, and yet not be overly aggressive. We expect them to be clean in filthy environs and composed in provocative situations. In short, we expect them to be inhuman.

The point is that all officers are human, and commit human errors from time to time. But the only time most people read about police officers is when they have erred in judgment. Certainly what happened in Miami several months ago has served as a dark cloud over the profession. The tragic exception to the stories of those who have erred is when an officer has sacrificed his life in the performance of duty while protecting the lives and property of our Nation's citizens.

Two Sundays ago, September 14, I ran across a refreshing article that did not link law enforcement officers to erred judgment or death in duty. The article by Pam Proctor in Parade Magazine documented the story of the International Association of Chiefs of Police's selection for policeman of the year and the ten honorable mentions for that award. All were real people—human and

yet extremely dedicated. I ask to have the Parade Magazine article printed in today's RECORD.

The article follows:

THE LONELY VIGIL OF SUPERNARC JAMES WOLSCH

(By Pam Proctor)

A lot of folks in the seamy Austin underworld of heroin and "speed" admit they're afraid of James Wolsch—an undercover cop who's been described by colleagues as a "supernarc." That's one reason he's been picked to receive the 15th annual Police Service Award given by PARADE and the International Association of Chiefs of Police (IACP).

The award, which will be presented to Wolsch this week in St. Louis at the IACP's annual convention, is a symbol of the achievements of the nation's 485,000 police officers who work largely without fanfare. The diversity of their jobs—from the risky bomb squad details to the critical crime-prevention units—which is exemplified by the 10 officers who have been cited for honorable mention.

One thing that sets 32-year-old Senior Patrolman Wolsch apart from other officers is that "he's so successful at what he does," says Austin Police Chief Frank Dyson. In a city which Dyson describes as "a major stockpile center" for drugs in the Southwest, Wolsch alone accounts for 50 percent of all the narcotics cases in the department, and 25 percent of the cases handled by the other seven narcotics officers.

He got his nickname, "Stoopdown," as a uniformed officer 10 years ago, when he worked the tough 11th street section of East Austin. Wolsch would hide his car and crouch behind the window of an abandoned motel to watch the dealings of the dope pushers and prostitutes in the area.

"There wasn't a whole lot going on in his district that he didn't know about," says Lt. Bobby F. Simpson, who a few years later picked Wolsch to do undercover narcotics work, as part of a newly formed Organized Crime Control Unit.

Wolsch is effective, says his commanding officer, Capt. Gilbert Miller, "because he can blend into any situation. He can go from the high to the low." One day he can be talking chemistry in a clandestine lab where methamphetamine, or "speed" is being produced; the next he can be slapping backs with junkies in the ghetto. He wears no wigs or makeup, but can change his appearance simply by changing his hairstyle, which he does three or four times a year. A measure of his talent, says Miller, is that he's been undercover six years—more than any other cop in the department—despite the fact that the drug traffic in Austin "moves in closed circles."

Much of his undercover work involves making "controlled buys" of drugs from dealers, in an effort to become familiar in the underworld and sniff out the big "fish" who run large-scale drug operations. Wolsch prepares for his role like an actor getting ready to step on stage. If it's cocaine he's buying, he'll snort antihistamine and twist the nozzle in his nose to make it red like a "coke freak." If it's heroin, he'll burn his arm with an acid stick to simulate needle tracks.

Wolsch has a reputation for honesty. "It's axiomatic in law enforcement that narcotics officers lie," says Travis County D.A. Ronald Earle. "But I've never known James to lie."

That reputation not only makes Wolsch a valuable witness in court; it also makes him credible to the informants who put their futures on the line with him in return for information. A good narcotics officer "doesn't ever promise an informant anything he can't legally deliver," says Lt. Simpson. "Wolsch has all this—he can communicate."

What's more, says Simpson, the underworld knows "he can't be bought." Typical is Wolsch's reaction to the $1 million bribe he was offered to lay off a clandestine "speed" lab. "It was an insult," says Wolsch.

Wolsch even has earned the respect of some of his criminal adversaries. "He doesn't despise the people he works with the way many cops do," says Capt. Miller. In fact, Wolsch has even helped rehabilitate some of the junkies he's arrested.

Danger is the name of the game in undercover narcotics work, perhaps more than in any other aspect of police work, says Capt. Miller, because of the high financial stakes and the use of weapons. But Wolsch seems blind to its terrors. "There are a lot of people in town who would like to buy James off—or have him killed," says Miller. Once someone almost succeeded. A ring of "pill pushers" hired an assassin to murder Wolsch during a drug buy. He was saved by an informant's call.

Wolsch, whose salary is $20,000 a year, says he was a mediocre high school student who became interested in police work at the age of 20 by riding in a squad car with a neighborhood cop. At the time, he was working as a TV repairman. "If there was a problem I couldn't solve, I'd stay on the job until 10 or 11 until I got it fixed," he recalls.

He approached narcotics work with the same dogged persistence. But on the way to becoming a top undercover cop, he has made a sacrifice. "We don't do much as a family," admits his wife, Peggy, who was his high school sweetheart.

But the bottom line, she says, is that James is happy. That's why she's willing to put up with the calls from informants at 2 a.m. and with a husband who's rarely home for her or their two adopted children, Johnny, 10, and Nicole, 7.

But he insists that the sacrifice is worth it, not because of any over-riding sense of public duty, but simply because "somebody has to do it."

THE 10 HONORABLE MENTIONS

Officer Warren C. Banks, Riverside, Cal. P.D. Answering a routine report of a car theft in progress at a shopping center, Banks found danger at high noon. The thief grabbed a woman hostage and held a knife to her throat. Banks clamly talked the man into releasing her, then chased him without drawing his gun. As the officer caught him, the thief stabbed him in the arm and leg. But again, Banks didn't draw. He finally subdued the man.

Sgt. Don Gene Blankenship, Maricopa County, Ariz., Sheriff's Office. A recognized national expert in crime prevention, he has created county and statewide training programs for police. In the spirit of the Old West, he heads eight citizen-volunteer crime prevention posses, who act as the eyes and ears of the sheriff's office in the community.

Det. Frank Prescott Dawson III, Howard County, Md. P.D. Kids and cops have always had a special relationship—but not always a positive one. Dawson decided to change all that. He created Camp Beartrax, an overnight camp for underprivileged and wayward youngsters staffed by police volunteers. This year 100 youths participated.

Officer Norman Day, Flint, Mich., P.D. When four robbers held up a bank, Day heroically deflected attention from the bank tellers and bystanders to himself. He shouted for everyone to get down, and then faced down two of the bandits armed with sawed-off shotguns. Wounded in the face and arm by a blast at point-blank range, Day continued the fight, ultimately rounding up all four assailants alone.

Det. Virginia Guzman, Brighton, Col., P.D. A former welfare recipient, Guzman has set a personal example, off duty and on, which has had a dramatic impact on the community, in her work as a Community Services Officer, she has developed creative outreach programs, including summer rap groups for teens and family-oriented treatment and prevention programs for runaways.

Special Agent Joseph F. King, U.S. Customs Service, N.Y. In one of the most celebrated criminal cases handled by the U.S. Department of Justice in recent years—the assassination of Chilean Ambassador Orlando Letelier—King's skills as an investigator helped convict three Cuban terrorists. The key to their prosecution was the evidence brought by a witness who put his trust—and his life—in King's hands.

Capt. Joseph R. Kozenczak, Des Plaines, Ill., P.D. The arrest and conviction of Wayne Gacy for the murder of 33 men and boys was largely the result of Kozenczak's zealous pursuit of the case. When a 15-year-old boy disappeared, Kozenczak didn't dismiss it as a runaway. Instead, he started digging—and his diligence finally ended the longest series of murders in our nation's history.

Officer Thomas R. Rodgers, Indianapolis, Ind., P.D. His personal crusade against child pornography as an investigator with the Vice Branch has had repercussions not only locally, but also at the state and national levels. His knowledge of the "underground network" of pornographers who prey on youths has helped open investigations in Israel, England, Canada and the Netherlands.

Deputy Ed Schieber, Los Angeles County, Cal., Sheriff's Department. His courage, sound judgment and unusual skill as a helicopter pilot were directly responsible for saving the lives of three Boy Scouts stranded on a snow-covered mountain in below-freezing temperature.

Det. William F. Schmitt, New York, N.Y., P.D. Much to the surprise of many people, bombs are disarmed by human beings—mostly policemen. One of the best in the business is Schmitt—a 30-year veteran of the Bomb Squad. He's credited with training almost every active bomb technician in the U.S., as well as with developing sophisticated techniques for deactivating explosives.●

THE CASE FOR A TAX CUT NOW

● Mr. JEPSEN. Mr. President, Governor Reagan's call for an across-the-board income tax rate reduction of 30 percent over 3 years has come under heavy attack from the administration and elsewhere. The principal argument has been that we cannot afford the revenue loss at a time of inflation and massive budget deficits. However, estimates of the future revenue loss from tax reduction assume that the economy can grow at the same brisk pace regardless of how rapidly tax rates increase. Yet not even the most drastic of proposed tax cuts would even keep the Federal Government's share of personal income as low as it was in 1976–78. And the idea that perpetual tax increases are an effective cure for inflation finds little support in theory or experience.

The July-August issue of the First Chicago World Report, published by the First National Bank of Chicago, contains an excellent discussion of the tax cut issue and presents a thorough case for why an across-the-board tax rate reduction is desirable now.

The article follows:

THE DEBATE OVER CUTTING TAXES

The questions being raised about the feasibility of cutting tax rates, particularly on personal income, are as crucial as they are passionate:

Should the emphasis of tax reduction be placed on the individual income tax, Social Security tax or corporate income tax?

Wouldn't an across-the-board cut in tax rates lavish unfair benefits to the most affluent?

Do personal taxes really affect the supply of labor and personal savings, or should we instead target most or all tax incentives directly toward business investment?

Is tax reduction inherently inflationary, or are markets at least likely to assume that it is?

Can tax cuts really pay for themselves, to any significant extent, by increasing economic activity and the tax base?

The question of how much emphasis to put on corporate or personal taxes is complex. To some extent, the question itself is biased by assuming what needs to be demonstrated—namely, that tax cuts don't work. If real output were completely unaffected by tax rates, as official estimates of the revenue loss assume, then the question of how to divide some fixed sum of tax revenue losses would be more relevant. But if there are counterproductive or destructive elements in both corporate and individual taxes, then both can and should be fixed.

By the usual sort of static analysis, after all, the 1980 budget could apparently be balanced by simply doubling the corporate income tax or raising individual taxes by a fourth. Yet such a move would obviously weaken the economy, leaving smaller payrolls and profits to tax.

VICIOUS CIRCLE

If rising tax rates are not a fundamental contributor to this recession, they at least aren't making things any easier. With private profits and payrolls depressed, tax revenues dwindle as federal spending is increased to subsidize the unemployed. The result is a larger deficit that is used as an argument against reducing tax rates—a vicious circle.

A tax cut need not be 100 percent self-financing to be worthwhile, despite all the editorial ink spilled over the "Laffer Curve." Suppose a reduction of tax rates added $100 billion to real private output and incomes, but cut the government's revenue by, say, $20 billion. Would anyone suggest that such a trade-off is too costly, or that the added deficit would put inflationary strains against that added output?

The real questions are, first, how much added production can we get for how much federal revenue loss. Second, how much can the government save, on the spending side of the budget, in a stronger economy. Third, if the net effect of the above two factors is a larger deficit, can that added deficit be financed in a way that doesn't increase overall spending in the economy more rapidly than the tax incentives augment production.

A 1979 study by Canto, Joines and Webb, indicates that the Kennedy tax cuts of 1962 and 1964 caused only a small loss of revenues from the individual income tax by 1966, largely offset by a gain in corporate and state and local tax receipts from added growth. If lower tax rates reduce revenues more than they reduce spending for two or three years, but result in a stronger economy and greater tax revenues after that, that might well be a more sensible use of deficit financing than using deficits to subsidize the unemployed. Future taxpayers might inherit a large national debt, but they would inherit a more productive economy too.

The essential point here has lately become familiar as "supply-side" economics—the idea of using tax cuts to improve the incentives or rewards for productive efforts and investment.

A supply-side tax cut is intended to reduce the cost of saving relative to consumption, and to reduce the cost of work relative to leisure (or work in the untaxed economy). The emphasis is on *marginal* tax rates—that is, on the share of any added income the taxpayer gets to keep. Since added income comes from added production, it is marginal rates that matter most for growth. Not just any tax cut will do. In particular, temporary rebates or cuts confined to low income earners will not lower marginal tax rates or significantly improve incentives. Plans to increase potential future earnings, perhaps by saving or acquiring new skills, depend on expected future tax rates on added income.

A few years ago, the marginal tax rate from all taxes was estimated at 37 percent, on average, and it is doubtless higher today. But any such averaging of many different marginal rates obscures the rising numbers of households subjected to rates well above this average. Table 1 indicates how the proportion of taxpayers in higher brackets at the federal level alone soared from 1965 to 1976.

TABLE 1—Marginal Tax Rates

(Proportion of taxpayers)

[In percent]

Rate	1965	1976
Under 20	80.6	42.3
20 to 30	17.3	46.7
Over 30	2.1	11.0

A recent American Enterprise Institute study, *The Distribution of the Tax Burden* by Edgar Browning and William Johnson, estimates that marginal tax rates from all taxes in 1976 were around 25 percent to 32 percent for the bottom five-eighths of the income distribution, rising to over 47 percent for the top eighth (using a very broad definition of income). With taxes taking a third to half of added income from those capable of producing higher earnings, the incentive effects of marginal rates are more than a theoretical curiosity.

CAPITAL WITHOUT LABOR

A powerful case for reducing corporate tax disincentives for investment has been well-documented and publicized. The case for reducing marginal tax rates on individual incomes has received less attention. Yet it should be obvious that personal income taxes are also enormously important to capital formation, through their effect on the size and uses of personal savings. It is likewise clear that motivating human effort, including managerial skill, is a vital aspect of progress. Fixed capital is not the only factor of production, and improvements in technology and techniques always come from human ingenuity. Machines do not improve themselves, and computer hardware is useless without the brainpower behind computer software.

Supply-side economics is not entirely a matter of increasing saving and investment at the expense of current consumption. It is also very much a matter of personal effort, innovation, and entrepreneurship. If the economic "pie" grows larger, both consumption and investment can increase.

Nor are savings and investment simply synonymous with corporate tax relief. Economists are not even certain whether the corporate tax is borne by capital, labor or consumers. And the individual income tax falls quite heavily on dividends, interest, and capital gains.

Moreover, the sheer bulk of individual income and Social Security taxes demands attention. These taxes are more than seven times as large as the corporate income tax, and the individual income tax revenues are estimated to grow twice as fast as corporate taxes from 1979 through 1985.

It is much easier to measure the productive contribution of a new machine than to measure intangible qualities of human effort—the willingness to take risks, innovate, start new enterprises; the urge to accomplish something, to learn new skills, to excel. As a result, those who try to reduce progress to a set of numbers and equations are almost inherently biased toward emphasizing the role of physical capital.

There have been many brave efforts to estimate the effect of corporate, capital gains and other taxes on business fixed investment. By contrast, statistical work on the effect of taxation on personal motivation, including the incentive to save, remains in a comparatively rudimentary state.

Regarding the unquestionably vital role of capital formation, there is a need to strike a balance between previous neglect and currently fashionable exaggeration. People need good machines, but the machines also need good people—and would not exist without them. Acquiring skills and wisdom is a form of investment, not obviously less important than physical capital.

Edward Denison, in *Accounting for Slower Growth*, finds that 14 percent to 21 percent of the growth of potential business output from 1948 to 1973 resulted from more capital, 15 percent from more labor, 14 percent from more education, and 37 percent was mainly from "advances in technological, managerial and organizational knowledge as to how to produce at low cost."

CONSUME NOW OR LATER

There is nothing inherently wrong with consumers using their current or future incomes (debt) to buy goods and services; that is the whole purpose and motive force of an economic system. What we want to avoid is an increase in the number of dollars spent—by firms and governments as well as consumers—that exceeds the rate of increase in the available supply of goods and services offered for sale.

We had a "boom" in consumer spending despite a rapid increase in personal tax rates after 1976, and it is equally possible to avoid such excess spending (relative to production) while reducing marginal tax rates on added production and earnings. It is simply a matter of keeping the supply of money growing no faster than the supply of things money can buy.

In its immedite impact, a dollar spent on a worker's video recorder is no more inflationary than a dollar spent on a firm's lathe. Spending is spending. The lathe may help keep future production in balance with spending, thus eventually reducing inflation. The worker, however, also contributes to production, and may be motivated to produce more by the possibility of acquiring that video recorder.

There is no virtue in favoring future consumption (saving) over present consumption, except that the existing tax system is biased in the opposite direction. A dollar of income is taxed when it is earned and then taxed only lightly by sales and excise taxes when it is spent. A dollar devoted to saving, on the other hand, is also taxed when earned, then taxed again very heavily as it yields some mixture of corporate profits, dividends, interest and capital gains. Present consumption is thus made cheaper than providing for future consumption.

Reducing marginal tax rates would, however, greatly reduce the tax penalty on saving. Cutting the 70 percent maximum rate on so-called unearned income to 50 percent, for example, would cut the maximum capital gains tax from 28 percent to 20 percent and raise the net return on dividends and interest by two-thirds (from 30 percent to 50 percent).

LABOR INCENTIVES

Another argument for reducing marginal tax rates on individuals is to improve incentives to apply for and accept the best attainable job. This is important because labor will not be so abundant in the next decade as it was in the last.

Some of the most recent evidence on the effects of taxes on work effort is presented by Harvey Rosen in *The American Economic Re-*

view (May 1980). Michael Beenstock in *Lloyds Bank Review* (October 1979), and Jerry Hausman in a paper for a Brookings Institution conference last October. What such studies indicate is that hours of work and participation in the job market are not much affected by taxes among male household heads aged 25 to 55, but willingness to work *is* strongly affected by taxes among female secondary workers and among younger and older workers—groups that account for more than half of the labor force. Data Resources once argued that taxes do not affect the labor supply, but now figures that personal tax increases since 1965 have eliminated 1.9 million potential jobs.

Some indirect evidence on tax incentives comes from several estimates of the growing "underground economy" (at 11 percent to 27 percent of GNP), and of the effect of unemployment benefits in increasing the duration of unemployment.

But there is much more to personal effort than the number of people putting in hours at a job. Economists have seemed almost embarrassed to state the obvious—namely, that some of the most crucial aspects of economic progress are virtually impossible to measure:

"There is no good measure of innovation. . . . There is no good measure of labor-force quality." —Martin N. Baily, *Brookings Papers on Economic Activity* (1979 II).

"Higher tax rates cause people to substitute leisure and at-home production for market work . . . High tax rates may induce people to expend less effort on the job and to avoid positions with great burdens and responsibilities. There is little empirical evidence on this issue."—Paul Taubman, *Federal Tax Reform* (I.C.S., 1978).

"At least three important dimensions of labor supply, other than hours, may be influenced by taxes: (a) lifetime hours of work and timing of retirement; (b) intensity of work effort; and (c) quality of work effort. The theoretical and empirical evidence on these important issues is rather scanty."—Harvey S. Rosen, *American Economic Review* (May 1980).

"There is little in the model at this stage to represent the effects of taxes and Social Security on personal saving . . . In addition, investment in human resources is not yet modeled explicity. . . ."—Otto Eckstein, Joint Economic Committee, May 21, 1980.

The necessarily limited knowledge about all of these significant sources of growth is sometimes used to justify inaction. "The results of tax reduction," says Herbert Stein, "will depend on magnitudes that we don't know with confidence and about which economists disagree." The same could be said about virtually any change of policy. And, as Professor Stein has written elsewhere, "great inflations are not ended by the normal ways of doing business."

TAXING PROSPERITY

Looking at average taxes as a share of income obscures the rising marginal rates for those whose incomes are average or higher. Alleged tax cuts over the past decade have eliminated taxes at the lowest incomes, and even added a cash subsidy (earned income credit), thus shifting the tax burden to fewer taxpayers. One effect has been to levy almost confiscatory marginal tax rates on those who try to rise from a subsidized low income to a moderate (but taxed) income. The increasingly steep progression of tax rates thus greases the rungs on the ladder of opportunity.

The federal tax burden on families with average or higher incomes has already risen dramatically over the past few years. The Bureau of Labor Statistics estimates the annual cost of maintaining a lower, intermediate and higher budget for a hypothetical urban family of four. Between the autumn of 1974 and 1979, the share of the lower budget devoted to income and Social Security taxes fell from 15.9 percent to 14.4 percent; the tax share of the intermediate budget rose from 19.4 percent to 20.9 percent, and the tax share of the higher budget rose from 22.6 percent to 25.6 percent.

Taxes are not only part of the cost of living (namely, the price of government), they are by far the fastest rising part for middle and higher income households. To lower living costs by raising taxes is not only ineffective, it is a contradiction. And to again concentrate tax relief at lower incomes (by, for example, lowering Social Security tax rates) would not come to grips with where the levels and increases in taxes have been most onerous, and therefore most likely to deter productive activity.

High income people pay quite high taxes per household. Those with incomes above $50,000 accounted for only 2 percent of all taxpayers in 1978, and 12.6 percent of all taxable income, but they paid 25.7 percent of all federal income tax. The top 10 percent of income earners pay about half of all federal income tax, and (according to Browning and Johnson) almost 41 percent of all taxes at all levels of government.

According to the Joint Committee on Taxation, the Kemp-Roth bill would cut taxes in the first year by $2,190 for a hypothetical family of four with an income of $100,000, but by only $52 for such a family with a $10,000 income. That difference is simply because taxpayers with high incomes pay much higher taxes. The reduction is actually less than 8 percent of the taxes otherwise due from the $100,000 family, and 14 percent for the $10,000 family.

Marginal rates do not apply to total income, but only to that portion above some income level. A typical childless couple with a taxable income of $50,000 last year paid 33 percent of that income in federal income taxes, but paid 50 percent on any additional income. Cutting that 50 percent marginal rate by 30 percent would increase the after-tax reward for producing more earnings by 30 percent (from 50 percent to 65 percent). That is important, because Evans Economics finds the labor response to taxation to be more sensitive as incomes rise, and higher income households are, of course, potentially promising sources of savings and venture capital.

COST OF INACTION

It is important to realize that if tax rates are not reduced, federal taxes will continue to rise extremely rapidly—both absolutely, in real terms, and as a share of income. Individual income and Social Security taxes took 13.2 percent of personal income in 1965, 15.3 percent in 1976 and 18.7 percent last year. As the chart illustrates, the latest Budget shows this tax ratio rising to 19.9 percent next year, and to 23 percent by 1985 (actually, this understates the burden by at least 3 percent, because a rising share of personal income is from tax-exempt transfer payments). If federal personal taxes were instead held to the same share of personal income as they were in 1976 (assuming, unrealistically, that personal income was not enlarged by the lower tax burden), then those taxes alone would yield $545 billion in 1985 rather than the $820 billion currently planned. That $275 billion annual increase in the projected personal tax rate is one standard by which the static cost of tax reduction bills should be measured.

Most of the scheduled tax increases are in the individual income tax, largely because inflation is assumed to remain high and to continue pushing people into higher brackets. From 1979 to 1985, nominal personal income is projected to rise 85 percent, profits by about 67 percent (zero in real terms). But individual income tax collections rise 140 percent in that period, Social Security taxes by 110 percent, corporate profit taxes by 70 percent, and excise taxes (mostly on oil) by 344 percent.

The Budget assumes, and indeed requires, annual real growth of 4.2 percent a year from 1982 through 1985. Without such growth, unemployment and related federal outlays would be higher and revenues lower. But such brisk expansion is quite impossible to reconcile with the projected rise in tax burdens.

Table 2 shows what the Budget assumptions imply for personal income after adjusting for federal taxes, inflation and population growth. By this measure, the Budget's estimates show real personal income per capita, less federal taxes, falling from 1978 through 1981, and not getting back to the 1977–78 level even by 1985. Real GNP somehow rises 19 percent from 1978 to 1985, though real personal income, after federal taxes, rises only 5 percent (and falls on a per capita basis). Since the net profit share declines from 7.2 percent of GNP in 1979 to 6.4 percent by 1985 in the Budget projections, the source of the assumed real growth is hard to discover.

TABLE 2—Real After-Tax Income
(1967 Dollars)*

	Total Billions	Per Capita
1977	$697.1	$3,215
1978	723.5	3,313
1979	718.7	3,264
1980	691.6	3,113
1981	688.4	3,070
1982	703.4	3,108
1983	724.0	3,168
1984	742.2	3,217
1985	759.7	3,262

*Personal income less federal individual income and Social Security taxes, deflated by the CPI and divided by population. Figures for 1980–85 calculated from projections in the Mid-Session Review of the 1981 Budget.

The projected tax increases are incompatible with the assumed economic expansion yet cannot occur without it. Higher inflation and less real growth could raise nominal tax collections as much as planned, but that would raise spending too, so the elusive budget balance would once again fade into the distance.

In short, no theory or evidence suggests that we can have both the increases in the tax share of income and the real growth projected in the Budget. The $275 billion personal tax increase is a mirage, as are the estimates of the loss of those unattainable revenues from cutting tax rates.

There are many possible ways to undo the damage to incentives caused by past and prospective effects of inflation in pushing more and more people into tax brackets once reserved for the extremely affluent. The most familiar approach is embodied in the Kemp-Roth bill, which would cut marginal rates by 30 percent over three years, index the tax thereafter to keep real rates unaffected by inflation, and gradually limit federal spending to 18 percent of GNP (as in 1965).

The Joint Committee on Taxation and Congressional Budget Office estimate a loss of $175 billion from Kemp-Roth in fiscal 1985—about $20 billion net of the increases that would otherwise occur due to inflation after 1981 ($118 billion) and Social Security tax increases ($36 billion). Kemp-Roth would hold income and payroll taxes to 18.1 percent of personal income in 1985—still well above the 15.3 percent ratio of 1976, much less than the 13.2 percent ratio of 1965. Looked at another way, the supposed $175 billion revenue loss from Kemp-Roth must be subtracted from the $275 billion increase

in the share of personal income that would otherwise be devoted to federal taxes, compared with 1976 tax rates.

Evans Economics estimates that the Kemp-Roth bill would lower projected revenues by $152 billion in 1985, but that added revenues from stronger growth would cut the net loss in that year to $87 billion. By assuming that government spending grows by 12 percent a year (rather than 9 percent rate estimated by Alan Greenspan or Norman Ture), Evans projects a deficit of $10 billion with Kemp-Roth even as late as 1985, in place of the projected surplus of $77 billion if taxes instead keep rising 15 percent a year. But the estimated unemployment rate ends up 2.4 percentage points lower with the tax cut, in the Evans model, and that surely means much less spending on various unemployment and welfare benefits, food stamps, aid to state and local governments, public works and public service jobs.

If federal spending therefore grew by 10 percent a year, rather than 12 percent in a stagnant economy, the net effect of Kemp-Roth on both sides of the budget could be a surplus of $78 billion. Alternatively, if the pledge of both major Presidential candidates to hold spending to 19 percent of GNP were actually implemented, the Evans revenue estimate implies a 1985 surplus of $127 billion with Kemp-Roth.

IS IT INFLATIONARY?

The simple assertion that tax cuts are inflationary is not so simple when the fairly well-documented effects of marginal tax rates on personal effort and savings are acknowledged.

To the extent that tax rate reductions fail to increase economic activity and to reduce recession-related federal spending sufficiently to offset the static revenue loss, there may be a somewhat larger budget deficit. The larger deficit, if financed by borrowing from the private sector, would tend to reduce private spending otherwise financed by borrowing. To the extent that this public-private competition for lendable funds is not offset by added private savings (resulting from the tax cut), it might induce the Federal Reserve to finance faster growth of total spending (nominal GNP) by increasing the growth of the money supply. If that added growth of nominal GNP were not offset by faster growth of real GNP, the net effect would be inflationary. But there are a lot of "ifs" and "maybes" on the road between a tax cut, a larger deficit, more money and more inflation. These links may be severed at any stage.

Money given to the tax collector, after all, does not disappear—it is still spent by the recipients of government salaries, subsidies, purchases and transfer payments. If the government finances more of its spending by borrowing and less by taxes, that need not increase the total amount of money spent in any month or year.

Unless there is an injection of new money, a cut in tax revenues matched by an increase in government borrowing does not increase the total of public and private funds available for spending. Some people have more spendable income because of the tax cut, others have less to spend because they bought more government securities. To the extent that government borrowing "crowds out" private borrowing, and the related private spending, it may injure housing and investment (as do taxes), but it need not add to the persistent growth of total spending and inflation.

Some research finds cyclical significance in the growth of federal spending per se, regardless of whether it is financed through taxes or borrowing. A reduction in tax rates that also reduced revenues should, however, help to limit the growth of federal spending due to the political embarrassment of deficits. If lower tax rates stimulated private production, government spending would decline, relatively, as a share of GNP. Government spending for unemployment benefits and other recession-related programs would also be lower than otherwise.

FISCAL FAILURE

Even if ever-increasing tax rates actually could reduce the budget deficit, there is nothing in recent history to suggest that this is an effective way to reduce inflation in the private sector, much less in the total cost of living (which includes taxes).

Federal taxes rose from 17.8 percent of GNP in fiscal 1965 to 20.8 percent in 1969, and a small deficit was turned into a surplus, but consumer inflation tripled. The tax share was cut to 18.5 percent in 1971, the deficit hit $23 billion, and inflation fell to 3.8 percent before the price freeze. By 1974, taxes were up to 19.5 percent of GNP, the deficit had been cut to a fourth of the 1971–72 level and inflation exceeded 12 percent. Taxes again fell to 18.5 percent of GNP in 1976 and the deficit was larger than ever before or since, but inflation came down to 4.8 percent. Federal taxes then rose steadily to over 20 percent of GNP last year, the deficit was reduced by 45 percent, and inflation soared. This year, the deficit is rising sharply, to an estimated $77 billion if off-budget financing is included, yet inflation is receding.

If high tax rates were a sure cure for inflation, Britain and Sweden should be doing much better against inflation than they are, Japan should be doing much worse, and the US should be doing better today than in the low-tax years of 1964–68.

A growing body of analysis indicates that far from being a cure for inflation, high tax rates can make inflation worse by holding down the incentive to meet demand with added supplies. Professor Robert Gordon's studies, for the National Bureau of Economic Research, yield the preliminary conclusion that "a substantial part of personal income tax changes are shifted forward in the form of higher prices; results for the impact of the Social Security tax are less emphatic." Professor Alan Blinder of Princeton has likewise shown that cutting income taxes may reduce inflation by allowing firms to reduce prices (and increase sales) without reducing after-tax wages or profits. In *The National Tax Journal*, John Beck recently presented a graphical demonstration that a tax cut could reduce inflation even if it does not reduce the deficit (which it could, in Beck's model).

A reduction of marginal rates increases savings and reduces the need for borrowing, thus lowering interest rates and aiding housing and business investment. Tax cuts also increase the quantity and quality of personal effort by workers, managers, inventors and entrepreneurs. The resulting increase in the quantity and productivity of labor and capital reduces costs per unit; it also raises capacity and incentives to repair shortages and increase exports. These effects reduce inflation directly as well as through the effect of a stronger dollar. There should also be some moderation of wage "demands"—that is, an increase in the supply of labor available for any given (before-tax) wage offer.

Taxes insert a "wedge" between the prices producers pay for labor and capital and what suppliers of labor and capital actually receive, after taxes. That reduces the demand for and supply of both labor and capital, thus holding down production. A reduction of the tax wedge can increase production, which (for any given increase in spending) reduces inflation. The concern of some "rational expectations" theorists that markets may nonetheless interpret any sort of tax relief as inflationary, and thus react perversely, is not consistent with the basic theme that markets are indeed rational.

Congress can only set tax rates, not the revenue they yield. The old dilemma of "killing the goose that laid the golden egg" is therefore crucial to realistic budgeting. The existing budget is not realistic because the assumed increases in real growth cannot and will not occur with the assumed increases in federal tax rates on personal income.

Steep marginal tax rates on personal income from productive activity and investment already foster malinvestment, premature retirement, welfare dependency, inefficient barter and "off-the-books" labor. Periodic relief from the effect of inflation in pushing people into higher tax brackets has been confined to the lowest and highest incomes, increasing the steepness of progressive tax rates for most taxpayers. Undoing some of that damage by adjusting tax rates, or the incomes to which they are applied, is merely a partial step toward retroactive indexing—that is, toward taxing real income rather than taxing cost-of-living adjustments.

The purpose of tax relief is not to stimulate the growth of spending or demand. It would do that only if it enlarges the deficit and the added deficit is financed with new money. The appropriate goal is instead to reduce the penalty on adding to earnings by producing more.

Ultimately, increasing the quantity and quality of labor and capital depends on the real, after-tax rewards from trying to do more and do it better. Without that incentive, there can be little growth. And a smaller economy means less for everybody—even the U.S. Treasury.●

PRAISE FOR THE SENATE SMALL BUSINESS TASK FORCE

● Mr. HOLLINGS. Mr. President, I want to take this opportunity to commend Senator NELSON and the staff of the Senate Small Business Task Force on their work to date. As evidenced by the agenda and status report being presented by the task force, we are moving in the proper direction in implementing the recommendations of the White House Conference on Small Business.

I share the belief with many others, Mr. President, that the 1980's will be a "small business decade," during which the small business community will reassert its historic role as the leader in providing new jobs, goods, and services for America. Small business can and will play the crucial role in providing a higher level of economic growth and activity in years to come. The quick and responsible work by the Small Business Task Force in promoting worthwhile legislation can only serve to make the small businessman of America more competitive and productive, which will provide a most beneficial impact on the Nation's economy.

I look forward to working further with other members of the Small Business Task Force in achieving the goals of America's small business.●

ACID RAIN PRESENT LONG AGO

● Mr. JEPSEN. Mr. President, the other day I heard a radio news reporter state, matter of factly, that acid rain is the result of chemicals blown into the air from burning coal. As a result of similar reports, a growing number of people think this theory must be true and the Environmental Protection Agency is working on regulations to curtail acid rain. However, a recent Wall Street Journal article entitled "Old Ice Indi-

cates Acid Was Present in Rain Long Ago," counters this assumption. According to the article, scientists at the University of New Hampshire found that glacier ice core samples in Antarctica and the Himalayan Mountains were saturated with acid. The article also adds that "laboratory researchers long have believed that acid is a natural part of rain."

Such information is a good example of what business means when it protests the unnecessary and excessive environmental regulations that stifle their growth. Of course, most businesses want to insure clean air and water and a safe environment. But they also need to make a profit to survive. Businesses reasonably believe that environmental rules and regulations should not be enforced before valid scientific data is verified. I could not agree more.

Mr. President, I ask that the Wall Street Journal article be printed in the RECORD.

The article follows:

OLD ICE INDICATES ACID WAS PRESENT IN RAIN LONG AGO

(By Mitchell C. Lynch)

BOSTON.—Acid rain, a recent concern of environmentalists, has been pelting the earth for centuries, according to findings by two University of New Hampshire scientists.

The scientists pulled ice core samples from glaciers in Antarctica and the Himalayan mountains and found them laden with acid. One core dated back 350 years.

The findings bring into question the idea that acid rain is an industrial-age problem that is primarily a result of man-made pollutants, particularly chemicals blown into the air from burning coal. Scientists say the findings likely will have more political and economic impact than scientific impact because laboratory researchers long have believed that acid is a natural part of rain.

What still is in dispute, scientists say, is how much acid the chemicals that are sent aloft by man add to acidity of rain. "Man's contribution still is significant," says Jeremy Hales, director of a government-subsidized study of chemical fallout in rain.

These types of studies were prompted by the growing issue that acid rain is ruining lakes and streams in the U.S., Canada and Scandinavia. Representatives of major industrial nations met last November to find ways of easing the problem through mutual cooperation. And the U.S. and Canada have been bickering about chemical fallout raining on each other's waterways and forests.

The University of New Hampshire scientists, Paul Mayewski and W. Barry Lyons, extracted the ice core samples while on National Science Foundation studies of the relation between glaciers and the changing paths of monsoons. Last winter they collected 80 samples from Antarctic glaciers and last month 250 samples 16,000 feet up in the Indian Himalayas.

The ice hasn't melted in either place for thousands of years and volcanoes haven't occurred in that time, the scientists said. Mr. Mayewski is a glaciologist and Mr. Lyons a geochemist.

In determining the acid content, the scientists measured what is known as the pH factor. The lower the pH value, the less alkaline and the more acid. A pH value of 5.6 is considered acceptable, and a value of 7.0 is pure water.

The Himalayan samples, though, had readings as low as 4.8 and averaged 5.1. Even the freshly fallen snow, in an area far enough away from civilization to be considered pristine, showed readings of 5.1 on the pH scale. Further, some 30-year-old samples had the same reading from bottom to top, indicating that acid hadn't surged in recent years.

In Antarctica, some samples were 350 years old and had mean pH values of 4.8 to 5.0. The sulfate levels of the samples also were low. Sulfate is an indicator of pollution from fossil fuels such as coal and oil.●

GUS CAPILOS

● Mr. HOLLINGS. Mr. President, on August 9, 1980, the people of my State sustained an uncommonly heavy loss in the death of Gus Capilos. The life of Mr. Capilos was synonymous with hard work, humor, and a rare ability to blend business success with an exceptionally broad range of human concerns. He was self-educated, self-employed, and self-motivated; and yet, he was selfless. A Greek immigrant whose life in every way can be spelled s-u-c-c-e-s-s, he was the American dream and more. I am grateful to have known him. He has been an inspiration to many.

Mr. President, I submit for printing in the RECORD an article from the State of Columbia, S.C., reflecting on the life of this special man:

The article follows:

GUS CAPILOS: A SUCCESS STORY AND GOOD SAMARITAN IN ONE

(By Bill McDonald)

Constantine Demosthenes "Gus" Capilos, the Columbia restauranteur who died Saturday, was "the American success story and a Good Samaritan rolled into one super, super individual," one of his closest friends said Monday.

Leonard Price, president of Budweiser of Columbia Inc., also said the 67-year-old Greek immigrant was "the most remarkable person I've ever met in my life.

"Gus couldn't speak a word of English when he first went to school," recalls Price, a longtime hunting companion of Capilos.

"He once told me that his father, who operated a fruit cart in Charlotte, would give him the best looking apple each day to take to his teacher, hoping she would take a special interest in him.

"And sure enough, it worked; Gus said he soon became the teacher's pet!"

Locally, Capilos' rise in business began in 1937, when he founded the old Varsity Grill on North Main Street. Later, after a wartime stint in the U.S. Navy, he formed a partnership with brothers, Bill and John. The Market on Assembly Street—a restaurant destined to become the "in" place for politicians and local businessmen—came under Capilos' direction.

(The restaurant was dubbed The Market because it was located right beside the old State Farmer's Market on Assembly Street. It was founded by Nicholas Papadeas, a brother-in-law of the Capilos brothers.)

In his early days in Charlotte, Price recalls, Capilos earned a doctorate in hard knocks. But rather than embitter him, the experience molded him into a character who had a strong affinity for the underdog.

"I don't know how many people he has helped through school that nobody knows about," Price says. "He was too big a man to want credit for it, and race meant absolutely nothing to him.

"He was helping human beings."

The oldest son in a family of seven children, Capilos came to the U.S. at age two. The family settled first in Texas, then moved to Charlotte.

After finishing junior high school in Charlotte, where he was a member of the football and track teams, Capilos worked at a succession of soda shops and restaurants before founding The Varsity Grill, a drive-in that contributed greatly to the hamburger-and-french fry mania in Columbia.

Capilos' smile was his trademark. Even when the conversation was disagreeable, the lids puckered around his eyes, and he could be counted on to offer a bit of sage advice—oftentimes to a harried dishwasher or a frenzied cook.

Hunting was Capilos' passion, too. He read every book ever written by Havilar Babcock, the late English department chairman at the University of South Carolina and an avid outdoorsman. Biographies of famous men were also on his reading list.

"He absolutely believed in education," Price said. "He didn't finish high school, but he was a well-educated man."

Capilos and Price hunted together often: deer, quail, pheasants, rabbits. An outgrowth of their friendship was the Wild Game Dinner on the second Friday in March, an annual affair that attracted guests and VIPs from all over the state.

Capilos, who could turn a pig's ear into a gourmet meal at the drop of a butcher knife, did the cooking. He also prepared fancy hors d'oeuvres for the dinner, and, on occasion, he fixed "the best BBQ rabbit you've ever eaten," Price said.

"He was quite a genius in the kitchen."

Capilos' wife, Elizabeth, died a few months ago. They had only one child, Barbara, who now lives in Indiana and is married to Sam Reams.

After Mrs. Capilos died, he showed up one day at Price's office with an automatic Browning shotgun. He told Price he had to rewrite his will after Elizabeth's death, and "I'd like you to have this shotgun and put it to use."

"He was always doing things like that," said Price. "And what impressed me most about the man, if he couldn't say something nice about you, he wouldn't say anything at all."

Capilos retired from the restaurant business in 1960, leaving The Market in the capable hands of brothers Bill and John. He told friends he had worked hard all his life, and now it was to do a few things he loved to do—like hunt.

Two years ago, while on a hunt with Price, Capilos suffered a heart attack. It was Price's quick action—calling ahead to a hospital emergency room—that helped Capilos survive the attack. But it ended his life in the fields forever.

Capilos was a religious man and often, on Sundays he sat through two sermons. He was a member of the Greek Orthodox Church on Sumter Street and his wife's church, St. Mark's Methodist on Broad River Road.

"He was the type of guy you always enjoyed being with," Price said. "He was always giving. He was never one who looked for anything. I feel as if I've lost a brother, and I know Columbia has lost one of its truly great citizens.

"People like Gus Capilos don't come along every day."

CRIMES INVOLVING CONTROLLED SUBSTANCES

● Mr. JEPSEN. Mr. President, I recently introduced an amendment to the

Criminal Code Reform bill that would allow Federal jurisdiction in certain crimes involving controlled substances; specifically, where the offense consists of a pharmacy and is part of a pattern of such robberies in a locality. These crimes are often violent crimes.

A constituent of mine, Mr. G. David Novotny of Boone, Iowa, recently brought an article to my attention which I believe points out the seriousness of this situation. I ask that this article be printed in the RECORD and I direct it to the attention of my colleagues.

The article follows:

PHARMACY CRIMES: NEW LAWS

March 19, 1980 was a tragic day in the life of our brother pharmacist, John Regan of West Roxbury, Massachusetts.

Pharmacist Regan found himself facing what many of us have faced at one time or another—an armed robbery in his pharmacy. Common sense has taught us to remain as calm and cooperative as possible in such a situation. Standard procedure is to hand over the drugs and cash, and pray that no one gets hurt.

John Regan applied all these common sense rules during this armed robbery; but he made one "mistake": He had less narcotics on hand than the drug-crazed maniacs demanded. For this reason, John Regan was gunned down without warning. The bandits were apprehended shortly. The victim will live; but he lies in a hospital bed, paralyzed by his would-be assassin's bullet.

The point I am trying to make is one that concerns us all. Illicit drugs are increasingly difficult to obtain on the street. The result? A frightening increase in pharmacy robberies, accompanied by increased, senseless violence on the part of the desperate addicts.

Pharmacists need protection—federal protection through the courts. I find it incomprehensible that we are not federally protected by statute and that the robbery of a pharmacy at present is not a federal offense; or that we—the guardians of drugs which bear the statement: "Caution: Federal law prohibits dispensing without prescription"—are not protected by the same agency which governs our actions. Incredible!

Happily, there is something we can do about this. Currently, there are 3 bills pending before the Subcommittee on Crime of the House Judiciary Committee (H.R. 503, H.R. 1682, and H.R. 2739). If these laws are passed, robbery of a pharmacy will be a federal offense, and we can at least be assured of due process and punishment for these robbers and would-be assassins.

Letters to our U.S. congressmen and senators—in support of these 3 bills—are sorely needed. We must have legal deterrents and mandatory punishment for such pharmacy crimes. It will take only a few minutes for each of us to write the letters which Pharmacist Regan is unable to write.

Let's do something that, unfortunately, we are historically famous for not doing—Unite and Fight! It could save your life.●

ONLY 1 DAY LEFT

● Mr. CANNON. Mr. President, I am pleased to inform my distinguished colleagues that there is only 1 day left before air fares are reduced by 3 percent. For example, this means that Senator CRANSTON can save as much as $28 on his next trip to Los Angeles. In addition, this means that passengers, shippers, and general aviation pilots will save nearly $1 billion annually.●

ESC GUIDE TO ENERGY CONSERVATION

● Mr. CHAFEE. Mr. President, the 96th Congress has produced new initiatives to promote energy conservation. Natural gas and electric utilities have been given a mandate to help their customers with conservation.

Nevertheless, Mr. President, our job is not done. We must now work to get the work out on the programs we have established to help save energy and money.

One of the best tools I have found for helping my constituents is the Guide to Federal Energy Conservation Assistance prepared by the Environmental Study Conference, which I cochair with my distinguished colleague, Representative JOSEPH L. FISHER. The conference has also prepared a companion guide on solar energy.

The Conference staff has just updated this guide to help its more than 300 Senate and House Members in answering constituent requests for information and in preparing speeches and newsletters. Many Members have also distributed the guide in their States and districts.

I congratulate the ESC staff for another job well done and commend the guide to you.

Mr. President, I ask that the ESC energy conservation guide be printed in the RECORD.

The material follows:

ESC GUIDE TO FEDERAL ENERGY CONSERVATION ASSISTANCE

This updated guide has been prepared by the Environmental Study Conference to help its Members help their constituents find out more about how to save energy—and money—and about the Federal conservation assistance programs that are available.

The 96th Congress enacted major new conservation incentives.

Topping the list is a new Solar Energy and Energy Conservation Bank that will subsidize loans for energy saving investments by homeowners, renters and small businessmen. Gas and electric utilities also will be required to give their customers help with conservation. And the list of investments eligible for the 15 percent residential energy tax credit has been expanded.

This guide lists Federal assistance by energy and program. An index at the end lists programs according to target audience. The guide was prepared by Grace Malakoff.

For copies, write your Senator or Congressman.

For solar information, see ESC's companion Guide to Solar Energy Programs.

INTERNAL REVENUE SERVICE

Residential Conservation Tax Credit: Homeowners and renters are eligible for a non-refundable tax credit of 15 percent of the first $2,000 spent on purchasing and installing conservation equipment, for a maximum $300 credit.

Qualifying equipment includes insulation, caulking and weatherstripping modified flue openings, storm doors and windows, automatic furnace ignition systems and clock thermostats and other measures as determined by the Secretary of the Treasury.

Property claimed for credit must be installed between April 20, 1977 and December 31, 1985, in the taxpayer's principal residence. Newly built homes do not qualify. Condominiums and cooperatives are eligible when they are principal residences. Vacation homes are not eligible.

If the authorized credit exceeds the tax owed, it may be carried forward on future tax returns through 1987.

For renewable energy equipment such as solar, wind or geothermal property a tax credit of up to $4,000 may be claimed, or 40 percent of expenditures to $10,000.

Final rules are being developed for these programs.

The appropriate form (No. 5695) and a booklet (No. 903) explaining the credits are available from local IRS offices. See also IRS "Tax Information" listings under U.S. Government in your local telephone white pages. Credit may not be claimed for improvements financed by other government energy programs.

IRS contact: Walter Woo, Legislation and Regulation Division, Office of the Chief Counsel, IRS, Rooms 4311, 1111 Constitution Ave. N.W., Washington, D.C. 20224. (202) 566-3299.

Business Energy Tax Credits: Businesses can qualify for an investment tax credit for new equipment that increases energy efficiency.

In general, this credit can be claimed in addition to the current 10 percent credit allowed for investments in business property.

The credit, in general, is not available to utilities.

The credits are non-refundable, but may be carried back and forward.

In addition to energy investments specified in the Windfall Profits Tax Act, the Treasury Secretary is authorized to add additional energy investments eligible for 10 percent credits.

Credits of at least 10 percent also can be claimed for increase of seating capacity on intercity buses, for biomass property; and solar, wind or geothermal energy equipment.

In some cases, credits of as much as 15 percent may be available.

A 10 percent credit applies to investment in cogeneration systems which use oil or natural gas for 20 percent or less of their fuel.

Qualified cogeneration equipment may be used for industrial, commercial or space heating purposes.

Regulations appear in the Federal Register, July 10, 1980, p. 46444.

For more information, obtain the free pamphlet, "Tax Information on Investment Credit" (No. 572) from local IRS offices, or call the IRS "Tax Information" listing under U.S. Government, Internal Revenue Service, in your local telephone white pages.

IRS contact: Mary Frances Pearson, Legislation and Regulation Division, Office of the Chief Counsel, Internal Revenue Service, Room 4108, 1111 Constitution Ave. N.W., Washington, D.C. 20224. (202) 566-3458.

State Energy Conservation: A major DOE conservation effort is the State Energy Conservation Program.

SECP makes grants to states for development of plans that will reduce energy consumption in 1980 by 5 percent. States are predicting an actual cut of 6.6 percent by 1980.

The program received a total of $159.5 million through fiscal year 1979 and $47 million is available in FY 1980.

States receive funds according to an allocation formula that awards 25 percent of available funds equally, 40 percent on the basis of population and 35 percent on the basis of a state's projected energy savings for a particular year.

The main eligibility requirements are preparation of a base plan and a supplemental plan.

The base plan must include:

Lighting efficiency standards for non-federal public buildings. The minimum standards are so-called 90–75 standards established by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE).

Thermal efficiency standards for new and existing residential and non-residential buildings. They are based on the ASHRAE 90–75 levels.

Carpool Programs to promote the availability and use of carpools, van pools and public transportation.

Energy efficiency standards governing the procurement practices of a state and its political subdivisions.

Traffic regulations permitting, to the maximum extent consistent with safety, motor vehicles to turn right at a red light after stopping.

The supplemental plan must include procedure for:

Conducting public education program on energy conservation and renewable resource measures.

Ensuring effective intergovernmental coordination.

Encouraging and carrying out energy audits of buildings and industrial plants.

Optional elements of the state plan include:

Restrictions on the operating hours of non-federal public buildings.

Restrictions on non-essential lighting.

Transportation control.

Public education.

In addition, a state may initiate other appropriate measures to conserve energy, such as:

Oil and gas burner inspections.

Utility audits of homes.

Bans on master metering in new multi-unit dwellings.

Comprehensive state/local government energy management plans.

Driver education programs.

Truck fleet efficiency programs.

Cogeneration, or the use of industrial waste heat to generate electricity or residential heat.

Program administration is largely decentralized, with plan review, approval and funding authority delegated to the 10 DOE regional offices (see p. 9 for addresses). These offices serve as primary liaison with state agencies. Responsibility for coordination, clearinghouse functions, preparation of technical assistance materials, workshops, etc. lies with national headquarters.

DOE contact: Mary Fowler, Director, Office of Energy Conservation Programs, Conservation and Solar Applications, DOE, Mail Stop 24–027, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2344.

Supplemental State Programs: Other programs to help state and local governments include assistance in developing purchasing strategies that will save energy. The Office of State Energy Conservation Programs provides information and technical help.

Another program encourages the recovery, refining and re-use or acceptable disposal of used oil. Technical assistance is provided to state and local governments and civil, community and public interest groups through such organizations as the National Association of Counties.

DOE contact: Doris Ellerbe, Office of State Energy Conservation Programs, Conservation and Solar Applications, DOE, Mail Stop 2H–027, 1000 Independence Ave., S.W., Washington, D.C. 20585. (202) 252–2360.

Energy Extension Service: This DOE program provides advice and information on saving energy and on the use of renewable resources to individuals, small private firms, local governments, architects, savings and loan officers, farmers, tenants and homeowners.

Ten states received pilot grants in 1978 of about $1.1 million each and started to provide services like building or irrigation pump audits and energy hot lines. Grants of about $48,000 were granted to each of the remaining states to prepare for participation in a nationwide program.

Congress approved an appropriation of $25 million for FY 1980, along with $4.7 million carried over from FY 1979, to extend this program to all 50 states. Fifty percent was divided equally among all states, and 50 percent allocated on the basis of population. Details are published in the Federal Register, November 21, 1979, p. 66780.

The states design and operate the program, while DOE provides guidance and technical assistance. No funding is available for an activity if it duplicates other state energy conservation programs.

EES grants are awarded to governors, who usually designate state energy offices or universities to execute the program.

DOE contact: Mary Fowler at address above.

Weatherization Grants: The weatherization grant program is designed to help low-income people, particularly the elderly and handicapped, make home repairs and energy conserving improvements. The maximum grant expenditure per dwelling is $1,600. A total of $199 million was appropriated for FY 1980.

States receive the grant funds and in turn make grants to community-based organizations, usually community action agencies, to carry out programs at the local level. Funding follows a state plan that receives prior approval from DOE. Interim rules appear in the Federal Register Part V, February 27, 1980.

DOE contact: Joseph P. Flynn Jr., Weatherization Assistance Program, Office of State Programs, DOE, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2204.

Schools, Hospitals, Local Public Buildings and Public Care Institutions: A total of $141.2 million was available in FY 1980 to help schools and hospitals pay for energy audits and installation of energy conservation and solar equipment. These grants can cover up to 50 percent costs (90 percent in hardship cases). Funds or in kind contributions from any source may make up the matching 50 percent. Eligible schools include public and non-profit, private elementary and secondary schools, colleges and universities.

A separate grant program ($17.5 million budgeted for FY 1980) finances energy audits and technical assistance only for public buildings owned by local governments and non-profit public care institutions such as nursing homes, community health centers, neighborhood health centers and orphanages. State energy offices recommend to the Department of Energy the grants to be funded in accordance with a state plan. A free fact sheet is available on request. Federal Register description of program rules in 1979: April 2, p. 19340, April 17, p. 22940–57 and Oct. 24, p. 61171 and 61317.

DOE contact: Rich Mining, Acting Director, Institutional Buildings Grants Program, DOE, Mail Stop 2H–027, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2335.

Residential Conservation Service: By early 1981, large electric and natural gas utilities will offer energy conservation "audits" to residential customers.

States will prescribe audit specifics in plans, now under review by DOE. Audit specifics will depend on local conditions. For example, evaluations of using waste heat from air conditioners to heat water will be included only in areas where the practice is economical.

Audits will list possible conservation and renewable energy resource improvements and estimates of dollar savings. Utilities may list possible lenders to finance improvements and arrange financing upon request, including repayment in monthly installments on utility bills. Utilities may also arrange installation and supply a list of suppliers and contractors who will offer one-year warranties on their supplies and services.

DOE is required by the Energy Security Act of 1980 (PL 96–294) to set minimum standards for certification and training of energy audiors by Oct. 27, 1981. States may obtain federal grants to train and certify energy auditors, including those who will conduct utility audits beginning in 1981. The training program is authorized funding of $10 million in FY 1981 and $15 million in FY 1982.

For additional information see the Federal Register, pp. 64602–64670, Nov. 7, 1979, or request a "Fact Sheet, Residential Conservation Service Program," from Jim Tanck, Residential Conservation Service, Office of Buildings and Community Systems, Conservation and Solar Energy, DOE, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–9161.

Appropriate Technology Grants and Inventions Support: This program encourages the development and demonstration of small-scale, decentralized energy systems that use local, renewable resources. It is administered by the 10 DOE regional offices.

Individuals, local non-profit organizations and institutions, state and local agencies, Indian tribes and small businesses are eligible for support.

Grants of up to $50,000 per project are available to develop a broad variety of technologies, including solar heating and cooling, energy conservation, biomass, wind and small hydroelectric power generation. The funding cycle is annual and begins on January 15. The FY 1979 budget was $8 million. The FY 1980 appropriation is $12 million. For grant application information, write the program manager for appropriate technology in your DOE regional office.

Inventions Support: This DOE office funds development of energy-saving inventions recommended by the National Bureau of Standards, helps locate financing and other assistance in promoting commercialization of energy-saving practices and assists in dissemination of DOE energy conservation research and development to business and industry. Funding of inventions ranges from $20,000 to $200,000.

Contracts: David Mello, Invention Support, (202) 252–9113; Ann Hegnauer Appropriate Technology, (202) 252–9104; Conservation and Solar Applications, Small-Scale

Technology Division, DOE Mail Stop 6G–040, 1000 Independence Ave. S.W., Washington, D.C. 20585.

Comprehensive Community Energy Management program: This program sponsors research in energy conservation aspects of community management strategies and site and neighborhood design.

DOE will award grants in FY 1981 to carry out management and design strategies. FY 1981 funding is expected to be $1.5 million.

In past years, DOE made grants for 16 communities' studies on energy conservation management planning. Reports are available on the studies and on five case studies of neighborhood and site designs.

Contact: Jacob Kaminsky, Office of Building and Community Systems, Conservation and Solar Energy, DOE, Mail Stop 1H–031, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–9393.

The Community Service Branch of DOE has hired a private contractor to operate a Clearinghouse on Community Energy Efficiency.

The clearinghouse provides information on local energy conservation activities of communities and on federal programs offering technical and financial assistance to state and local governments. Services are for state and local officials only. Requests should be addressed to The President's Clearinghouse for Community Energy Efficiency, DOE, Suite 801, 400 N. Capitol St. N.W., Washington, D.C. 20001, (202) 252–2855 or call toll-free (800) 424–9040; from Alaska or Hawaii, (800) 424–9081.

Energy Conservation in Transportation: DOE has several programs to improve transportation system efficiency and vehicle performance.

One promotes commuter ridesharing and vanpooling. Others are designed to improve the energy efficiency of intercity and urban passenger and freight transport and to provide technical assistance on various transportation alternatives to states implementing energy conservation plans. Vehicle performance programs distribute vehicle gas mileage ratings, promote improved fuel use by commercial trucks and buses and educate motorists on conservation techniques for automobiles.

The DOE regional office is the first point of contact for assistance.

DOE contact: Sydney Berwager, Acting Director, Division of Transportation Systems Utilization, DOE, Mail Stop 5H–063, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–8000.

Vehicle Performance Branch: This office has several programs which promote improved fuel efficiency in transportation by:

Providing information on voluntary technology and techniques to increase truck and bus fuel efficiency in cooperation with the Department of Transportation.

Improving driver awareness of how to save fuel through improved maintenance and driving techniques.

Publishing "The Gas Mileage Guide" for new cars. Each year, a first edition is issued in October, a second in March.

Evaluating inventions and new ideas for improving fuel efficiency.

DOE contact: Maurice D. Starr, Chief, Vehicle Performance Branch, Transportation Systems Utilization, DOE, Mail Stop 5H–063, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–8003. "The Gas Mileage Guide" is available free from any new car dealer. Bulk orders will be filled by the Technical Information Center, DOE, P.O. Box 62, Oak Ridge, Tenn. 37830.

Technology and Information Dissemination: DOE's Division of Buildings and Community Systems provides builders, architects, engineers, code officials and residential consumers with technical non-technical and "how-to" publications, exhibits and other visual material, educational programs and workshops and seminars on conservation.

DOE contact: Nancy Fanning, Program Liaison and Support, Division of Buildings and Community Systems, DOE, Mail Stop 1H–037, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–9452.

Industrial Conservation: DOE's industry energy conservation effort develops and demonstrates new, more energy-efficient industrial technologies, procedures and processes. Development work is both industry-specific and cross-industry in nature.

It also promotes commercialization of existing, underused conservation technologies and procedures through publications, technical assistance, workshops, energy audits and other means.

DOE contact: Douglas G. Harvey, Office of Industrial Programs, DOE, Mail Stop 2H–086, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2072.

Industrial Energy Reporting: Corporations report energy efficiency improvements to trade associations or directly to the federal government. Some are required to report by law, while others report on a voluntary basis. Annual reports to Congress are required and are available from DOE.

DOE contact: Tyler Williams, Office of Industrial Reporting Programs, DOE, Mail Stop 2H–085, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2371.

Technology Implementation Energy Analysis and Diagnostic Centers: This program primarily helps small- and medium-sized industrial firms improve energy efficiency through free audits and technical assistance.

Under contract with DOE, audits and analyses are provided by the Georgia Institute of Technology, University of Pittsburgh and University of Tennessee.

DOE contact: Dave Hoexter, Office of Industrial Programs, Conservation Technology Implementation Branch, DOE, Mail Stop 2H–086, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2392.

Small Business Energy Cost Reduction: This program provides technical assistance, primarily guidebooks, to help small businesses reduce energy costs and consumption.

Guidebooks have been completed for 13 sectors: laundry and dry cleaning, commercial printing, automobile dealers, apartment building operations, gasoline service stations, automotive repair, wholesaling, retailing, florists (both retail and greenhouse operations), furniture manufacturing, bakeries and dairies.

A slide/tape presentation will be included with guidebooks which are being prepared for other businesses, including plywood and veneer manufacturing, plastic, frozen foods, scrap iron and steel and health care facilities.

Trade associations, which co-sponsor the program, publish and distribute the guidebooks, and many have sponsored energy cost-reduction workshops through their state and local affiliates. State energy offices and DOE's Energy Extension Services also conduct programs.

DOE contact: Jane L. Miller, Program Manager, Office of Small Business, DOE, Mail Stop IE–267, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–9413.

Educational Resource Development: DOE's Education Programs Division produces energy education materials for schools and finances the National Science Teachers Association's energy education newsletter. FY 1980 program funding was $500,000.

A faculty development program makes grants to colleges and universities to conduct energy education workshops for teachers at all levels—elementary school through college. Typical grants are for $20,000 with total FY 1980 funds of $500,000. Deadline for applications is October 31. Guidelines for the program are available from the division.

Program materials are available from the DOE Technical Information Center, Post Office Box 62, Oak Ridge, Tenn. 37830. (615) 576–1308.

DOE contact: Don Duggan, Education Programs Division, DOE, Mail Stop 7E–054, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–6484.

Consumer Impact, Citizen Participation and Energy Education: These divisions in the Office of Consumer Affairs try to involve the public, particularly the poor and elderly, minority or handicapped persons, in federal energy programs.

The citizen participation division sponsors public meetings and briefings and publishes a consumer briefing summary on DOE activities. Contact: Bill Halmberg, Citizen Participation Division, (202) 252–5373.

The consumer division acts as a consumer advocate within the department. Located in the Office of the Secretary, the consumer impact division reviews such policies as gasoline rationing, natural gas price deregulation and low-income energy assistance. Contact: Eric West, Consumer Impact Division, (202) 252–5866.

The energy education division offers grants and contracts to educational institutions to develop curricula and conducts teacher training institutes particularly for elementary and secondary schools.

DOE contact: Jim Kellett, Energy Education Division, (202) 252–6488; Tina Hobson, Director, Office of Consumer Affairs, DOE, Mail Stop 8G–031, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–5598.

Industrial Workshops/Seminars: DOE cooperates with universities, trade associations and government agencies in presenting workshops, seminars and conferences on conservation for engineers and business managers. Contact: Ray Cilimberg, Office of Industrial Programs, Conservation Technology Implementation Branch, DOE, Mail Stop 2H–086, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–2392.

Publications Branch: This office produces for the general public non-technical publications on DOE programs and scientific concepts in the energy field. Contact: John Sullivan, (202) 252–6249, or Estelle Wiser, (202) 252–6173, DOE, Office of Public Affairs, Mail Stop 1E–218, 1000 Independence Ave. S.W., Washington, D.C. 20585.

Exhibits: This office coordinates development, design, construction and operation of energy exhibits. About 450 programs a year reach about 18 million people in local fairs, shopping centers, workshops, public meetings, service clubs, professional organizations, energy fairs, science museums and conferences. Contact: John Bradbourne, Jr., Chief of Public Presentation Branch, Office of Public Affairs, Mail Stop 1E–218, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–4670.

Audiovisual Branch: This program produces and distributes DOE audiovisual material to the public: Contact: Jack Moser or Jerry Ward, Office of Public Affairs, DOE, Mail Stop 1E–218, 1000 Independence Ave. S.W., Washington, D.C. 20585. (202) 252–5588.

Free Energy Periodicals: "Energy Insider," a biweekly look at DOE's internal operations. Request subscriptions from DOE, Consumer Affairs, Washington, D.C. 20585. (202) 252–5577.

The Energy Consumer, monthly information on new publications, workshops funding and legislation. Request from Consumer Affairs, DOE, Washington, D.C. 20585. (202) 252–5880.

DOE REGIONAL OFFICES

The following officials oversee the implementation of DOE programs in the regions and can direct requests to the appropriate program manager.

Region I: Harold Keohone, DOE, 150 Causeway St., Analex Building, Room 700, Boston, Mass. 02114. (617) 223-3701. Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont.

Region II: Robert Low, DOE, 26 Federal Plaza, Room 3206, New York, N.Y. 10007. (212) 264-4780. New York, New Jersey, Puerto Rico, Virgin Islands.

Region III: Obra S. Kernodle, DOE, 1421 Cherry St., 10th Floor, Philadelphia, Pa. 19102. (215) 597-3890. Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Region IV: Louis F. Centofenti, DOE, 1655 Peachtree St. N.E., Eighth Floor, Atlanta, Ga. 30309. (404) 257-2837. Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Region V: Robert H. Bauer, DOE, 175 West Jackson Blvd., Room A-333, Chicago Ill. 60604. (312) 353-8420. Illinois, Indiana, Minnesota, Michigan, Wisconsin, Ohio.

Region VI: G. Dan Rambo, DOE, P.O. Box 35228, 2626 W. Mockingbird Lane, Dallas, Tex. 75235. (214) 767-7741. Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VII: Mary O'Halloran, 324 East 11th St., Kansas City, Mo. 64106. (816) 374-2061. Iowa, Kansas, Missouri, Nebraska.

Region VIII: Charles Metzger, DOE, P.O. Box 26247 Belmar Branch, 1075 South Yukon St., Lakewood, Colo. 80226. (303) 234-2420. Colorado, Montana, North Dakota, Utah, Wyoming.

Region IX: William Arntz, DOE, 333 Market St., San Francisco, Calif. 94111 (415) 556-7216. Arizona, California, Hawaii, Guam, American Samoa, Nevada.

Region X: Jack Robertson, DOE, 992 Federal Building, 915 Second Ave., Seattle, Wash. 98174. (206) 442-7285. Alaska, Idaho, Oregon, Washington.

DEPARTMENT OF TRANSPORTATION

The department provides technical support and transportation energy conservation analyses to public transportation offices and to elected officials and their staffs.

Printed materials are available to the general public, including: "Energy Conservation in Transportation," 120 pp. R.V. Grangrande, DOT Transportation Systems Center, Kendall Square, Code 151, Cambridge, Mass. 02142. (617) 494-2486; "Transportation Energy Contingency Planning: Local Experiences, Memphis, Seattle, Los Angeles, Washington, D.C., Dallas-Fort Worth, Minneapolis-St. Paul," 161 pp; and "Transportation Energy Activities of the DOT: A Technical Assistance Directory of Programs, Projects, Contacts, and Conferences," 110 pp.

DOT contact: Al Linhares or Judy Kaplan, Technology Sharing Division, (202) 426-4208.

Additional sources: Angus Duncan, energy policy, DOT (202) 426-4220; Robert Beasley, Public Affairs, for materials on ridesharing, speed limits, etc. (202) 426-4333; Bill Wilkinson, environment and safety, for bicycle programs, (202) 426-4414. All offices at U.S. Department of Transportation, 400 Seventh St. S.W., Washington, D.C. 20590.

Federal Highway Administration: Programs are underway to reduce traffic congestion, air pollution and energy consumption by cutting the number of one-to-a-car trips and by expanding the use of carpools, vanpools, buses and trains.

Van purchase loans and tax credits, road space and gasoline preference plans, insurance initiatives and demonstration projects are included. One program aids localities in making more efficient use of existing highways and parking facilities.

Brief pamphlets on the programs are free, including: "Ridershare and Save—A Cost Comparison," Office of Public Affairs, I-38, DOT, 400 Seventh St. S.W., Washington, D.C. 20590. In each state and many localities, FHWA divisional offices and ridesharing agencies provide information. Inquire toll-free at the National Ridesharing Information Center (800) 424-9184. Contact: Barbara Reichart, Ridersharing, HHP-33, Federal Highway Administration, Department of Transportation, 400 Seventh St. S.W., Washington, D.C. 20590. (202) 426-0210.

Bikeway Programs: A variety of grants are available to increase use of bicycles as an alternative to auto transportation.

Under the federal-aid highway program, states can obtain federal grants to cover 90 percent of the costs of bikeways constructed as part of interstate highway projects.

For urban systems and non-interstate highways, federal grants for bikeways are limited to 75 percent of costs, but the bikeways do not have to be an integral part of the systems.

Eligible facilities include bikeways, parking facilities and other physical improvements which promote bicycle use.

The Surface Transportation Act of 1978 established a supplemental bicycling grant program, with funds equally divided among the 10 federal regions. FY 1980 funds for this program totaled $4 million.

In addition, bicycle safety must receive full consideration in all federal-aid highway projects. DOT issued advanced notice of proposed rulemaking for new bikeway design standards in the Federal Register, Aug. 4, 1980, p. 51720.

The department provides information on the design, demonstration and funding of bikeways.

Copies of the secretary's report, "Bike Transportation for Energy Conservation," April 1980, are available through the Government Printing Office. A technical supplement is in preparation. Contact James Kirschensteiner, Engineering, FHWA, (202) 426-0314 or Maureen Craig, Office of the Secretary, Environment and Safety, (202) 426-4414, DOT, 400 Seventh St. S.W., Washington, D.C. 20590.

Systems Management Preferential lanes for high occupancy vehicles, parking policies and staggered work hours are part of energy saving efforts. Contact: Gary Manning, Transportation Systems Management, FHWA, DOT, 400 Seventh St. S.W., Washington, D.C. 20590. (202) 426-0210.

Fact Sheets are available to outline the use of the federal-aid highway program in energy conservation. Send request to FHWA, DOT, Washington, D.C. 20590.

National Highway Traffic Safety Administration: For NHTSA information on improving energy consumption of trucks, heavy equipment and commercial vehicles, contact: Henry Seiff, Heavy-Duty Vehicles Research, (202) 426-4553. On inspection, maintenance and repair programs for improving fuel economy, contact Dick Strombotne, Fuel Economy Standards, (202) 426-0846.

On driver education and related programs, contact: John Eberhard, Driver and Pedestrian Research, (202) 426-4892; and Larry Pavlinski, Driver Pedestrian Programs, National Highway Traffic Safety Administration, DOT, 400 Seventh St. S.W., Washington D.C. 20590. (202) 426-4910.

Urban Mass Transportation Administration: Energy planning research: Richard Steinmann, Planning Assistance, UMTA, DOT, 400 Seventh St. S.W., Washington, D.C. 20590. (202) 472-5140.

Advanced transit vehicles and concepts research: Henry Nejako, Technology Development, UMTA, DOT, 400 Seventh St. S.W., Washington, D.C. 20590. (202) 426-9261.

Reducing transit travel time, increasing transit area coverage, improving transit reliability and productivity and improving the mobility of those dependent on public transit: Donald J. Fisher, Service and Methods Demonstrations, UMTA, DOT, 400 Seventh St. S.W., Washington, D.C. 20590. (202) 4995.

Local, State and Regional Information Availability: Additional sources of information on energy conservation in transportation are regional offices of the Urban Mass Transportation Administration, National Highway Safety Administration and the Federal Highway Administration. State and local offices are maintained by the FHWA and DOT's Ridesharing program. Consult your local telephone white pages under U.S. Government or call the National Ridesharing Information Center toll free (800) 424-9184 (from Washington, D.C., call 426-2943).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Solar Energy and Energy Conservation Bank: The newest energy conservation program, established by the Energy Security Act of 1980 (PL 96-294), the Solar Energy and Energy Conservation Bank will provide grants or subsidize loans for energy conservation improvements on residential, commercial and agricultural buildings.

Regulations are due on Dec. 27, 1980, but administration by HUD will not be in place until 1981. A decision will be made this fall on whether the program will apply retroactively to energy conservation improvement loans taken out in 1980.

Low-income individuals may be eligible for grants directly from the federal bank.

Other homeowners, tenants, and businessmen may apply for loan assistance at conventional financial institutions such as banks, savings and loan institutions and credit unions and also city and state governments, non-profit credit institutions and utilities.

Not all banks or utilities will participate in the program.

To be eligible for a conservation loan, residential building owners and tenants can have incomes no greater than 150% of the area median income. Agricultural and commercial applicants must have annual sales of less than $3 million. No loan subsidy will be given on improvements for which tax credits have been claimed.

To receive a direct grant, residential owners or tenants must have incomes no greater than 80 percent of the area median, the total cost of improvements must be more than $250, and investments must be verified. Tenants must have written authorization from owners for proposed installations.

The maximum level of financial assistance available to a residential owner or tenant varies as shown in the chart below. The actual subsidy available may be less than these maximums.

RESIDENTIAL CONSERVATION LOAN SUBSIDIES

	Owner or tenant family income as percentage of area median[1]			
	80[2]	80 to 100	100 to 120	120 to 150[3]
Single family	50 percent of cost, up to $1,250.	35 percent, up to $875	30 percent, up to $750	20 percent, up to $500.
2 units	50 percent, up to $2,000	35 percent, up to $1,400	30 percent, up to $1,200	20 percent, up to $800.
3 units	50 percent, up to $2,750	35 percent, up to $1,925	30 percent, up to $1,650	20 percent, up to $1,100.
4 units	50 percent, up to $3,500	35 percent, up to $2,500	30 percent, up to $2,100	20 percent, up to $1,400.

[1] Median in most areas of the country is roughly $18,000.
[2] Available as a loan subsidy or grant. All others available only as interest or principal subsidies on loans.
[3] Subsidies cut off above 150 percent of median income.

Conservation subsidies are available only for work done on existing buildings, not for improvements built into new buildings.

Owners of apartment buildings with more than four units may get subsidies of 20 percent of the cost of their conservation investments up to a maximum of $400 per unit.

Commercial or agricultural building owners or tenants may be eligible for loan subsidies for 20 percent of improvement costs up to $5,000. HUD contact: Director, Solar Energy and Energy Conservation Bank, HUD, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-6900.

Community Development Block Grants: This program channels funds to units of local government for development activities, primarily for low- and moderate-income people.

Housing rehabilitation projects, including weatherization projects, are eligible. Energy audits, weatherization, solar retrofit and other renewable energy technologies have been financed. Eligible activities are listed in volume 24, Code of Federal Regulations, section 570.200.

Many urban areas are automatically entitled to funds. Smaller communities may apply to the HUD area offices for discretionary grants. FY 1980 appropriations were $3.8 billion, but only a small part goes to energy conservation. The community's chief executive or office of housing and community development is the contact for individuals or neighborhood groups.

Local officials contact: HUD Regional Offices listed under U.S. Gov't in telephone white pages or James Broughman, Entitlement Cities Division, Assistant Secretary for Community Planning and Development, HUD, Room 7282, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-9267; or James Forsberg, Director, Small Cities Program, same address. (202) 755-6322.

Urban Development Action Grants: Urban development action grants may be awarded for projects incorporating commercially feasible energy recycling or renewable energy technologies. To qualify, projects must provide new permanent jobs and increased revenues for a distressed city or urban county.

Credit is given to applications which promise reduced oil consumption. Technical assistance is provided directly through subcontractors. Projects may be residential, business or industrial, commercial or for local government.

HUD contact: David Cordish, Room 7232, Community Planning and Development, HUD, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 472-3947.

Section 312 Loans: Energy conservation improvements in residential and nonresidential buildings are eligible for direct federal rehabilitation loans under section 312 of the Housing Act of 1949.

Rehabilitation loans are available at low interest for 20 years or less, with a maximum of $27,000 per residential and $100,000 per non-residential loan.

The cost of insulation, storm doors and windows and heat pumps are some of the energy-saving items that can be financed.

Eligible applicants may be owners or nonresidential tenants in urban renewal areas, code enforcement areas, areas designated for rehabilitation under Community Development Block Grant Program or Urban Homesteading areas. Priority is mandated for low- and moderate-income applicants.

The local office administering community development programs is the first point of contact.

HUD contact: Robert I. Dodge III, Director, Office of Urban Rehabilitation and Community Reinvestment, HUD, Room 7170, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-5685.

Product Dissemination and Transfer: This division disseminates results of HUD-sponsored energy conservation research to architects, planners, builders, homeowners, state and local government officials and the general public through publications, workshops, exhibits and other means. FY 1980 appropriation: $1.3 million.

Publications include: "In the Bank or Up the Chimney—a Dollars and Cents Guide to Energy Saving Home Improvements" (GPO No. 0023-000-00-411-9, $1.70) and "The Energy-Wise Home Buyer—A Guide to Selecting an Energy Efficient Home" (GPO No. 023-000-00518-2, $2.00), available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. (202) 783-3238. Additional publications are available by post card and walk-in request at the Publications Service Center, Room B-258, HUD, 451 Seventh St., S.W., Washington, D.C. 20410. An information center is at the same address, Room 1104, (202) 755-6420.

HUD contract: Heather Aveilhe, Program Analyst, Office of Policy Development and Research, HUD, Room 8126, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-5544.

Loan Insurance for Multi-Family Housing: Under the National Energy Conservation Policy Act of 1978, HUD is authorized to insure Federal Housing Administration and conventional loans to owners of private multi-family housing to make energy saving improvements.

The loan insurance is available for loans to install energy conservation equipment or solar energy systems or to convert an apartment building from a master electric meter to meters for each apartment.

The interest rates on such loans are set by HUD at a level no higher than necessary to meet market demands.

HUD contact: Michael C. Wells, Program Analyst, Office of Housing, Room 9220, HUD, 451 Seventh St. S.W., Washington, D.C. 20410 (202) 755-6454.

Home Improvement Loan Insurance: HUD may insure home improvement loans covering energy conservation installations.

Borrowers must be credit worthy and tenants must have leases that run six months longer than the term of the loan.

The original mortgage is not usually affected by the program. Fifteen years is the repayment period. Maximum home loans are $15,000 at current Federal Housing Administration interest rates. For apartments the maximum is $7,500 per unit and $37,500 per building.

HUD contact: local HUD-approved lending institutions, or local HUD area offices or John Brady, Title I Insured Loan Division, HUD, Room 9172, 451 Seventh St., S.W., Washington, D.C. 20410. (202) 755-6880.

Basic Home Mortgage Insurance: Used primarily for one- to four-unit homes, basic home mortgage insurance is available to creditworthy applicants seeking to buy homes.

Energy conservation projects may be part of the insured property. Maximum loans range from $67,500 for single-family housing to $107,000 for a building with four or more units.

Hud contact: Local HUD-approved lending institutions, HUD area offices, or Single-Family Development Division, Office of Single-Family Housing, HUD, Room 9270, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-6720.

Neighborhoods, Voluntary Associations and Consumer Protection: This office attempts to reach consumers burdened by steep increases in fuel costs.

Tenants and landlords with energy inefficient structures are most frequently assisted through counseling services, forums and publications. The office's youth employment division aids the installation of solar systems and weatherization.

HUD contract: Call Wilson, NVACP, Room 4228, HUD, 451 Seventh St.. S.W. Washington, D.C. 20410. (202) 755-6920.

Energy Conservation Research: Research is underway in 21 areas of energy conservation, especially in building structures, including: residential energy efficiency, effects of moisture on thermal performance of walls, onsite performance of insulating glass, comparison of wood and masonry walls, mobile homes, public housing, and solar demonstrations for various purposes. Competitive awards are made.

HUD Contract: Joan E. Simons, Energy Building Technology and Standards, HUD, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-8154.

Public and Indian Housing: Energy conservation efforts are conducted through public housing agencies and in assistance to Indian housing. Maintenance engineers in HUD field offices advise owners and managers on energy conservation measures. HUD contract: Thomas Sherman, Low Rent Public Housing, Room 6254, 451 Seventh St. S.W., Washington, D.C. 20410. (202) 755-5380.

COMMUNITY SERVICES ADMINISTRATION

The Community Services Administration, formerly the Office of Economic Opportunity, administers several programs designed to help poverty-level households deal with increased fuel or electrical costs. CSA's energy conservation services include:

Crisis intervention assistance to prevent hardship or sickness caused by fuel shutoffs. The program may provide grants, loans, fuel vouchers or stamp programs, payment guarantees, mediation with utility companies or fuel suppliers, financial counseling, maintenance of emergency fuel supplies, warm clothing, blankets and temporary quarters. In FY 1980, CSA received $400 million for its Energy Crisis Assistance Program (ECAP)

Dissemination of energy conservation guidance and studies of the impact on the poor of rising energy costs as "Too Cold . . . Too Dark." Single copies are available from the agency without charge.

Support for energy conservation and advocacy education programs, such as assistance for the poor in public proceedings on rates, power cutoff policies and local energy planning.

The balance of CSA's conservation activities are training, technical assistance and research and demonstration programs in the following areas:

Energy and agriculture projects that include research and demonstration activities dsigned to lower the energy intensiveness of agriculture with special emphasis on helping low-income farmers stay in business.

Alternative energy resource development that emphasizes nonfossil fuels or renewable energy sources such as wind, solar and methane digesters and improved conservation equipment and practices.

As part of this effort, $3.7 million in FY 1980 CSA funds support the National Center for Appropriate Technology (NCAT). NCAT develops and supports locally oriented technologies geared to the needs and resources of low-income people and communities. Its research and small grants program supports community experiments and demonstration. Local community action agencies should be contacted for application assistance. Contact: Edwin Kepler, NCAT, P.O. Box 3838, Butte, Mont. 59701 or Scott Sklar, 815 15th St. N.W., Suite 624, Washington, D.C. 20005. (202) 347-9193.

CSA's field programs are administered by local community action agencies and other non-profit, community-based organizations. Research and development is administered by the CSA national office.

Contact: Richard Saul, Chief, Energy Programs, CSA, Room 339, 1200 19th St. N.W., Washington, D.C. 20506. (202) 633-6503.

VETERANS ADMINISTRATION

The Veterans Administration's direct and guaranteed home loan programs may be used

to finance a variety of conservation improvements, including insulation, caulking, weatherstripping, storm doors and windows, furnace modifications and economical solar or wind power installations. Direct loans are available in housing credit shortage areas at an interest rate established by the administrator and an amortization period of 25 to 30 years.

The maximum amount for direct loans is currently $33,000.

VA contact: Albert W. Glass, Acting Director, Loan Guarantee Service, Department of Veterans Benefits, Washington, D.C. 20420. (202) 389-2249. Local or regional contact: Loan Guarantee Office at the nearest Veterans Administration Office.

DEPARTMENT OF COMMERCE

National Bureau of Standards

Energy Conservation: This program provides technical information on reducing energy waste to industry; federal, state and local governments; trade and standard-setting organizations; technical, engineering and professional societies; and consumer and public interest groups. The program, supported by agencies like CSA, DOE and HUD, publishes technical reports, data, laboratory and field demonstration evaluation guidelines, handbooks and general information publications. Contact: Jack Snell, Director, Office of Energy Programs, National Engineering Laboratories, NBS, Washington, D.C. 20234. (202) 921-3275. For general information, contact Norma Redstone, Administration Bldg., Room A617, National Bureau of Standards, Washington, D.C. (202) 921-2318.

Energy Related Inventions: A staff of five at NBS evaluates energy conservation inventions and recommends federal funding for the most promising proposals. About 2 percent of the 15,000-plus inventions submitted for evaluation between April 1975 and August 1980 have received grants from the Energy Department's inventions support program.

A brochure on the program, "The NBS/DOE Energy-Related Invention Evaluation Program," is available from the program office. To make applications for invention review, request NBS Form 1019. Contact: George Lewitt, Office of Energy-Related Inventions, NBS, Washington, D.C. 20234. (202) 921-3694.

Economic Development Administration

The Economic Development Administrations runs a professional services grant program that provides local governments with 75 percent of the costs of energy conservation program development, energy resource planning and use of alternative energy sources.

Local governments have used the grants to finance such things as energy audits of public buildings and assessments of the impact of energy availability on local economic development. Total budget for the program in FY 1980 is about $350,000. A typical grant is about $20,000.

EDA also maintains an energy information network for 300 economic development districts covering two-thirds of the United States.

Additionally, under new regulations issued last month, applicants for EDA public works funds will have to demonstrate that their proposed projects are energy efficient.

Contact: Patricia Keeler, Office of Development Organizations and Planning, Room 6113, EDA, 14th and Constitution Ave. N.W., Washington, D.C. 20230. (202) 377-2418.

SMALL BUSINESS ADMINISTRATION

Energy Loans: The Small Business Administration makes direct loans or guarantees bank loans for small energy-oriented businesses under the solar and renewable energy resources loan program.

The loans are available to designers, manufacturers, distributors, marketers, installers or services of energy conservation or renewable resources equipment, including solar energy, wind, biomass, hydroelectric or industrial cogeneration. Energy conservation equipment is defined by DOE and includes insulation, individual utility meters, storm windows and improved heating, ventilation and air conditioning controls. The loans are available through local SBA offices for plant construction, conversion, expansion or start ups as well as acquisition of equipment and facilities.

For FY 1980, appropriations include $15 million for direct loans and $30 million in guarantees. To stretch the funds, SBA stresses maximum bank participation in each loan under its guarantee program. The maximum loan available under the guarantee program is $500,000 at interest rates negotiated between the borrower and lender, subject to an SBA maximum. If unable to obtain a guaranteed loan, an applicant may apply for a direct loan which is limited to $350,000 at an interest rate based upon the cost of money to the federal government.

In FY 1979, most loans were made for solar applications and insulation, with a few issued for other alternative technologies such as gasohol production. A total of 141 loans worth $19 million were made in FY 1979.

Information on the program is available in 63 major cities from SBA district offices listed in the telephone white pages under U.S. Government. Regulations consist of part 130 of SBA rules, reprinted in the Federal Register, Jan. 5, 1979, pp. 1369 ff. Contact Evelyn Cherry, Chief, Special Projects Division, Office of Financing, SBA, 1441 L St. N.W., Washington, D.C. 20416. (202) 653-6696.

Small Business Training: This program assists small business owners and managers in reducing energy costs by providing training and counseling. Seminars and individual counseling by the Service Corps of Retired Executives are available through the SBA district field offices working with DOE. Free publications are available from the program office with conservation programs for apartment management, service stations, retail stores, florists and greenhouses, dry cleaners, printers and garages. Contact: Johnnie Albertson, Chief of Business Management Training, SBA, 1441 L St N.W., Washington, D.C. 20416. (202) 653-6768.

DEPARTMENT OF AGRICULTURE

Office of Energy: This office serves as a focal point for all USDA energy and energy-related matters. Contact: Weldon Barton, Director, Office of Energy, Office of the Secretary, USDA, Rooma 226-E, Administration Building, Washington, D.C. 20250. (202) 447-2455.

Farmers Home Administration: The Farmers Home Administration provides a variety of energy conservation-related loans and grants targeted for rural areas and also requires all homes or apartments constructed with FmHA financing to meet strict insulation standards.

FmHA provides loan subsidies, direct loans and grants for home weatherization. The amount and type of assistance available depends upon an applicant's income. Special provisions are made for weatherization assistance to elderly persons.

For 1980, the weatherization program had $48 million, half for loans and half for grants.

FmHA contact: Gordon Cavanaugh, Administrator, Farmers' Home Administration, USDA, Room 5014, South Agriculture Bldg., Washington, D.C. 20250. (202) 447-7967. For general information: Stanley Weston, (202) 447-6903.

Cooperative Extension Service: The Cooperative Extension Service works through the 71 land grant colleges in the U.S. to provide information and assistance emphasizing energy conservation and alternate energy choices for homes, farms and agribusinesses. Local information outlets are the land grant colleges or the cooperative service offices located in each of the 3,150 counties, usually in the county seat. Contact: Glenda Pifer, Extension Service, Science and Education Administration, USDA, Room 5412, S. Bldg., Independence Ave. Washington, D.C. 20250. (202) 447-2179.

Rural Electrification Administration: The Rural Electrification Administration requires certain energy conserving activities by its associated electric power companies as a condition for loans.

REA requires electric distribution cooperatives as a loan condition, to adopt official energy conservation policies. When submitting loan applications, co-ops must report on efforts to conserve energy in facility operations and to assist consumers in using electricity efficiently.

REA has an energy conservation manual to assist co-ops in planning and developing conservation programs. Rural electric cooperatives have received grants from the REA for projects involving alternative energy sources, electric peak load management and weatherization. REA contact: Harlan M. Severson, Assistant to the Administrator, Rural Electrification Administration, USDA, Room 4324 South Agriculture Building, Washington, D.C. 20250. (202) 447-5606. A brochure describing the REA projects, "Our Commitment to Energy Conservation," is available from Rural Electric Cooperative Association, 1800 Massachusetts Ave. N.W., Washington, D.C. 20036. Forest Service contact: Dick Pence, (202) 857-9550. Also available from the same source is a report of a November 1979 survey of energy conservation and alternative energy source activities of the rural electric co-ops.

Forest Service: Conservation activities of the Forest Service are aimed at improved construction and weatherization of wood-frame housing; substitution of wood for more energy-intensive material; use of wood for fuel or production of chemicals now derived from non-renewable petroleum; and cooperative programs to disseminate energy-related research findings and technology to users. Forest Service contact: R. Max Peterson. Chief, Forest Service, USDA (Room 3008, S. Bldg., Washington, D.C. 20250. (202) 447-6661.)

Agriculture Stabilization and Conservation Service: The Agriculture Stabilization and Conservation Service's agricultural conservation program helps finance farming practices which save energy.

ASCS also has a pilot energy-saving loan program in 35 counties in nine states to encourage wet storage and acid treatment for corn or sorghum and use of solar grain drying systems.

USDA contact: John Goodwin, Associate Administrator, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013. (202) 447-6215.

Soil Conservation Service: The Soil Conservation Service provides technical assistance on several soil and water conservation practices that contribute to energy conservation.

USDA contact: William M. Johnson, Deputy Administrator for Technical Services, USDA, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013. (202) 447-3905.

Food Safety and Quality Service: This office encourages industry to save energy through its regulatory programs and works to get industry to use more efficient food processing methods.

Sanitation guidelines for meat and poultry processing plants have been revised to permit energy saving processes. Major savings have resulted from allowing the use of cold water in operations previously using large quantities of hot water.

USDA contact: Dr. Donald Houston, Administrator, Food and Safety Quality Service, USDA, Room 332-E, Administration Building, Washington, D.C. 20250. (202) 447-7025.

DEPARTMENT OF LABOR

Under the Comprehensive Employment and Training Act (CETA), the Department of Labor provides funds to state and local governments to run training and employment programs for the low-income, long-term unemployed, and to pay their wages out of CETA funds.

CETA funds have been used for weatherization of homes of low income residents and installation of solar systems.

The appropriate contact at the local level is the CETA administering agency designated by the local government. Washington contacts: Robert Anderson, Administrator Comprehensive Employment, (202)376-6254; Robert Colombo, Program Review, (202)376-6560; Chris Richter, Weatherization, (202) 376-6390; Richard Campbell, Solar, (202)376-7884; Timothy Barnicle, Youth, (202)376-2646; Margaret Crosby, Migrants and Seasonal Farm Workers, (202)376-7623; Peter Homer, Indians and Native Americans, (202) 376-6102; Paul Mayrand, Older Workers, (202)376-6233; address: Administration on Employment and Training, DOL, 601 D St., N.W., Washington, D.C. 20210. (202)523-6216.

The Office of the Secretary and the Bureau of Labor Statistics as part of broader research programs, have evaluated the workforce effects of energy trends. Results of the evaluation are found in the Dec. 1979 Monthly Labor Review: "The Influence of Energy on Industry Output and Employment," available from the Bureau of Labor Statistics.

DOL contacts: Bert Barnow, Director of Research, Employment and Training Administration, (202) 376-7335, at the address above; Ron Kutsiker, Bureau of Labor Statistics, (202)523-1450, and Deputy Assistant Secretary for Policy, Nancy Barrett, (202)523-6212, DOL, 200 Constitution Ave. N.W., Washington, D.C. 20210.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Energy Conservation in Health Care: The Public Health Service's Division of Energy Policy and Programs helps develop, stimulate and implement energy management principles in health care services delivery. Films, slides, pamphlets and reprints on energy conservation practices are available. Contact: Burt Kline, Director, Division of Energy Policy and Programs, Bureau of Health Facilities Financing, Compliance and Conversion, Health Resources Administration, Public Health Service DHHS, Hyattsville, Md. 20782. (301)436-7263.

Information on Programs for the Elderly: This task force helps older low- and moderate-income consumers reduce their energy expenses by alerting them to grants, loans and technical information offered by HEW, CSA, DOE and other agencies.

Services are channeled through 56 state units on aging, 590 area agencies on aging and 1200 nutrition projects at the local level.

HHS contact: Dr. Willis Atwell, Chairman, Ad Hoc Interagency Energy Task Force, Administration on Aging, 330 Independence Ave. S.W., Room 4751, Washington, D.C. 20201. (202)245-6809.

Publications: "Energy Fact Sheets," "Suggestions for Older Americans: Part I, Saving Energy in the Home; Part II, Finding Financial Assistance," "Directory: State Agencies on Aging and Regional Offices," available from Health and Human Services, Office of Human Development Services Administration on Aging, Washington, D.C. 20201; "Winter Survival: A Consumer's Guide to Winter Preparedness," available from DOE, Office of Consumer Affairs, Washington, D.C. 20585.

DEPARTMENT OF EDUCATION

Energy and Education Action Center: This program provides information about sources of federal education funds for energy-related activities, prepares data for conservation curricula and helps educators develop increased awareness of energy problems.

The center offers technical assistance, teacher and administrator in-service training, clearinghouse capacities and an information hotline. The office is sponsoring conferences and expositions in several cities. It has a summary publication: "A Selected Guide to Federal Energy and Education Assistance."

ED contact: Wilton Anderson, Director, Energy and Education Action Center, ED, Reporter Building, Room 514, 300 Seventh Street S.W., Washington, D.C. 20202. (202) 472-7777.

GENERAL SERVICES ADMINISTRATION

GSA administers several programs designed to reduce energy use in GSA buildings, vehicles and equipment and has issued regulations to encourage energy-efficient procurement practices.

GSA contact: John Holton, Director, Energy Conservation Division, Public Buildings Service, 18th and F Sts. N.W., Washington, D.C. 20405. (202) 566-1735; Motor Vehicles, Larry Frisbee, Director, Motor Equipment Services Division (FZM), Room 314, Crystal Mall, Arlington, Va. 20406. (202) 275-1021.

TENNESSEE VALLEY AUTHORITY

During the past four years, TVA has become a national leader among utilities in the promotion of solar energy.

Although TVA programs are available only in the Tennessee Valley service area, utilities in other parts of the county have begun to adopt some TVA innovations.

Home Insulation Loans and Audits: TVA offers free home energy surveys to any residential consumer upon request.

Customers using electric heating may obtain interest-free loans of up to $2,000 with a seven-year repayment for attic insulation, floor insulation, storm windows, weatherstripping and caulking and insulated doors. TVA inspects the work to insure that it meets installation standards for energy efficiency. It also offers inspections for work done without financing. A "warm room" loan program finances insulation of a single room in large, older homes where complete insulation is too expensive.

About 200,000 homes since 1978 have been surveyed by a staff of 356, who look at about 35 homes monthly. TVA contact: David B. Lamb, TVA, Power Service Center 6, Chattanooga, Tenn. 37401. (615) 755-3656.

After installing insulation and weatherization, TVA consumers may receive a low-interest loan for the purchase and installation of a heat pump, with a repayment period of up to 10 years. Contact: R. Lee Culpepper, TVA, Power Service Center 4, Chattanooga, Tenn. 37401. (615) 755-3901.

Commercial and Industrial Conservation: Free energy audits are offered to TVA's 300,000-plus commercial and industrial customers. Schools and hospitals receive priority and then may be eligible for federal grants-in-aid to finance needed improvements.

TVA loans may be available to other commercial and industrial customers for measures which will reduce electricity demand. TVA commercial customers are eligible for TVA equipment loans with payback periods of more than three years if they themselves finance measures with shorter payback periods.

Non-profit customers are eligible regardless of the payback period of the improvement.

Loans may range from $1,000 to $100,000 for a maximum of 10 years. Interest is TVA's borrowing cost plus 1 percent. Repayment is in equal monthly installments for a period based on estimated payback term, with no penalty for acceleration. Contact: L. Howard Usher, TVA, Power Service Center-5, Chattanooga, Tenn. 37401. (615) 755-2416.

Cogeneration: Cogeneration involves capturing the steam waste of a power generating plant for useful purposes such as warming greenhouses and providing residential heat or industrial process steam.

A TVA division contracts to purchase power and provide backup power to encourage use of cogeneration facilities. A "Summary of Energy Conservation Programs" is available free by written request from TVA, Information Office, 400 Commerce Ave., Knoxville, Tenn. 37902.

TVA contact: Robert F. Hemphill, Jr., Director, Division of Energy Conservation and Rates, Office of Power, TVA, Chattanooga, Tenn. 37401, (615) 755-2061; Ernest F. Seagle, TVA, 604 Power Building, Chattanooga, Tenn. 37401, (615) 755-3531. Additional rate research information contact: Roy R. Van Allen, TVA, 604 Power Building, Chattanooga, Tenn. 37401. (615) 755-3591.

ACTION

A small number of Volunteers in Service to America (VISTA) are assigned to communities to initiate weatherization and other conservation activities. Volunteers also are assigned to energy conservation projects, such as construction and maintenance of solar greenhouses and reform of utility rate structures.

Contact: Nora Manning, Legislative Research Specialist, Room M401, 806 Connecticut Ave. N.W., Washington, D.C. 20525. (202) 254-8070.

Action also has a program of helping local officials mobilize their communities to develop energy conservation plans.

Contact: Francis Luzzatto, Director, Community Energy Project, Room 204, 806 Connecticut Ave. N.W., Washington, D.C. 20525. (202) 653-7033.

CONSUMER PRODUCT SAFETY COMMISSION

Consumer Product Safety Commission is developing home insulation safety rules to protect against the dangers of fire, cancer, irritation and poisoning.

CPSC supplies publications containing consumer tips and hazard information. It also operates toll-free hotlines to receive and dispense pertinent hazard information as follows: Mainland USA (800) 638-8326, except for Maryland which is (800) 492-8363; outside mainland USA (800) 638-8333; hearing impaired teletype line (8:30 a.m.-8 p.m.) (800) 638-8270, except for Maryland which is (800) 492-8104. Contact: Mike Feinstein, Office of Communications, CPSC, Room 318, Washington, D.C. 20207. 492-6720.

FEDERAL TRADE COMMISSION

A Federal Trade Commission rule requires disclosure of the energy efficiency of insulation and appliances in promotional material and at point of sale. The rules are published in 44 Federal Register 50218 (insulation rules), Aug. 27, 1979, and 66466 (appliance rules), Nov. 20, 1979.

The rules are aimed at helping consumers make informed decisions with specific labeling and advertising requirements and with test requirements set by the American Society of Testing and Materials. FTC contact: Bill Rothbard, Deputy Director, Division of Energy Product Information, Room 7311, FTC, 1101 Pennsylvania Ave. N.W., Washington, D.C. 20580.

DEPARTMENT OF DEFENSE

Defense Department demonstration and information programs on energy conservation are directed at officials in the military services. Contact: Cpt. Robert E. Mumford Jr., Director, Office of Energy Conservation, Office of Energy Policy, Office of the Secretary, Room 1D760, Pentagon, Washington, D.C. 20301. (703) 697-1988.

ENVIRONMENTAL PROTECTION AGENCY

EPA provides research and development contracts and grants and information to

community agencies, industry, and other government agencies on the environmental effects of optimum energy use in industry. FY 1980 budget: $250,000. Contact: Alden Christianson, Energy Systems and Environmental Control Division, Industrial Environmental Research Laboratory, EPA, 5555 Ridge Ave., Cincinnati, Ohio 45268. (513) 684-4207.

NATIONAL SCIENCE FOUNDATION

NSF's Science for Citizens program fosters opportunities for informed community debate on policy issues involving science and technology, including energy problems. It also provides public service science residencies. The residencies allow scientists or engineers to work for a year with organizations of citizens in need of their expertise. Contact: Rachele Hollander, Office of Science and Society, National Science Foundation, Washington, D.C. 20550. (202) 282-7770.

Note: ESC will update this Fact Sheet as appropriate. If you have any suggestions for improvements or know of other programs not mentioned here, please let us know.

INDEX

This index lists programs by the types of people which they are set up to help. Many programs are listed more than once.

Businessmen and farmers:
Energy Extension Service.
Appropriate technology grant.
Conservation Bank.
Urban development action grants.
Section 312 loans.
Income tax credits.
Forest Service conservation program.
FmHA assistance programs.
Cooperative Extension.
SBA loans.
SBA energy management program.
DOE small business programs.
CETA training and information programs.
Residential Conservation Service.
Industrial conservation demonstration program.
Industrial reporting program.
Energy analysis and diagnostic centers.
Energy conservation workshops.
Product dissemination.
Technical information.
USDA Energy Office.
Rural Electrification Administration.
Tennessee Valley Authority.
Agricultural Stabilization and Conservation Service.
Soil Conservation Service.
Energy conservation in food processing.
General Services Administration conservation demonstrations.

Homeowners, tenants and landlords:
Conservation Bank.
Section 312 loans.
Loan insurance for landlords.
Home-improvement loan insurance.

Homeowners (cont.):
Mortgage insurance.
Conservation technology demonstration.
Income tax credits.
FmHA assistance programs.
VA programs.
Tennessee Valley Authority programs.
Home insulation ratings.
Consumer protection.
Residential Conservation Service.
Energy Extension Service.
Weatherization grants.
Information from DOE.
Product dissemination.
HUD research.
HUD outreach programs.

Low-income and elderly persons and community groups:
Conservation Bank.
Community development block grants.
Urban development action grants.
Section 312 loans.
Home improvement loan insurance.
FmHA assistance programs.
CSA emergency fuel assistance and information.
Weatherization grants.
HUD neighborhood association programs.
CETA weatherization program.
Information on human services grants.
Tennessee Valley Authority programs.

State and local government officials:
DOE state energy conservation grant programs.
Energy Extension Service.
Public building grant program.
Clearinghouse on Energy Efficiency.
Community development block grants.
Urban development action grants.
Public works funds.
Community energy planning.
Tennessee Valley Authority programs.
General Services Administration demonstration programs.
Public and Indian housing programs.
VISTA energy policy analysis project.
Tennessee Valley Authority programs.
ACTION's Community Energy program.

Educational and public-care institutions:
Grants for schools and hospitals.
Grants and technical assistance for public care institutions.
Educational information from DOE.
Appropriate technology grants.
Energy research grants.
Income-tax credits.
Cooperative Extension programs.
Energy education program.
EPA energy research grants.
NSF public service residencies.
Continuing education and community service program.

Designers, architects, contractors and inventors:
Energy Extension Service.
Electric vehicle program.
Appropriate technology grants.
Energy research grants.
Technical information.
EPA energy research grants.
Energy-related inventions.

Drivers and fleet owners:
Energy conservation in transportation systems.
Vehicle performance evaluations.
Federal Highway Administration programs.
Bikeways.
DOT systems management.
Highway safety and energy efficiency.
Mass transit.●

CARTER NO SPRO POLICY: BLATANT DISREGARD FOR NATIONAL SECURITY

● Mr. DOLE. Mr. President, it has been almost 1 year since the Senate expressed its intention through the Dole-Bradley amendment, that the strategic petroleum reserve be filled. Mr. Carter orginally said that he would have a half-billion barrels in the reserve by the end of this year. Nevertheless, 5 years after establishing it, the reserve contains only 91 million barrels of oil—the equivalent of 16 days of normal imports. What should comprise the country's first defense against any energy supply interruption is, in reality, no defense at all.

Now, even the President's supporters are questioning his refusal to insure that this country will have an energy supply as the current strife between two major oil producing nations demonstrates, we are extremely vulnerable to the threat of an embargo or other interruption of our oil supplies. Columnist Hobart Rowen summarizes the Carter administration's unsubstantiated refusal to provide this Nation with an energy insurance plan. I ask that his article, appearing in this past Sunday's Washington Post be printed in the RECORD.

The article follows:

A NEAR-EMPTY POLICY ON PETROLEUM RESERVE

Never has a nation had such a clear warning of danger—and ignored it so completely and stupidly. For almost two years, the Carter administration has been told publicly (by concerned members of Congress, among others) that one of the best defenses against a cutoff of oil imports would be to fill the strategic petroleum reserve (SPR) authorized after the 1973 embargo.

Now, as Iraq and Iran engage in a shooting war and oil shipments through the strategic Strait of Hormuz are threatened, the caves in Louisiana and Texas designated for the SPR are mostly empty, holding a mere 92 million barrels.

Even that much is significant in this crisis: If imports should drop by half—say to 3 million barrels a day—oil could be drawn out of the SPR to ease the pain. Thus, if the SPR had to be tapped for one million barrels a day, it would last for about three months.

The shame—even the crime—is that the SPR is not 10 to 20 times that size by now. Time after time, a bipartisan group that included Sens. Bennett Johnston (D-La.) Bill Bradley (D-N.J.), Robert Dole (R-Kan.) and Henry M. Jackson (D-Wash.) warned that the administration was jeopardizing U.S. security by bowing abjectly to Saudi reisistance to filling the SPR. Strategic stockpiling was suspended in November 1978 in the wake of the Iranian revolution.

Bradley put it this way last June: "The risks of carrying an inadequate reserve are simply not acceptable. We must build that stockpile, given the likelihood of a major supply interruption during the next decade and the magnitude of the expected economic losses to the United States."

It wasn't as if the Carter administration didn't know the score. On Dec. 12, 1979, in secret testimony (later declassified) before a Senate-energy subcommittee, Julius L. Katz, then an assistant secretary of State, said: "I wish we had filled (the SPR) three years ago . . . Again we are always going to be in this situation of wishing we had done something else."

And Undersecretary of Energy John M. Deutch added: "There is no question about it; we will be very sorry that we have not filled SPR."

At about the same time, a senior Carter administration energy official who favored boosting the supplies in the SPR said to me (when I promised not to identify him): "The president does not want to build the SPR because he fears it will jeopardize the Saudi production level, I believe the Saudis will interpret that as weakness, and we should go ahead on the SPR. We've got to start sometime."

But nothing did start until last summer, when token stockpiling at the rate of 100,000 barrels a day was mandated by congressional legislation requiring Carter to take that much out of naval oil production from Elk Hills. This was the price that Carter had to pay for his synthetic fuels legislation.

Now, nothing could be clearer than the need to boost that 100,000-barrel-a-day figure to a minimum of 300,000 barrels a day. Sen. Johnston says that the SPR caves can take in at least 500,000 barrels a day—and that, even with the lessening of the oil glut as a result of the Iranian-Iraqi situation, there would be no trouble in acquiring 300,000 barrels a day.

But will the administration change its

gutless attitude, even now, and build the SPR into something meaningful?

A discouraging hint is the testimony by Deputy Energy Secretary John Sawhill last Monday that the United States has a surplus of oil large enough to withstand an interruption of 164 days, a period longer than during the 1973 embargo.

This tricky formulation could induce a false sense of security. Sawhill had reference to private stockpiles owned by the oil companies which are at record levels. It's certainly fortunate that private stocks are that high. But short of war or national emergency legislation, that's not the same as having a government-owned emergency reserve.

"What Sawhill did on Monday was to hold up a fig leaf, nothing more," said a staff man on Capitol Hill.

What can be done now to retrieve the situation? Johnston and others on Capitol Hill have personally appealed to Carter through Energy Secretary Duncan and Sawhill to direct SPR officials to make commitments for oil over the present 100,000-barrel-a-day limit. Carter has that authority.

We are in a real crisis: Even without overt military action, the Strait of Hormuz is effectively blockaded because insurance companies have declared it a war-risk zone. With high premiums thus necessary for any tankers to go through, the traffic through the gulf will slow to a trickle, at best.

Careful observers will note that the present supply-line crisis did not take place because of Arab-Israeli tensions, usually cited as the basic reason for tip-toeing around the Saudis.

How long will it take before President Carter sets aside his misplaced fears of Saudi reaction, and moves to protect the interests of this country by giving a complete go-ahead to filling the strategic petroleum reserve?●

VISTA

● Mr. DECONCINI. Mr. President, on August 24, 1964, the Economic Opportunity Act was signed into law and Volunteers in Service to America was created. In the 15 years since its inception, VISTA, as it is popularly called, has grown in size from 136 to over 4,000 volunteer men and women dedicated to the fight against poverty in the United States, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Through grass roots organizations, non-profit institutions, and social service agencies, VISTA volunteers provide the skills and inspiration needed to upgrade the quality of life among the underprivileged. VISTA volunteers are researching issues, writing pamphlets, setting up health clinics, organizing youth recreation programs, establishing rural transportation systems and much more. Whatever they do, VISTA volunteers and the organizations they work for share one major goal: to increase the voice of the poor in the decisionmaking process of the community.

In recognition of this noble goal and commendation of 15 years of dedicated service to communities throughout this hemisphere, I ask that the proclamation issued by Gov. Bruce Babbitt, and attested by Secretary of State Rose Mofford for the State of Arizona commemorating the 15th anniversary of VISTA be printed in the RECORD.

The proclamation follows:

VISTA

Whereas, volunteers of all ages and backgrounds represent a vital resource to communities throughout the State of Arizona; and

Whereas, VISTA (Volunteers In Service To America) enables people living on low or fixed incomes to develop self-sufficiency through sponsoring grassroots organizations and community groups; and

Whereas, VISTA volunteers by living in the communities where they serve for one year become valued and contributing members of those communities; and

Whereas, older citizens of our state, refusing to shelve their considerable skills and knowledge, share their lives after retirement with young and old alike as volunteers; and

Whereas, over 2,500 of these senior volunteers are deeply involved in a variety of community service projects through such federal ACTION programs as the Retired Senior Volunteer Program (RSVP), the Senior Companion Program and the Foster Grandparent Program; and

Whereas, Arizona thrives with VISTA and older American volunteers of all ages, races and backgrounds giving of themselves to unselfishly help others.

Now, therefore, I, Bruce Babbitt, Governor of the State of Arizona, do hereby recognize the 15th anniversary of VISTA and the continuing contributions of VISTA and older American volunteers as we begin a new decade. I hereby exhort all citizens to join me in honoring these volunteers who work with such dedication.

TAXFLATION—THREAT TO THE FAMILY FARM

● Mr. DOLE. Mr. President, the opponents of tax reduction would do well to consider the implications of their position for the productive people who constitute the backbone of our society. A recent study by Oklahoma State University demonstrates the potentially devasting impact the escalating tax burden can have on the family farm.

The taxation of farm income is a matter of particular concern to me. For 3½ years I fought to repeal the inequitable carryover basis rules, which would have threatened the family farm by raising taxes on farm estates. Fortunately those inequitable rules were repealed by an amendment that Senator HARRY BYRD and I sponsored to the windfall profit tax legislation. That problem has been solved, but the Treasury Department has yet to see the wisdom of equitable tax treatment for one of the most important and productive sectors of our economy—the farm community. The issues of fair valuation of farm estates and full availability of the investment tax credit for farmers are very much alive, and I hope that Congress will act soon on legislative initiatives that I and other Senators have proposed in those areas. But it is clear that the most important tax change that could be made on behalf of the farmer would be to index the Federal income tax to inflation.

A COMMON CONCERN

Mr President, this is one issue where it is clear that the interests of the American farmer are those of the American people as a whole. Each and every taxpayer pays a higher rate of tax in times of high inflation, because our Tax Code simply does not take account of the distinction between nominal income and real income. When income rises to match price increases, there is no real income gain—yet our progressive rate structure taxes the higher nominal income at a higher rate.

The result is that, over time, persistent inflation pushes taxpayers of modest means into higher and higher tax brackets. Unless this "bracket creep" is offset, the progressive goals of our income tax system—the notion that people should pay taxes in relation to their ability to pay—will be threatened. That is why, over the past 20 years, Congress has periodically reduced taxes, to keep the tax burden relatively stable. Unfortunately, Congress also tends to take credit for these "tax cuts," when in reality it is doing nothing more than stabilize taxes. Even then, the effective income tax rate for the average family has crept upward.

A REMEDY IS AVAILABLE

Mr. President, clearly the ultimate answer to this problem must be to bring inflation under control. We can all agree with that. But until we return to price stability, we cannot afford to let our tax system be undermined by the unchecked, automatic growth of the individual tax burden. For that reason we need immediate action to put a stop to taxflation, by indexing the individual income tax to the rise in inflation. Under my Tax Equalization Act, S. 12, taxflation would be stopped by mandating annual adjustments in tax rate brackets and the personal exemption and standard deductions. In this way tax rates would be kept stable, and Congress could raise or lower them as it saw fit.

FARMER BEARS THE BRUNT

As the Oklahoma State University study shows, the farmer would particularly benefit under this system. Inflated land prices and production costs have already forced the consolidation of smaller farms into larger units, and small, labor-intensive farms get fewer benefits under our Tax Code. Combined with these factors, the growing burden of taxflation threatens to accelerate the decline of the family farm.

Mr. President, this problem has become all the more urgent because we are dealing with an administration that has allowed inflation to drive the tax burden to record levels while refusing to recommend action to moderate taxes. The administration and the majority party in Congress have even refused to allow the Senate to consider a bipartisan effort to reduce taxes, in the form of the carefully drafted tax bill approved overwhelmingly by the Finance Committee. Once the prospect of an election ceases to be a factor, it may be even more difficult to expedite legislation to moderate the tax burden.

ABDICATION BY CONGRESS

For too long now Congress has acquiesced in the presumption that taxes should rise automatically unless Congress intervenes. The farmer has had to pay the price for that acquiescence, as has every taxpaying citizen. Clearly it is time to reverse the presumption, so that the burden lies with the Government to

make the case for higher taxes. Nothing could benefit the farm community more than prompt action to index taxes to inflation. I am grateful that Farmland News published the Oklahoma State study in its August 15, 1980 edition, because the study confirms my belief that farm families urgently need relief from taxflation.

Mr. President, I ask that the Farmland News article, reporting the results of the Oklahoma State University study, be printed in the RECORD at this point.

The article follows:

INDEXED TAX MORE EFFECTIVE THAN PARITY IN SAVING FARMS

INFLATION KILLING FAMILY FARMS, OSU STUDY SAYS

If farmers really want to help themselves, they should be pushing for indexed income taxes rather than for 100 percent parity.

That's the final word coming out of a study underway at Oklahoma State University, according to agricultural economist Charles Eginton. Eginton is not for or against parity, his primary concern was only to conduct a study examining the effects of inflation on farm size. But as the work progressed, he and his associates began to see data that supported what many of today's farmers already know and feel.

Things like the fact that a young would-be farmer, lacking large amounts of investment capital, would not be able to control a full-time farming operation.

And the fact that inflation has resulted in ever-increasing farm size that will eventually force the ideal of a working farm family out of existence, replacing them with "super farms."

And that current tax concessions given to farm firms encourage the substitution of capital for labor, also resulting in fewer and larger farms, since established farmers are more likely to have the working capital and thus are best able to benefit from those concessions.

Indexing would be a solution to the problem, but it would take the cooperation of the U.S. government and a major switch in our tax policies or a limiting of inflation to a 6 percent rate which would also remedy the problem. Admittedly, these goals are difficult to achieve, but they are not impossible and would benefit all taxpayers, not just farmers.

Eginton defines indexing simply as set rates of income taxes to be paid by various economical classes of taxpayers. For instance, a farmer (or plumber, businessman, etc.) making $15,000 several years ago was taxed at a specific rate—say, 20 percent as an example.

Today, in order to make ends meet at exactly the same living level of several years ago, this person will have to make $20,000 or more. But due to our present taxing methods, he will be paying a 25 percent income tax rate. Indexing would keep his rate at 20 percent, which is fair because his style of living hasn't increased, only the number of inflated dollars he handles to maintain that level.

"Where farmers get into financial hot water with our tax system is when they have to handle large volumes of capital just to make an average living," Eginton points out

Eginton's studies show that if farmers don't take advantage of available tax concessions, they will face tremendous tax burdens or very little to leave their heirs, or both.

To get a clearer picture of how modern tax policies are affecting today's farmers, Eginton turned to OSU agricultural economics professor Luther Tweeten for guidance. Tweeten has conducted several studies examining the economical standing of the modern family farm.

The researchers initiated an Oklahoma Agricultural Experiment Station study using a computer to create simulated models of six typical family farm situations operating over a 30-year period. The study employed data gathered by USDA from actual farm situations in different areas of the country.

The farms were defined as units requiring the full-time efforts of a man, his wife and two children—about 2,600 hours of labor per year. Allowing a tight $12,600 for living expenses, each model was started in year 1 (1979) with a zero cash flow situation. That is, they lived on the farm and broke even, with no income tax that year. They were kind to inflation in the model, setting it at only 6 percent per year.

"Early in the study we noted that inflation at 6 percent did not really affect farm size," Eginton says. "However, as inflation rates went over 6 percent, tax rates needed to be indexed to preserve the structure of family farms."

How much did indexing help a given farmer's income tax situation over a 30-year period? Ironically (though perhaps not accidentally), one of the farms studied was a Georgia peanut farm.

At the start and end of the period, this particular farmer was paying 48.1 percent income tax rate on an indexed tax payment system. But when the model was placed under our current non-indexed system his effective tax rate increased by 112 percent by the end of the 30-year period.

An important phase of the study was to learn what effect the withholding of current major tax concessions would have on the farm over the 30-year period.

"Tax concessions we examined were interest payments, depreciation allowances and investment tax credits. These are tax benefits that require high income and/or wealth available for investment before they can help the farmer. For this reason, full-owner or established farmers are more able to compete for land purchases, thus gradually increasing overall farm size," Eginton explains.

Because this was only an initial project, Eginton says he used major concessions, which served to cut down the bulk of material handled in the study.

Land-based farming operations, such as row-crop farming, benefit more from the interest write-off concessions than do high equipment type farms, such as confinement type hog operations. The latter type of farm firm benefits more from depreciation allowances and investment tax credits.●

OIL AND GAS LEASING: CAUTION ON S. 1637

● Mr. FORD. Mr. President, on June 3, I filed in the Senate a Comptroller General's report on S. 1637, a bill to establish competitive oil and gas leasing in favorable areas within producing geologic provinces.

This General Accounting Office report raised serious questions relative to the advisability of enacting S. 1637. I will not repeat GAO's negative appraisal of the legislation.

On June 3, I said:

I would advise my colleagues to give close attention to the implications of such a drastic change at this time when we need to accelerate oil and gas production.

Today, I would like to repeat that admonition in light of a released September 25 letter from the Comptroller General to Cecil D. Andrus, Secretary of the Interior.

I would bring to my colleagues attention, four points on S. 1637 in the September 25, letter from which I quote:

(1) We felt overall, however, that possible adverse effects of the bill outweighed the strong points. We endorsed the bill's objective of limiting assignments and excessive overriding royalties, encouraging diligence, and reducing potential lottery abuses. However, we were reluctant to endorse a bill that could be accomplishing these objectives at the expense of production.

(2) A higher up-front cost will, on the other hand, make an operator more cautious about making the initial investment, and may limit the ability of the smaller firm to even make the investment. We therefore continue to believe that the most likely impacts on a high up-front cost are a reduction in acreage leased and a reduction in capital available for exploration and, as a result, a possible reduction in production.

(3) Apparently a PGP will be as large as Interior wants it to be. This to us would defeat one of the main stated purposes of the PGP—to keep some promising wildcat areas on a noncompetitive basis as a protection of the small developer.

(4) Your letter indicates that the independent producers should fare well if S. 1637 is enacted because they are doing well under present competitive situations. We disagree. The way the present competitive system is working is in no way indicative of what would happen in the kind of all-competitive system proposed. First of all, there are very few competitive leases now and most are very small tracts, presumably aimed at enhanced recovery of previously developed deposits. This is hardly a strong motivation for the majors. But, if the tracts are enlarged and most leases become available to the highest bidder rather than to the developer who is willing to assemble small tracts piecemeal, then both the ability of the majors to dominate and their inclination to do so would likely increase—particularly with the lifting of price controls.

Mr. President, I ask that the full text of the Comptroller General's September 25 letter be printed in the RECORD.

The letter follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., September 25, 1980.

Subject: GAO's Basis for Its Analysis of S. 1637 (EMD-80-116).

Hon. CECIL D. ANDRUS,
Secretary of the Interior.

DEAR MR. SECRETARY: This is in response to to your letter of June 16, 1980, taking issue with our March 14, 1980, report "Impact of Making the Onshore Oil and Gas Leasing System More Competitive" (EMD-80-60). Following is a point-by-point analysis of the issues raised in your letter, along with some restatement or amplification of the basis for the positions taken in our report.

CHANGE FROM PRIOR GAO POSITIONS

It is true that we did advocate competitive onshore oil and gas leasing in 1970 on the grounds that many tracts apparently could have generated greater revenues if leased competitively. We would reiterate, however, the point made in our report as well as in recent testimony before the House Interior Committee's Subcommittee on Mines and Mining—that changing world and national circumstances during the past decade call for some change in emphasis. Domestic energy production is much more vital now than then, and we were unable to satisfy ourselves—nor did Interior offer any evidence—that S. 1637 would not have a detrimental effect on production. Moreover, we did not find that it would even necessarily increase revenues to the Government or ensure receipt of "fair market value."

The point should also be made that we are not irrevocably committed to noncompetitive leasing; our position is only that major changes should not be made to the present system if the uncertainty of their effect is too great, and particularly if the problems cited can be solved through less drastic administrative or regulatory changes.

We cannot respond specifically to your statement that we endorsed competitive onshore oil and gas leasing in 1978, without knowing the particular report to which you refer. The only report we have issued on this subject since 1970, other than our March 1980 report, is an April 13, 1979, report "Onshore Oil and Gas Leasing—Who Wins the Lottery?" (EMD-79-41), which dealt with potential abuses of the lottery system. It did not advocate a particular leasing system.

OPPOSITION TO S. 1637 WHILE ENDORSING MANY OF ITS FEATURES

You feel that our opposition to S. 1637 is inconsistent with our endorsing many of its features. We agree with the Department of the Interior that there are many aspects of the present leasing system in need of modification; we had so stated in our 1979 report on the lottery system. GAO has always strived for impartiality and, accordingly, where we saw desirable features in S. 1637, we pointed them out. We felt overall, however, that possible adverse effects of the bill outweighed the strong points. We endorsed the bill's objective of limiting assignments and excessive overriding royalties, encouraging diligence, and reducing potential lottery abuses. However, we were reluctant to endorse a bill that could be accomplishing these objectives at the expense of production.

DIFFICULTY IN FORECASTING RESULTS WITHOUT COMPETITIVE EXPERIENCE

You stated that Interior is being unfairly criticized for not adequately analyzing the bill's effects, and that it is impossible to gather that type of data necessary to accurately forecast the effects of S. 1637. At least, then, we are in agreement that the impact of S. 1637 is difficult to predict. We assume from this statement that if S. 1637 were passed and found to have an adverse impact on independent oil companies or on production, that other alternatives would then be tried.

Interior had not attempted to predict the bill's impact on production, and since logical reasons have been offered from many sources as to why production might be adversely affected, we felt precluded from endorsing the bill. We would have felt far less apprehensive had there been some analysis of these issues, e.g., some indication that the areas outside the producing geologic provinces (PGPs) would be sufficient to sustain the independent oil producer, or an analysis of the significance of large up-front expenditures and increased rentals on that profitability of a typical oil well. We feel that some effort could have been made in these and other regards.

BILL'S LACK OF AN OBJECTIVE

We did not state, as you indicated, that the bill has no objective—only that the objectives are not clear. Certainly the bill has features directed specifically at such things as increased diligence and tighter control over assignments. We acknowledged this. But the central thrust of the bill seems directed toward reducing noncompetitive leasing and increasing competitive leasing. This could have been from a desire to price the speculator out of the market, and open up the land directly to the developer for production; it could be a means to eliminate abuse of the lottery system; it could be a means to increase Federal receipts; or a combination of the three. Our study suggested adverse effects on production, and since there are other less drastic measures to alleviate the other problems, we felt the dominant objective was not clear. Since these objectives tend to be incompatible to a degree, we suggested that a clear objective would be desirable both in formulating and evaluating any such legislation. We still feel that way.

EMPHASIS ON REVENUES

It is also true that our report dwelt heavily on revenues and much more lightly on production, but this is a reflection on Interior's analysis. Our objective was not to formulate our own onshore oil and gas leasing program. Our objective was to evaluate Interior's basis for the leasing system it was recommending, i.e., S. 1637.

Interior had made forecasts of revenue and expense which as you pointed out, we analyzed, but Interior had no projections of production impact. This left us nothing to analyze on the production side and further contributed to our conclusion that production was a subordinate issue to revenues from Interior's point of view. In fact, on July 20, during testimony before the House Mines and Mining Subcommittee, Assistant Secretary Martin acknowledged that Interior still has not forecasted the impact of the bill on production.

USE OF AN UP-FRONT BONUS AS AN INCENTIVE TO PRODUCE

We do not agree with your observation that an up-front bonus is a major incentive to produce and make the lease "pay off." An up-front cost is a "sunk" cost and while it may be a factor in a decision to develop a lease, we would think such a decision will be based primarily on seismic data and other physical evidence, and on the likelihood of the tract generating revenues above current operating costs to the lessee.

A higher up-front cost will, on the other hand, make an operator more cautious about making the initial investment, and may limit the ability of the smaller firm to even make the investment. We therefore continue to believe that the most likely impacts of a high up-front cost are a reduction in acreage leased and a reduction in capital available for exploration and, as a result, a possible reduction in production.

RELATIONSHIP OF ACREAGE TO PRODUCTION

You state that our report fallaciously equates acres leased to amounts of production. We do not see where our report does this, beyond a general statement (as on pages 32 and 38 of our report) that delays in making lands available for lease could reduce production. In fact we point out on page 25 (and on page 2 of your letter you apparently agree) that much of the currently leased land may well be of interest only to a pure speculator, and would simply lie unleased in a competitive situation, or draw only token bids at best.

We see an inconsistency in anyone's suggestion that production could be enhanced if "valueless" lands being held by speculators were made directly available to developers through competitive leasing. Conversely, of course, a reduction in acreage leased that might otherwise have been developed could reduce production, as discussed in the previous section.

RELATIONSHIP OF PGPS TO SEDIMENTARY BASINS

Our report stated that much high-interest land may lie outside PGPs and thus not be subject to competitive leasing under S. 1637. You disagree, saying that the competitive lease areas, i.e., the PGPs, will go beyond the sedimentary basins.

In an attempt to determine the definition of a PGP we were referred to a U.S. Geological Survey (USGS) official who said that although subject to considerable judgment, the PGPs should equate roughly to a sedimentary basin. The only possible exception to this, we were told, was that it would not likely encompass an area as large as say, the Williston Basin, which covers most of North Dakota and large areas in South Dakota and Montana. We were provided maps of these basins by the USGS, and found that they do not cover the Overthrust Belt in Wyoming and other producing areas.

If we now have PGPs going beyond the basins, i.e., "expanded PGPs" to cover competitive interest areas (rather than areas with known production), that would certainly tend to refute our observation that some valuable areas may be overlooked. However, it would also alter our statement that PGPs are based on generally accepted geologic terminology. This only further emphasizes our observation as to the difficulty in knowing what will happen if this legislation is enacted. Apparently a PGP will be as large as Interior wants it to be. This to us would defeat one of the main stated purposes of the PGP—to keep some promising wildcat areas on a noncompetitive basis as a protection of the small developer.

FRAUDULENT ACTIVITIES

While we have little first-hand knowledge of the extent of the abuses that have been or may be uncovered in the current investigation of the noncompetitive system, we share your concern about the potential for widespread abuse. Both our 1979 report as well as the report which is the subject of this letter have advocated tighter controls—which we have believed can be instituted administratively—through regulations without a major overhaul of the leasing system itself. A competitive system, of course, can also be abused if not properly administered.

In addition, we do note that in suspending the lottery system, you announced that such suspension would remain in effect until changes could be made to correct the abuses or, if found necessary, to convert to an all-competitive system. Changes similar to those we recommend in our 1979 report or endorsed in our most recent report have been made and the suspension has been lifted—which would indicate that the potential for such abuses has been greatly reduced.

QUESTIONABLE DOMINANCE OF A COMPETITIVE SYSTEM BY MAJORS

Your letter indicates that the independent producers should fare well if S. 1637 is enacted because they are doing well under present competitive situations. We disagree. The way the present competitive system is working is in no way indicative of what would happen in the kind of all-competitive system proposed. First of all, there are very few competitive leases now and most are very small tracts, presumably aimed at enhanced recovery of previous developed deposits. This is hardly a strong motivation for the majors. But, if the tracts are enlarged and most leases become available to the highest bidder rather than to the developer who is willing to assemble small tracts piecemeal, then both the ability of the majors to dominate and their inclination to do so would likely increase—particularly with the lifting of price controls.

RELATIONSHIP OF S. 1637 AND REGULATORY AND ADMINISTRATIVE CHANGES

You also state that the regulatory proposals published on September 28, 1979, were not a companion action to S. 1637, and that of S. 1637 would require further regulatory changes. But in all our discussions with Interior personnel we were led to believe that S. 1637 and the proposed rules published in the Federal Register on September 28, 1979, went hand-in-hand, e.g., that S. 1637 would increase the competitive tract size while the regulatory changes would be used to increase the noncompetitive tract size.

Further, both S. 1637 and the proposed administrative and regulatory changes came

from the same task force study and resulting Secretarial Issue Document. Your testimony on the leasing suspension, in fact, linked S. 1637 and the regulatory and administrative changes, certainly giving the impression that it was all one "package." In any event, we feel we would have been remiss in ignoring the regulatory changes since they are an integral part of the entire leasing system.

We agree with your observation that a close working relationship between Interior and GAO is desirable for all concerned, and we recognize your time for comment was limited. It is our policy to allow up to 30 days if possible for agencies to comment on our draft reports. There are, however, times when the needs of the Congress dictate that our report processing steps be expedited, and in some instances that little or no time be given for agency comments. This report was one such case. We did, however, obtain the requestor's concurrence in this case to allow us to provide a draft of this report to your Department for informal comment. Our draft was hand-carried to responsible program officials on February 29, six calendar days—not two as your letter indicated—before we sat down with them on March 6, to discuss its contents. In view of a deadline imposed by the requestor, we feel we did our best to work cooperatively with your Department—and we intend to continue to do so.

A copy of this letter is being sent at his request to the Chairman, Subcommittee on Mines and Mining, House Committee on Interior and Insular Affairs. We are also sending copies of this letter to other interested Members of Congress.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.●

MORE OPEN TRADE POLICY

● Mr. DOLE. Mr. President, in order to gain acceptance for a more open trade policy American industry and American workers have been told that they have to accept the burden of increased access to our domestic market in order to gain the benefit of increased access to foreign markets. All too frequently, however, we have shackled our domestic producers with the burdens but not taken adequate steps to insure that they receive the benefits promised. A recent development in our aircraft industry has once again highlighted this distressing pattern.

Over the past 2 years two domestic producers of general aviation aircraft were engaged in competition for the sale of 40 or more training aircraft worth over $60 million to the French armed services. These companies engaged in this lengthy and costly process because they believed that the contract would ultimately be awarded to the firm which produced the best aircraft.

They had every reason to hope that this was the case. The French Government—through the European community—signed the civil aircraft agreement, which was also acceded to by this country and implemented in the Trade Agreements Act of 1979. The preamble to that agreement sets forth among its aims the desire of the signatories:

First, to provide fair and equal competitive opportunities for their civil aircraft activities and for their producers to participate in the expansion of the world civil aircraft market and

Second, that civil aircraft activities operate on a commercially competitive basis.

While the procurement by French military authorities of general aviation aircraft may not technically be covered by the letter of this agreement it certainly is covered by the spirit of the agreement since the aircraft involved are "off the shelf" civil aircraft. More importantly the French were the beneficiaries of open and fair U.S. competitive practices when they competed for and were awarded two sginificant aviation contracts by the Coast Guard.

Unfortunately the French have apparently determined to take advantage of our rules when competing in this market but to observe a different set of rules when it suits their purposes elsewhere. After an exhaustive competition the French made a preliminary determination that an aircraft designed by the Beech Aircraft Co. of Wichita, Kan. most suited their needs. Before the contract could be finalized, however, the French determined to reevaluate the competing aircraft.

The French have now announced that a Brazilian aircraft has been selected, notwithstanding its inability to compete successfully with its American made competitor in the initial testing. No satisfactory explanation has been advanced by the French authorities for this change. The domestic civil aircraft industry, as well as people in the government, believe that commercial considerations not directly related to the aircraft at issue influenced the French decision.

Mr. President, at a time when there are thousands of aircraft workers unemployed and our aircraft industry is burdened with the effects of inflation and recession we cannot continue to provide open access to our market while being denied fair and open access to other markets. This failure to demand and enforce fair trading relationships has caused direct hardships on those employed in the aircraft industry and indirectly undermines the confidence of the American public in the benefits of a more open world trading system. Understandably, this failure will ultimately exacerbate protectionist pressures. The administration cannot continue to issue negative reports about the competitiveness of U.S. industry and the productivity of the American worker and at the same time fail to provide the opportunity for our domestic producers to compete on fair terms in world markets.

I have forwarded letters to the U.S. trade representative and the French Ambassador seeking further explanation of this unfortunate matter. I am hopeful that steps will immediately be taken to see that it is equitably resolved. If it is not, it may be necessary for this country to reexamine the basis upon which foreign competition is permitted in U.S. military procurement.●

ORDER FOR RECESS TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 11 o'clock tomorrow morning.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following unanimous-consent items: Calendar Orders Nos. 1065, 715, 739, 1075, 1083, 1090, 1099, 1121, 1122, 1123, 1124, 1126, and 1127.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I advise the majority leader that each item identified by him is cleared on our calendar, and we have no objection to their consideration.

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

PRESERVATION OF CERTAIN PARTS OF MANASSAS NATIONAL BATTLEFIELD

The Senate proceeded to consider the bill (H.R. 5048) to amend the act entitled "An Act to preserve within Manassas National Battlefield Park, Va., the most important historic properties relating to the Battle of Manassas, and for other purposes", approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b), which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 1, line 4, strike "1979" and insert in lieu thereof "1980";

On page 2, line 10, strike "four thousand seven hundred and fifteen" and insert in lieu thereof "three thousand eight hundred and eighty-two";

On page 2, line 14, strike "August 1979 and numbered 379/80,008", and insert in lieu thereof "September 1980, and numbered 379/80,008";

On page 3, line 14, strike "their present use" and insert in lieu thereof "a use which is the same as that in effect on September 1, 1980";

On page 6, line 8, strike "August 1, 1979" and insert in lieu thereof "September 1, 1980";

On page 6, line 14, strike "$20,018,000" and insert in lieu thereof "$8,210,000";

On page 6, line 21, strike "1979" and insert in lieu thereof "1980";

On page 6, line 25, strike "1980" and insert in lieu thereof "1981";

On page 7, after line 5, insert the following:

SEC. 3. (a) The Secretary of the Interior shall conduct a study to determine appropriate measures for the protection, interpretation, and public use of the natural wetlands and undeveloped uplands of that portion of the Hackensack Meadowlands District identified as the DeKorte State Park on the official zoning maps of that District. The Secretary shall, in the course of the study, consult with and seek the advice of, representatives of interested local, State, and

other Federal agencies. As a part of the study, the Secretary shall determine the suitability and feasibility of establishing the area as a unit of the national park system, including its administration as a unit of Gateway National Recreation Area, together with alternative measures that may be undertaken to protect and interpret the resources of the area for the public. Not later than two complete fiscal years from the effective date of this Act, the Secretary shall transmit a report of the study, including the estimated development, operation, and maintenance costs of alternatives identified therein, to the Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the House of Representatives, together with his recommendations for such further legislation as may be appropriate.

(b) There is authorized to be appropriated from amounts previously authorized to study lands for possible inclusion in the national park system not to exceed $150,000 to carry out the provisions of this Act.

Mr. WARNER. Mr. President, the genesis of this bill was a bill submitted by me, and I thank my colleagues and the Senate for assisting me, particularly my senior colleague from Virginia, Senator HARRY F. BYRD, JR., who cosponsored it.

Mr. President, today marks an historic occasion, for today the Senate takes up, for the first time, the issue of expanding the Manassas National Battlefield Park.

Similar legislation has passed the House of Representatives in three consecutive Congresses, sponsored by Representative HARRIS. However, because that legislation was not acceptable by many of the local citizens of Prince William County, Va., it never gained pairage in the Senate. The bill on which we will vote today has been endorsed, on a unanimous vote in 1980, by the Prince William County Board of Supervisors, and enjoys the consponsorship of my distinguished senior colleague, Senator HARRY F. BYRD, JR.

The War Between the States remains a controversial chapter in American history. Not only did countrymen take up arms against each other, but families were split in their loyalties—each side fighting for a cause they believed noble. Nevertheless a knowledge of the war, tragic as it was, is essential to an understanding of the history of our Nation.

In 1861, after South Carolinians had placed a siege on the garrison at Fort Sumter in Charleston Harbor, battle lines were forming near the town of Manassas, Va. The first major land battle of the imminent war was to take place just south of the Nation's Capital at Washington, D.C. The ladies and gentlemen of Washington put on their finest clothes, packed a picnic lunch, and carriaged out to the country to witness what they believed would be the beginning and the end of the Southern Rebellion.

What they saw, however, was one of the bloodiest military engagements in history as the rebels routed the Federal troops back toward Washington, thus signaling that the Nation was in for many years of conflict and bloodshed.

A second battle, fought on this same field in 1862, was also declared a Southern victory, beginning General Lee's northern campaign which ended at the Battle of Gettysburg in Pennsylvania.

So, Mr. President, we are talking about historically significant and hallowed ground—land that needs to be preserved for future generations of Americans to visit and view in order to understand an important part of our heritage.

However, there are other considerations that must be taken when discussing land preservation. Local citizens—indeed all Americans—must bear a certain amount of the burdens of land preservation.

It would be preferable, of course, if we could financially afford the buffer zones and scenic easements which some would like to add. However, we must respect the integrity of local governments as they attempt to solve the problems for which they are responsible and be ever mindful of the Federal expenditures and taxpayer burdens as a consequence of this proposed legislation.

This legislation strives to do just that. It was at local town meetings where I learned the concerns of the local people; their views shaped this legislation.

Mr. President, this legislation represents what I believe is a fair and equitable balance of all concerned elements. It has been a long time coming, and much work has gone into it.

I would like to thank the Senator from Arkansas, Senator BUMPERS; the Senator from Washington, Senator JACKSON; the distinguished chairman of the Energy and Natural Resources Committee; and the Senator from Oregon, Senator HATFIELD, the ranking member, for their assistance. They have all become participants in what has become known as the Third Battle of Manassas and I would like to thank them for the role they have played in bringing this final battle to a close.

Mr. BUMPERS. Mr. President, I am very pleased to rise in support of H.R. 5048, a bill to expand the boundaries of the Manassas National Battlefield Park.

As reported from the Committee on Energy and Natural Resources, H.R. 5048 would add some 860 acres to the existing Manassas Battlefield Park. As reported, this measure includes within the park boundaries several historically important tracts including, among others, the Brawner Farm, the Wheeler Farm, and the Stone Bridge. While the committee bill includes some 900 acres less than the House-passed bill, I think there is general agreement that the 860 acres which will be added to the park by this legislation comprise the most important parcels from a historical perspective. These parcels are the most critical for the protection and interpretation of this area where the two battles of Manassas were fought.

I should point out that in other respects, the committee reported version of this measure is very similar to the bill that passed the House in October. I ask consent that a brief section-by-section analysis of H.R. 5048 appear in the RECORD at this point.

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

SECTION-BY-SECTION ANALYSIS—H.R. 5048, AS REPORTED

Section 1 states that this legislation may be cited as the "Manassas National Battlefield Park Amendments of 1980."

Section 2 consists of a completely revised text containing provisions as follows:

Section 1 incorporates a referenced map describing the expanded battlefield park, which is to be limited to not more than 3,882 acres. The map is to be available for public inspection, and the Secretary of the Interior is to publish a detailed description and map of the boundaries in the Federal Register within 1 year of the enactment of this legislation. The Secretary is to make no boundary adjustments in the battlefield park, notwithstanding the general authority within the Land and Water Conservation Fund Act. The area is to be administered in accordance with the applicable laws and regulations for the national park system.

Section 2 of the amended text authorizes the Secretary to acquire lands within the area, except that those lands owned by the Commonwealth of Virginia or any of the subdivisions may be acquired only by donation. Areas within the 1954 boundaries may be acquired in fee simple only with the consent of the owner, but this restriction shall apply only as long as such lands remain in their current use. The owner of such property may seek a review, and is entitled to a hearing on the matter, in the event that such an acquisition of fee simple title is proposed.

Provision is made for the Secretary to make available the land necessary for a relocation of Virginia Route 234 through a specified portion of the expanded park, if the State highway department determines that such a relocation is desirable.

The Secretary is to make any such land available subject to whatever terms and conditions, such as road alinement and other factors that will best preserve park values. The Secretary is also restrained from closing any State roads within the park without appropriate action permitting such closure being taken by the State.

Section 3 of the amended text permits the owner of improved residential property to retain a right of use and occupancy for noncommercial residential use for a life term or up to 25 years, at his or her option.

Fair market value, less the value of the retained right, is to be paid when acquiring such property, and the Secretary may terminate such a right for cause. The benefits of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are deemed to be waived for those property owners who retain a right of occupancy.

Section 4 of the text defines the terms "improved property", "park", "Secretary", and "owner" for the purposes of this legislation.

Section 5 permits the expenditure of up to $8,210,000 from the land and water conservation fund for the acquisition of property authorized to be acquired by this legislation in addition to any amounts previously expended. The intent of Congress that the necessary acquisitions shall be made within two complete fiscal years from the enactment of this legislation is also expressed.

Section 3 provides for a study of a portion of the Hackensack Meadowlands District to determine the feasibility and suitability of establishing the area as a unit of the National Park System.

Mr. BUMPERS. Mr. President, as most of my colleagues know, legislation to expand the Manassas Battlefield Park has passed the House several times in the last 6 years. Until now, the legislation has not been considered by the full Senate. This situation has created considerable uncertainty with regard to this area

which benefits no one. Through the leadership and dedication of Senators WARNER and HARRY F. BYRD, JR., the Senate now has a chance to act on this measure, and I hope resolve this controversy once and for all.

The measure before us now reflects the views of my two colleagues from Virginia as expressed in their bill, S. 1857, and their testimony at the subcommittee's hearing on September 3, 1980. Senators BYRD and WARNER should be commended for their efforts in this regard, as should Representative HERB HARRIS who has worked diligently on this legislation for several years. I urge my colleagues to join me in supporting this legislation.

Mr. BRADLEY. Mr. President, I am delighted that Congress has finally commissioned, as part of this legislation, a study by the Department of the Interior to determine whether a Federal park can be created in the Hackensack Meadowlands District of New Jersey.

This is the first step in an effort to have the Federal Government approve the proposed DeKorte Park as part of the national park system. The Hackensack Meadowlands Development Commission has proposed an exciting recreational, cultural, and educational setting easily accessible to 10 million people and 10 times larger than New York City's Central Park. I believe a Federal study will show that for relatively little money—since most of the land is already in public ownership—the U.S. Government could create one of its most valuable national parks.

The Meadowlands is one of New Jersey's richest natural resources. A national park there would serve our urban communities and give focus to the remarkable developments taking place in the area of Hudson, Essex and Bergen Counties.

I hope that this study can be completed expeditiously so that we can have an attractive and exciting park available to millions as soon as possible.

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

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments 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, and passed.

Mr. HARRY F. BYRD, JR. Mr. President. I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

PROTECTION OF THE JOHN SACK CABIN

The Senate proceeded to consider the bill (S. 924) to provide for the protection of the John Sack Cabin, Targhee National Forest in the State of Idaho, which had been reported from the Committee on Energy and Natural Resources with amendments as follow:

On page 2, line 3, strike "shall' and insert "is authorized to";

On page 2, beginning with line 12, strike through and including line 14.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress, assembled, That for the purpose of providing for the public use and enjoyment of the John Sack Cabin, Targhee National Forest, State of Idaho, and to protect and preserve such cabin as a unique example of craftsmanship, the Secretary of Agriculture, in consultation with the Fremont County Historical Society and other interested organizations, is authorized to take such action as may be necessary in order to provide for the protection and maintenance of the John Sack Cabin and associated structures. In carrying out the requirements of this Act, the Secretary is authorized, in accordance with existing law, to enter into a cooperative agreement with, or to issue a special use permit to, an appropriate person or organization pursuant to which such person or organization shall provide such protection and maintenance.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

NORTH CAROLINA JUDICIAL DISTRICT REALINEMENT

The Senate proceeded to consider the bill (S. 2326) to amend section 113 of title 28, United States Code, to place the Federal correctional institution at Butner, N.C., entirely within the eastern district of North Carolina.

UP AMENDMENT NO. 1696

(Purpose: To relieve from liability the State of New Mexico from obligation or liability for reimbursement to the United States as a result of a prison disruption)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from New Mexico (Mr. DOMENICI).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. DOMENICI, proposes an unprinted amendment numbered 1696.

Mr. BAKER. 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:

In the appropriate place, add a new section:

RELIEF FROM LIABILITY

The State of New Mexico is relieved from any obligation or liability for reimbursement to the United States arising under section 5003(a) of title 18 of the United States Code, for the period described in paragraph (2) for any costs or expenses incurred by any Federal facility for the custody, care, subsistence, education, treatment, or training of those prisoners of the State of New Mexico required to be temporarily placed in Federal facilities as a result of the prison disruption in the New Mexico State Penitentiary on February 2 and 3, 1980.

(2) Paragraph (1) applies to the period beginning on the date any Federal facility acquired custody of any such prisoner and ending on the date of enactment of this Act.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 113(a) of title 28, United States Code, is amended by adding at the end thereof the following new paragraph:

"The Eastern District also includes that portion of Durham County encompassing the Federal property of the Federal correctional institution, Butner, North Carolina."

SEC. 2. Section 113(b) of title 28, United States Code, is amended by adding, after the word "Durham", the following: "(excluding that portion of Durham County encompassing the Federal correctional institution, Butner, North Carolina)".

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

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

The motion to lay on the table was agreed to.

CIVIL SERVICE REFORM ACT

The Senate proceeded to consider the bill (S. 2267) to amend the Civil Service Reform Act of 1978, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause and insert the following:

That sections 2302(a)(2)(C)(1), 3132(a)(1), and 4301(1)(1) of title 5, United States Code, are each amended by inserting "(other than the Export-Import Bank of the United States)" after "corporation".

SEC. 2. The amendments made by this Act shall take effect on the date of the enactment of this Act, except that—

(1) section 4302 of title 5, United States Code, shall be applied by substituting "October 1, 1982" for "October 1, 1981" in subsection (b)(2), and

(2) nothing in this Act shall be construed as authorizing the enactment of new budget authority for the fiscal year beginning October 1, 1980.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

FEDERAL INTERAGENCY MEDICAL RESOURCES SHARING AND COORDINATION ACT

The Senate proceeded to consider the bill (S. 2958) to insure the development and implementation of policies and procedures to encourage the Veterans' Administration and the Department of Defense to cooperate in the efficient and effective use of Federal medical resources,

and for other purposes, which had been reported from the Committee on Governmental Affairs with amendments, as follows:

On page 2, line 8, strike "facilities", and insert the following: "facilities, reduce costs, and enhance health care;"

On page 2, after line 9, insert the following:

(2) Optimum coordination between the Veterans' Administration and Department of Defense, the largest Federal providers of direct health care, would reduce health care costs and, in many cases, improve the quality of, and access to care available to Federal beneficiaries;

On page 2, line 16, strike "(2)" and insert "(3)";

On page 2, line 21, strike "(3)" and insert "(4)";

On page 3, line 1, strike "(4)" and insert "(5)";

On page 4, line 8, beginning with "There" strike through and including the period on line 12;

On page 4, line 15, strike "Committee shall," and insert the following:

"Secretary of Defense and Administrator of the Veterans' Administration shall jointly,";

On page 4, line 21, strike "health" and insert "medical";

On page 5, line 13, strike "facilities and services" and insert "resources";

On page 5, line 20, strike "Federal";

On page 5, after line 21, insert the following:

(6) With regard to the above duties, shall consult, when appropriate, with other Federal providers to encourage optimum coordination in the delivery of direct health care.

On page 6, line 1, strike "(6)" and insert "(7)";

On page 6, line 1, after "Prescribe" insert "uniform";

On page 6, line 6, after the period insert the following:

"The uniform guidelines prescribed shall be subject to ratification by each of the agency heads invloved.";

On page 6, line 18, strike "Federal";

On page 7, line 3, strike "hospital or medical care" and insert "direct health care";

On page 7, line 20, beginning with "Funds" strike through and including line 24;

On page 8, line 4, strike "agency headquarters" and insert "agency";

On page 8, strike line 15 through and including line 19;

On page 8, line 20, strike "(d)" and insert "(c)";

On page 8, line 21, beginning with "report" strike through and including "Representatives" on line 24 and insert "prepare a joint report to Congress";

On page 9, after line 7, insert the following:

"(2) the opportunities for interagency sharing as required in section 4(a)(1)";

On page 9, line 10, strike "(2)" and insert "(3)";

On page 9, line 13, strike "(3)" and insert "(4)";

On page 9, line 15, strike "(4)" and insert "(5)";

On page 9, line 18, strike "(5)" and insert "(6)";

On page 9, line 20, strike "(6)" and insert "(7)";

On page 9, line 22, strike "(7)" and insert "(8)";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Interagency Medical Resources Sharing and Coordination Act of 1980".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) coordination among Federal agencies in the use of Federal medical resources would minimize duplication and underutilization of Federal direct health care facilities, reduce costs, and enhance health care;

(2) Optimum coordination between the Veterans' Administration and Department of Defense, the largest Federal providers of direct health care, would reduce health care costs and, in many cases, improve the quality of, and access to care available to Federal beneficiaries;

(3) greater interagency sharing of medical resources between the Veteran's Administration and the Department of Defense may be achieved without a detrimental effect on each agency's primary beneficiaries;

(4) currently there are not adequate incentives in the various Federal direct health care delivery systems to encourage maximum interagency use of Federal medical resources; and

(5) the Veterans' Administration and the Department of Defense should, to the extent feasible within each agency's responsibilities, share medical resources and increase the coordination of medical care.

(b) It is the purpose of this Act to clarify and expand the authority of the Veterans' Administration and the Department of Defense as direct health care providers in order to facilitate Federal interagency sharing of medical care and medical care support resources.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "direct health care" means any health care provided to an eligible beneficiary in a facility operated by the United States Government, including inpatient care and any type of outpatient treatment, testing, or examination;

(2) "beneficiary" means any individual who is entitled by law to direct health care furnished by the Veterans' Administration or the Department of Defense;

(3) "providing agency" means the Veterans' Administration or the Department of Defense;

(4) "primary beneficiary" means an individual who is specifically entitled by law to direct health care in the facilities of a particular providing agency;

(5) "negotiated cost" means the cost determined by local hospital officials on a medical service-by-service, hospital-by-hospital basis to be an equitable and consistent charge for the services provided; and

(6) "medical resource" means medical care and medical care support resources.

INTERAGENCY FEDERAL MEDICAL CARE COORDINATION

SEC. 4. (a). In order to establish policies applicable to the Veterans' Administration and the Department of Defense as Federal direct health care providers with regard to interagency sharing of medical resources, the Secretary of Defense and Administrator of the Veterans' Administration shall jointly notwithstanding any other Federal law relating to interagency sharing of medical resources, undertake the following:

(1) Assess the opportunities for interagency sharing of existing medical resources between the Veterans' Administration and the Department of Defense.

(2) Remain continuously apprised of the planning of any additional Veterans' Administration or Deparment of Defense medical facilities, including the location of new facilities and the acquisition of major new medical equipment, with regard to the impact of such plans on opportunities for interagency sharing.

(3) Review existing Veterans' Administration and Department of Defense direct health care capabilities, including support and administrative services, to identify sharing opportunities that will not adversely affect the quality of, or the established priority of, care provided.

(4) Prescribe policies and procedures designed to maximize the interagency sharing of Veterans' Administration and the Department of Defense medical resources.

(5) Coordinate the establishment of uniform interagency health care policies and procedures for providing agencies and monitor the implementation of such policies and procedures, including policies and procedures for coordinated planning for future development of each agency's direct health care delivery system.

(6) With regard to the above duties, shall consult, when appropriate, with other Federal providers to encourage optimum coordination in the delivery of direct health care.

(7) Prescribe uniform guidelines, within 180 days after the date of the enactment of this Act, to directors and commanding officers of health care facilities within the Veterans' Administration and the Department of Defense for the sharing of medical resources by such health care facilities. The uniform guidelines prescribed shall be subject to ratification by each of the agency heads involved. Such guidelines shall provide, consistent with the policies and procedures developed under this Act, for the following:

(A) The director or commanding officer of each health care facility within the jurisdiction of the Veterans' Administration and the Department of Defense shall, whenever possible, enter into interagency cooperative sharing arrangements with other health care facilities of such providing agencies. Under such arrangements, a beneficiary eligible for direct health care in one agency's facility may receive medical care at a providing facility of the other agency.

(B) Services to be shared may include any medical resource.

(C) Medical resources to be shared shall be negotiated by the directors or commanding officers of the health care facilities entering into an arrangement.

(D) the availability of direct health care to beneficiaries of an agency other than the providing agency shall be on a referral basis, and shall not, as determined by the directors or commanding officers participating in such arrangements, adversely affect the quality of care and priority access for medical services of the providing agency's beneficiaries.

(E) Whenever a beneficiary receives medical services from a providing agency other than the particular providing agency for which such beneficiary is a primary beneficiary, such providing agency shall be reimbursed based on negotiated costs as agreed by the directors or commanding officers of the participating health care facilities.

(F) Reimbursement shall be credited when received by the providing agency to the specific facility that provided the medical service.

(G) Sharing arrangements shall be operative upon agreement of the directors or commanding officers entering into such arrangements unless disapproved upon submission to each agency.

(H) Nothing in this Act shall be construed to preclude sharing of medical resources pursuant to any other law among all Federal direct health care providers.

(b) The joint responsibilities of the Administrator of Veterans' Affairs and the Secretary of Defense under this Act with regard to uniform direct health care shall not be construed to alter any single agency's responsibilities with regard to the provision of medical services provided by law.

(c) The Veterans' Administration and the Department of Defense shall prepare a joint report to Congress on the date one year after the date of the enactment of this Act, and annually thereafter, and to the Committees on Appropriations of the Senate and the House of Representatives upon the presentation of such agency's appropriations request each fiscal year, with regard to—

(1) the guidelines prescribed pursuant to subsection (a)(6);

(2) the opportunities for interagency sharing as required in section 4(a)(1);

(3) the interagency sharing arrangements entered into by health care facilities of such providing agency;

(4) each providing agency's activities pursuant to cooperative interagency sharing arrangements;

(5) other interagency activities directed toward maximizing the efficient use of Federal health resources during the preceding fiscal year;

(6) the progress of Federal interagency medical resource sharing;

(7) the interagency coordination of Federal health resources planning; and

(8) other major Federal activities to increase interagency sharing of Federal medical resources. Legislative recommendations may be included in such reports.

Amend the title so as to read: "A bill to ensure the development and implementation of policies and procedures to encourage the Veterans' Administration, the Department of Defense, and other Federal health care providers to cooperate in the efficient and effective use of Federal medical resources, and for other purposes.".

Mr. PERCY. Mr. President, in recent years, increasing concern has been expressed in the Congress and elsewhere over the rapidly increasing costs of medical care in the Nation. As in the private sector, Federal agencies' costs to provide health care directly to eligible beneficiaries have continued to rise, and substantial efforts have been made to explore ways of reducing these costs without adversely affecting the quality of care.

This legislation, to which I am happy to have Senator PROXMIRE, Senator COHEN, and Senator DURENBERGER as cosponsors, is the result of more than 5 years of study by the GAO and others into the Federal Government's lack of interagency coordination in its $10 billion a year hospital system.

Their findings were revealed in a recent governmental affairs hearing on this matter. They leave no doubt that legislation is needed before tremendous opportunities for saving millions of dollars and improving the delivery of health care in the Veterans' Administration's, Defense Department's and other Federal agencies' 308 hospitals can be realized through greater interagency sharing.

Examples of waste and inefficiency are plentiful. For instance:

In North Chicago the VA and Navy operate hospitals less than a mile from each other. While the Navy's modern facility sits more than three-quarters empty because of a lack of doctors, forcing them to spend $3 million on private sector care, the VA nearby plans to spend millions in coming years on its crumbling 1905 era buildings. The VA enjoys a relative abundance of doctors. Current laws, regulations, and other problems have held up attempts to coordinate resources among the two Federal facilities.

For lack of a VA-Army agreement to share Boston VA orthopedic services, the Army flies dozens of patients from Boston to Walter Reed Hospital in Washington on its very expensive air evacuation system when more convenient and less costly treatment could be provided by the VA.

The Federal Government's Public Health Service Hospital in Seattle has a spinal cord injury center just 2 miles from a VA hospital that lacks such facilities. In 1 year, the VA transported 19 spinal cord injury patients to Long Beach, Calif., because regulations required patients to be treated within the same agency. The Seattle VA is now planning to construct its own $7 million spinal cord center just 2 miles from the other Federal facility. These are not isolated cases.

All of those testifying at our hearing gave the following reasons for these inefficiencies:

There are legal obstacles preventing efficient use of Federal medical resources, primarily, restrictions on what types of services may be shared among agencies and what beneficiaries may be treated.

There are clear disincentives mitigating against greater cross-agency coordination. For instance, when a local VA hospital agrees to provide a service to a Defense Department facility, the funds reimbursed for that service go to Washington rather than to the providing hospital. Whereas, if that same hospital buys that service from a private hospital, where costs may be four times higher to the taxpayer, they get reimbursed directly.

Finally, witnesses concluded that there is a need for a specific legislative policy for interagency sharing.

The purpose of S. 2958 is simple: Clear away the legal and administrative barriers to sharing, create incentives at the local level, and encourage the agencies to begin assessing money-saving opportunities for sharing and implement them expeditiously. The legislation also provides specific safeguards to prohibit sharing where it would adversely affect the quality of, or established priority access to, direct health care by Federal beneficiaries.

Reaction to the bill has been nearly unanimous—this legislation is needed. Perhaps the GAO put it best when they said, "the enactment of S. 2958 would represent a significant step forward in which Federal agencies could make the most cost-effective use of their medical resources while maintaining, or perhaps, enhancing, the quality of care provided to their many beneficiaries."

Mr. PROXMIRE. Mr. President, I am pleased to rise in support of S. 2958, a bill to encourage the development and implementation of policies which will encourage the sharing of Federal medical resources between the two largest health care providers in the Federal Government—the Veterans' Administration and the Department of Defense. I want to commend the distinguished Senator from Illinois, Senator PERCY for taking the initiative on this legislation and I am proud to be an original cosponsor of the bill.

Mr. President, this legislation is long overdue. As chairman of the Senate Appropriations Subcommittee on HUD-Independent Agencies, which funds the Veterans' Administration's programs, I have continually stressed to the Agency during budget hearings that the VA should vigorously pursue a program of sharing medical resources both among Federal agencies and with community health care providers. I believe that effective sharing programs can serve to enhance the VA's efforts to provide the highest quality of health care in the face of substantial increases in the cost of providing such care to our Nation's veterans.

Although there has been some movement by the VA to pursue administrative remedies to promoting sharing with the Defense Department and other health care providers, the committee has been receiving conflicting and confusing signals from the VA on steps it can take to promote the sharing of health care resources and services.

For example, in June 1978 the GAO, after a comprehensive study, indicated that legislation may be needed to encourage sharing of Federal medical resources and to remove some obstacles which currently impede sharing from occurring. However, the GAO also said that several additional obstacles to sharing could be removed by the administrative action of the VA and other Federal agencies.

In response to that GAO report, the VA stated that the GAO's call for legislative remedies was not needed and that administrative remedies could remove the obstacles to sharing. However, in testimony before the Congress in 1979 on the activities and progress of the interagency Federal Health Resources Sharing Committee, established in February 1978, the VA said that it had not reexamined its regulations on sharing because it believed that legislation was necessary to overcome one of the principal obstacles to sharing, that is, reimbursement among agencies for shared medical resources and services. These contradictory responses by the VA to the issue of sharing health care resources and services, coupled with the apparent failure of the Federal Health Resources Sharing Committee's efforts to work out problems of special interest to Federal direct health care providers and to explore ways to make better use of the Government's medical care resources, seem to be symptomatic of the stagnant state of the Federal effort to implement an effective interagency sharing program.

Therefore, it is clear that legislative relief is essential to clear the way for comprehensive sharing arrangements between DOD and the VA. S. 2958 will go a long way toward removing the last remaining obstacles to an effective Federal health care resources sharing program. At the same time, this bill will not only not cost the taxpayers any money, it has the potential for saving hundreds of millions of tax dollars, while actually improving the quality of care that veterans will receive.

As the distinguished Senator from Illi-

nois has pointed out in his statements supporting this legislation, the General Accounting Office has found numerous examples of instances where an effective sharing program between the VA and the Defense Department could have saved the taxpayers literally millions of dollars without diminishing the availability or quality of care for our veterans.

For example, in the Senator's own State of Illinois, the Great Lakes Naval Hospital in north Chicago, remains virtually empty, while its next door neighbor the mammoth North Chicago VA Hospital plans to spend $25 million over the next few years to renovate patient bed sections. If the Percy-Proxmire bill is enacted, incentives would be set in place which could allow the Great Lakes Naval Hospital and the VA hospital to use the empty beds at Great Lakes for veteran patients. The savings could be substantial.

In my own subcommittee, the GAO has reported on several occasions regarding opportunities for the VA to increase sharing of both specialized medical capabilities, such as cardiac catheterization laboratories, computerized tomography scanners, radioactive therapy units, as well as more routine medical resources and services.

Mr. President, I am pleased to note that the VA and the other major Federal health care provider, the Department of Defense, appear to be supportive of this legislation, as are the important national veterans organizations whose constituent groups would stand to benefit the most from an effective, efficient health care resources sharing program. We owe our veterans the highest quality of medical care and I believe that this legislation will both enhance medical care for veterans and save the taxpayers from unnecessary or duplicative medical care expenditures. I enthusiastically support this bill and hope that my colleagues in the House will also support identical legislation.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read:

"A bill to ensure the development and implementation of policies and procedures to encourage the Veterans' Administration, the Department of Defense, and other Federal health care providers to cooperate in the efficient and effective use of Federal medical resources, and for other purposes."

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

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

The motion to lay on the table was agreed to.

PAY AND BENEFITS OF CERTAIN EMPLOYEES OF THE DRUG ENFORCEMENT ADMINISTRATION

The Senate proceeded to consider the bill (S. 2327) to provide that certain employees of the Drug Enforcement Administration be entitled to pay and benefits similar to pay and benefits granted to members of the Senior Executive Service under the Civil Service Reform Act of 1978, which had been reported from the Committee on Governmental Affairs with an amendment to strike out all after the enacting clause and insert the following:

That in accordance with regulations to be prescribed by the Attorney General, the Administrator of the Drug Enforcement Administration may establish a Drug Enforcement Administration Senior Executive Service (hereinafter referred to as the DEA Senior Executive Service) to ensure that the executive management of the Drug Enforcement Administration is responsive to the needs, policies, and goals of the Department and otherwise is of the highest quality. The DEA Senior Executive Service shall be administered so as to—

(1) provide for a compensation system, including salaries, benefits, and incentives, and for other conditions of employment, designed to attract and retain highly competent senior executives;

(2) ensure that compensation, retention, and tenure are contingent on executive success which is measured on the basis of individual and organizational performance (including such factors as improvements in efficiency, productivity, quality of work or service, cost efficiency, timeliness of performance, and success in meeting equal employment opportunity goals);

(3) assure that senior executives are accountable and responsible for the effectiveness and productivity of employees under them;

(4) recognize exceptional accomplishment;

(5) enable the Administrator to reassign senior executives to best accomplish the agency's mission;

(6) provide for early retirement for senior executives who are removed from the DEA Senior Executive Service for reasons of performance;

(7) provide for program continuity and policy advocacy in the management of public programs;

(8) maintain a senior executive personnel system free of prohibited personnel practices;

(9) ensure accountability for honest, economical and efficient Government;

(10) ensure compliance with all applicable civil service laws, rules, and regulations, including those related to equal employment opportunity, political activity, and conflicts of interest;

(11) provide for the initial and continuing systematic development of highly competent senior executives; and

(12) provide for an executive system which is guided by the public interest and free from improper political interference.

SEC. 2. (a) Notwithstanding the provisions of section 201 of the Crime Control Act of 1976 (5 U.S.C. 5108, note; 90 Stat. 2425), the Administrator of the Drug Enforcement Administration is authorized to—

(1) appoint, promote, demote, reassign, and remove an employee in connection with a DEA Senior Executive Service position, and

(2) remove an employee serving in such a position from the civil service.

(b) For purposes of this Act, the term "DEA Senior Executive Service position" means a position—

(1) in the Drug Enforcement Administration in GS–16, 17, or 18, or equivalent level, and

(2) which meets requirements consistent with the provisions of section 3132(a)(2) of title 5, United States Code.

(c)(1) Subject to the provisions of section 5108 of title 5, United States Code, the Attorney General shall establish positions as DEA Senior Executive Service positions.

(2) Section 5108(a) of such title is amended—

(A) by striking out "and" at the end of clause (i),

(B) by striking out the period at the end of clause (ii) and inserting a comma and "and",

(C) by inserting after clause (ii) the following new clause:

"(iii) the Drug Enforcement Administration Senior Executive Service.", and

(D) by inserting "or in the Drug Enforcement Administration Senior Executive Service" after "Federal Bureau of Investigation".

(d) Paragraph (1) of section 201(a) of the Crime Control Act of 1976 (5 U.S.C. 5108 note; 90 Stat. 2425) is amended to read as follows:

"(1) positions in the Drug Enforcement Administration Senior Executive Service, and".

SEC. 3. (a) The Administrator shall develop a performance appraisal system designed to—

(1) permit the accurate evaluation of performance in any DEA Senior Executive Service position on the basis of criteria which are related to the position and which specify the critical elements of the position;

(2) provide for systematic appraisal of performance of senior executives;

(3) encourage excellence in performance by senior executives; and

(4) provide a basis for retention and awards in the DEA Senior Executive Service.

(b) The performance appraisal system established under subsection (a) of this section shall provide that—

(1) written performance requirements for each DEA Senior Executive Service position are to be established and communicated to the senior executives prior to the rating period,

(2) written appraisals of performance are to be based upon individual and organizational requirements established for the rating period and the senior executive is to be provided a copy of the appraisal and rating, and

(3) a senior executive may not appeal any appraisal or rating under this section.

(c) The appraisals of performance in the DEA Senior Executive Service shall be based upon both individual and organizational performance, taking into account such factors as—

(1) improvement in efficiency, productivity, and quality of work or service, including any significant reduction in paperwork;

(2) cost efficiency;

(3) timeliness of performance;

(4) other indications of the effectiveness, productivity, and performance quality of the employees for whom the senior executive is responsible; and

(5) meeting affirmative action goals and achievement of equal employment opportunity requirements.

(d) The DEA Senior Executive Service performance appraisal system shall provide for annual summary rating levels of performance to be prescribed by the Administrator.

(e) Section 4301(2)(E) of title 5, United States Code, is amended by inserting "or the Drug Enforcement Administration Senior Executive Service" after "Service".

SEC. 4. (a) Development of employees in the DEA Senior Executive Service shall be consistent with the provisions of subsections (a) and (b) of section 3396 of title 5, United States Code, relating to career development.

(b) The Administrator of the Drug Enforcement Administration may grant a sabbatical to any individual serving in a DEA Senior Executive Service position for not to exceed 11 months in order to permit the executive to engage in study or uncompensated work experience which will contribute to the executive's development and effectiveness. A sabbatical shall not result in loss of, or reduction in, pay, leave, credit for time or service, or performance or efficiency rating. The Administrator may authorize such travel expenses (including per diem allowance) as may be determined to be essential for the duty or experience. A sabbatical under this

subsection may not be granted to any such executive—

(1) more than once in any ten-year period;

(2) unless the executive has completed five years of Federal service, two of which must have been at a level equivalent to the DEA Senior Executive Service; or

(3) within 1 year of the executive's eligibility for retirement under subchapter III of chapter 83 of title 5, United States Code.

(c) The President is authorized to award ranks to members of the DEA Senior Executive Service recommended for such awards by the Attorney General in a manner consistent with the provisions applicable to the Office of Personnel Management and the President under section 4507 of title 5, United States Code.

SEC. 5. (a) The Administrator is authorized to establish and adjust rates of pay for DEA Senior Executive Service positions in a manner consistent with the principles contained in section 5382 and 5383 of title 5, United States Code, and to grant performance awards in a manner consistent with section 5384(a) of title 5, United States Code.

(b) Annual leave accrued by an individual while serving in a DEA Senior Executive Service position shall not be subject to the limitation on accumulation otherwise imposed by section 6304 of title 5, United States Code.

(c) The Administrator is authorized to pay travel and per diem expenses of new appointees and candidates for DEA Senior Executive Service positions which are incurred in connection with preemployment interviews requested by the Administrator or in connection with moves of new appointees and their families to the first post of duty.

SEC. 6. Section 8336(h) of title 5, United States Code, is amended—

(1) by inserting "or Drug Enforcement Administration Senior Executive Service" after "Senior Executive Service" each place it appears; and

(2) by inserting "or comparable provision of law" after "title".

SEC. 7. The amendments made by this Act shall take effect on the date of the enactment of this Act, except that nothing in this Act shall be construed as authorizing the enactment of new budget authority for the fiscal year beginning October 1, 1980.

Amend the title so as to read: "A bill to authorize the establishment of a Drug Enforcement Administration Senior Executive Service, and for other purposes.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

IMPLEMENTING OBJECTIVES OF THE INTERNATIONAL YEAR OF DISABLED PERSONS

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 73) expressing the sense of the Congress with respect to implementing the objectives of the "International Year of Disabled Persons."

RESOLUTION ON INTERNATIONAL YEAR OF DISABLED PERSONS

Mr. DOLE. Mr. President, in January of this year, the Senator from Kansas introduced Senate Concurrent Resolution 73, a concurrent resolution that was intended to underline the need for continued progress in the area of handicapped legislation. This resolution should complement the United Nations' proclamation of 1981 as the "International Year of Disabled Persons." We in Congress need to reinforrce and expand upon the progress made through legislation during the last decade under the provisions of the Rehabilitation Act of 1973, as well as certain tax incentives that we have put into effect. While Congress has played a significant role in the past in terms of promoting the human rights of the handicapped, there are many problems that continue to plague 35 million disabled Americans.

ELIMINATION OF BARRIERS

Through the Rehabilitation Act of 1973, progress has been made in the areas of education and employment for the handicapped. As current law now stands, this is the only form of civil rights that is outlined for handicapped Americans. During the last decade, we have witnessed the reduction of architectural and transportation barriers that had previously hindered the handicapped in coping with the physical nature of their environment. Because they are now better able to function in the world around them, increased numbers of handicapped individuals have progressed into the mainstream of our society. However, the handicapped continue to face large hurdles that must be overcome in order to insure their continued progress in the future.

Prejudice and discrimination have been somewhat alleviated by the growing public awareness that handicapped people are capable of being productive citizens, able to contribute and actively participate in the society around them, often with very little accommodation. However, some built-in attitudes in our society continue to cause difficulties for our Nation's disabled citizens. In fact, prejudice and outmoded employer attitudes constitute the most formidable barrier to employment opportunities.

DIVERSITY PRESENTS PROBLEMS

One of the major obstacles to implementing a comprehensive approach in assisting handicapped Americans is the inherent diversity within this category of individuals in terms of specific handicaps, as well as individual needs. There appears to be no comprehensive solution to their many problems. For example, accommodation on the part of an employer for one type of handicap may not necessarily address the needs of another disabled person. It is essential to realize that the needs of the handicapped arise from a variety of physical and psychological dysfunctions that are as unique as the types of accommodation they require. Outmoded employer attitudes exaggerating what these accommodations would entail have prohibited the entrance of many disabled citizens into certain areas of the private sector.

LEGISLATING AGAINST ATTITUDES

Mr. President, I realize that it is difficult to legislate against certain attitudes and misconceptions, but I feel that, through Senate Concurrent Resolution 73, more attention will be focused on the problems which continue to hinder the progress of the handicapped. This increased awareness of the needs of disabled individuals is being achieved through the United Nations proclamation of 1981 as the "International Year of Disabled Persons." In response the United States has created the "U.S. Council for the International Year of Disabled Persons," which will concentrate on our efforts in this area at home. The Senator from Kansas is privileged to serve as an honorary member of this U.S. Council.

Hopefully, by raising the awareness level of the public to the problems faced by disabled Americans, we will begin to foster a true understanding of their potential contribution to our society as we attempt to address these problems. There needs to be more emphasis on what handicapped people can do—not on what they cannot do. Once this level of understanding is reached, we can hope to more fully integrate handicapped individuals into the mainstream of our society.

CONGRESSIONAL INITIATIVES

We as Members of Congress can accelerate this integration into the mainstream of community life by promoting legislative initiatives that will enhance opportunities for handicapped individuals to participate as active members of our society. We should keep our eyes open to possibilities for creating new opportunities, while building on the foundation of progress that already exists.

There is no doubt that, when a person really believes that he or she can make a valuable contribution to society, that individual should be given every opportunity to develop and participate in a barrier-free world. During the remainder of this session of Congress, and especially during the year to follow, I urge my colleagues to focus their attention on further ways to improve programs for the handicapped, as well as to create new initiatives that will further aid the progress of the handicapped through open doors within our great American society. While pursuing these goals, we should always keep in mind that there are 35 million Americans out there who comprise a valuable national resource and have a lot to give our country.

The concurrent resolution was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, as agreed to, and the preamble, are as follows:

Whereas a new era in recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1981 as the International Year for Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of thirty-five million American citizens with physical and mental disabilities;

Whereas there is still much to be done toward opening doors for disabled persons; and

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense

of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the International Year of Disabled Persons (1981), as proclaimed by the United Nations General Assembly Resolution 31/123 of December 16, 1976.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

NATIONAL PRODUCTIVITY IMPROVEMENT WEEK

The Senate proceeded to consider the resolution (S. Res. 523) to designate the week of October 6 through October 12, 1980, as "National Productivity Improvement Week," which was considered and agreed to.

The accompanying preamble was agreed to.

The resolution and preamble are as follows:

Whereas inflation continues to present a serious threat to the economic fabric of the United States of America; and

Whereas the deterioration of the economic well-being of the United States brings with it a lessening of the standard of living and quality of life for all American citizens, and endangers the national security; and

Whereas increases in the rate of productivity in industry, business, and government have been shown to have a significant influence in reducing inflation; and

Whereas the United States continues to experience an alarming slowdown in productivity growth: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States by proclamation designate the week of October 6 through October 12, 1980, to be "National Productivity Improvement Week", for the purpose of providing for a better understanding of the debilitating effects of stagnating productivity on the economic well-being of the United States, for an increased public awareness of the potential for significantly reduced inflation offered by productivity growth, and for encouraging the development of methods to improve individual and collective productivity in the public and private sectors.

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

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

The motion to lay on the table was agreed to.

FREEDOM OF INFORMATION DAY

The joint resolution (S.J. Res. 196) authorizing the President to proclaim March 16 of each year as "Freedom of Information Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

Whereas a free press exists to serve the American people whose daily decisions rest on their having information;

Whereas a fundamental principle of our Nation is that, given information, the people can make the decisions that determine their present and their future;

Whereas if these decisions are to be wise, they must be reached after weighing the facts and considering the alternatives and consequences;

Whereas the freedom we cherish in this land is rooted in information;

The title was amended so as to read:

Joint resolution authorizing the President to proclaim March 16, 1981, as "Freedom of Information Day".

Whereas this freedom of information deserves to be emphasized and celebrated annually;

Whereas many Americans, because they have never known any other way of life, take the freedom of information provided under the first amendment of the Constitution for granted;

Whereas many Americans do not recognize fully how this provision of the Bill of Rights affects their daily lives; and

Whereas March 16 is the birthday of James Madison who was the Founding Father who recognized and supported the need to guarantee individual rights through the first ten amendments to the Constitution: Now, therefore, be it

Resolved by the Senate and House of Representativse of the United States of America in Congress assembled, That the President is authorized and requested to designate March 16 of each year as "Freedom of Information Day", and to call upon Federal, State, and local government agencies, and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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

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

The motion to lay on the table was agreed to.

NATIONAL HIGH SCHOOL ACTIVITIES WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 199) designating the week of September 28–October 4, 1980, as "National High School Activities Week."

Mr. DOLE. Mr. President, on August 27, 1980, the Senator from Kansas introduced Senate Joint Resolution 199, a resolution designating National High School Activities Week as the week of September 28 to October 4, 1980. This resolution has as its cosponsors many distinguished Senators on both sides of the aisle: Senators BAUCUS, BAYH, BENTSEN, BRADLEY, BUMPERS, BURDICK, CANNON, CHAFEE, COCHRAN, DANFORTH, DECONCINI, DURENBERGER, HEFLIN, HELMS, HOLLINGS, JAVITS, KASSEBAUM, LAXALT, MCGOVERN, MELCHER, MORGAN, NELSON, PRYOR, ROTH, THURMOND, BIDEN, and YOUNG.

This resolution also has the support of the following education organizations: The National Federation of State High School Associations, the President's Council on Physical Fitness, the American Federation of Teachers, the National Education Association, the National School Boards Association, the National Association of Secondary School Principals, the National PTA, the National Catholic Education Association, the National Association of Independent Schools, the American Alliance of Health, Physical Education, Recreation and Dance, the National High School Coaches Association, the Chief Cities Council of Superintendents, the National Association of School Superintendents, and the AASA.

This widespread support indicates the important role high school activities have come to play in our communities, as well as in the schools themselves. We all recognize the value of an academic education. However, many of us fail to remember how essential extracurricular activities are in building a sense of responsibility, confidence, and leadership skills. Through directed, organized activities, students learn to participate in programs such as sports, debate, student government, honor societies, and theater which serve to develop their ability to work together—to cooperate in striving for a common goal.

These programs, regardless of their specific nature, are all designed to develop skills that enhance the knowledge achieved in the classroom. They provide evidence that, often, the most effective source of learning is active participation—actually doing something rather than memorizing how it should be done. By developing creative instincts and increasing the potential for self-confidence and achievement, young people can better prepare themselves for situations that will confront them later in life. It can also contribute to the overall socialization process by which young people become well-rounded individuals that are willing and able to become involved in their communities.

In highlighting the many rewards high school activities hold for young people, we must not overlook the dedicated teachers and other professionals who take the time and effort to make these programs possible. Their efforts often go unrewarded and scarcely recognized, yet they continue to offer their time and energies merely for the satisfaction of helping young people grow.

Mr. President, I believe there can be little argument that high school activities play a vital role in the lives of teenagers. Therefore, I think it is only fair that we take the time to publicly recognize their importance. We continue to hear about the shortcomings of our present education system. Perhaps it is time to give equal consideration to the positive aspects of our schools. I believe the best way to do this would be to generate public awareness in recognizing high school activities. I ask the support of my colleagues in approving this resolution.

The joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

Whereas more than half of the senior high school students in most high schools of this Nation are involved in at least one extracurricular activity program;

Whereas this "other half of education" plays a significant role in the total educational development of high school students;

Whereas activities in sports, speech, music, debate, theater, dance, journalism, and other

areas provide a constructive outlet for the energies and creative talents of young people;

Whereas extracurricular activities extend opportunities for socialization and interaction among high school students;

Whereas high school activities directly benefit local communities by keeping young people busy and channeling their interests in a positive way;

Whereas high school activities contribute much toward developing more well-rounded individuals and expanding the awareness and capabilities of high school students beyond the academic world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall designate the week of September 28–October 4, 1980, as "National High School Activities Week", in recognition of the valuable contribution that such programs make in developing the interests and talents of young people at the community level.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

NATIONAL LUPUS WEEK

The joint resolution (S.J. Res. 201) to provide for the designation of a week as "National Lupus Week" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 201

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week of October 19 through 25, 1980, as "National Lupus Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

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

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

The motion to lay on the table was agreed to.

SALVATION ARMY DAY

The joint resolution (S.J. Res. 207) to authorize and request the President to proclaim November 28, 1980, as "Salvation Army Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and the preamble are as follows:

Whereas the Salvation Army is celebrating its one hundredth year of dedicated service in the United States to people of all races and creeds;

Whereas the Salvation Army assisted over 30,000,000 people last year by providing dispensaries, clinics, hospitals, homes for children, homes for senior citizens, Evangeline residences for business women, summer camps, youth clubs, foster care services, employment services, counseling for unwed mothers, day care centers, refugee settlement centers, skid row centers, social service centers, emergency shelters, various services to individuals in the armed forces and in correctional institutions, and numerous other programs;

Whereas the Salvation Army has unselfishly collected donations each Christmas for food, clothing, and remembrances which are distributed to more than 2,000,000 needy and forgotten people;

Whereas the Salvation Army can be relied upon in a time of emergency, as individuals living in the Mount St. Helens area and the area damaged by Hurricane Allen know, to provide mobile canteens, food, lodging, clothing, blankets, medical supplies, and assistance in reuniting families and comforting victims;

Whereas the work of the Salvation Army is carried on by more than 414,000 members and 580,000 volunteers serving in more than 9,000 centers;

Whereas the Salvation Army is vigorously planning for the future with innovative programs for the elderly, for parent education, and for the treatment of drug and alcohol abuse;

Whereas the activities of the Salvation Army are carried on without any direct appropriations from the Federal government, and use methods which generally are more efficient than the methods used by Federal programs; and

Whereas the Salvation Army will begin another Christmas season of good works on November 28, 1980: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the President is authorized and requested to proclaim November 28, 1980, as "Salvation Army Day" and to call upon Federal, State, and local government agencies, interested groups and organizations, and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

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

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

The motion to lay on the table was agreed to.

NATIONAL AGRICULTURE DAY

The joint resolution (H.J. Res. 560) to proclaim March 19, 1981, as "National Agriculture Day," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

ORDER FOR SENATE JOINT RESOLUTION 205 TO BE INDEFINITELY POSTPONED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar No. 1125, Senate Joint Resolution 205, National Agriculture Day, be indefinitely postponed.

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

PRIVACY PROTECTION ACT—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I submit a report of the committee of conference on S. 1790 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1790) to limit governmental search and seizure of documentary materials possessed by persons, to provide a remedy for persons aggrieved by violations of the provisions of this Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

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

(The conference report will be printed in the House proceedings of the RECORD).

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

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

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

The motion to lay on the table was agreed to.

UNIFORMED SERVICES SURVIVOR BENEFITS AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. NUNN, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 91.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 91) entitled "An Act to amend title 10, United States Code, to remove certain inequities in the Survivor Benefit Plan provided for under chapter 73 of such title, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Uniformed Services Survivor Benefits Amendments of 1980".

SEC. 2. Section 1447(2) of title 10, United States Code, relating to definitions, is amended—

(1) in subparagraph (C)—

(A) by inserting "but which is not less than $300" after "under the Plan"; and

(B) by striking out ", but not less than $300;" and inserting in lieu thereof a period; and

(2) by striking out "as increased from time to time under section 1401a of this title.".

SEC. 3. (a) Subsection (a) of section 1451 of title 10, United States Code, relating to the amount of annuities under the Survivor Benefit Plan, is amended to read as follows:

"(a)(1) The monthly annuity payable to a widow, widower, or dependent child who is entitled under section 1450(a) of this title to an annuity shall be—

"(A) 55 percent of the base amount, as adjusted from time to time under section 1401a of this title, if the annuity is provided by virtue of eligibility under section 1448(a)(1)(A) of this title; or

"(B) a lesser percentage (determined by the Secretary of Defense in accordance with subsection (d)) of the base amount, as adjusted from time to time under section 1401a of this title on or after the date the person becomes entitled to retired pay under chapter 67 of this title, if the annuity is provided by virtue of eligibility under section 1448(a)(1)(B) of this title.

"(2) In the case of a widow who has one dependent child, the monthly annuity shall be reduced by the lesser of (A) an amount equal to the amount of the mother's benefit, if any, to which the widow would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(l)(1) of such Act (42 U.S.C. 410(l)(1)) and calculated assuming that the person concerned lived to age 65, or (B) an amount equal to 40 percent of the amount of the monthly annuity as determined under paragraph (1).

"(3) When the widow or widower reaches age 62, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by the lesser of (A) an amount equal to the amount of the survivor benefit, if any, to which the widower would be entitled under their II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(l)(1) of such Act (42 U.S.C. 410(l)(1) and calculated assuming that the person concerned lives to age 65, or (B) an amount equal to 40 percent of the amount of the monthly annuity as determined under paragraph (1). For the purpose of the preceding sentence, a widow or widower shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit has been offset by deductions under section 203 of such Act (42 U.S.C. 403) on account of work.

"(4) In the computation of any reduction made under paragraph (2) or (3), there shall be excluded any period of service described in section 210(l)(1) of the Social Security Act (42 U.S.C. 410(l)(1) which was performed after the effective date of the Uniformed Services Survivor Benefits Amendments of 1980 and which involved periods of service of less than 30 continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1954 of the social security tax which he has paid.".

(b) Subsection (c) of such section is amended—

(1) by striking out "section, or section 1448(d) of this title, on the day before the effective day of that increase" in the first sentence and inserting in lieu thereof "section or under section 1448(d) of this title"; and

(2) by striking out "title, or" in the second sentence and inserting in lieu thereof "title or under".

(c) Subsection (d) of such section is amended by striking out "(a)(2) and inserting in lieu thereof "(a)(1)(B)".

SEC. 4 Section 1452 of title 10, United States Code, relating to reductions in retired and retainer pay, is amended by adding at the end thereof the following new subsections:

"(g)(1) Notwithstanding any other provision of this subchapter but subject to paragraphs (2) and (3), any person who has elected to participate in the Plan and who is suffering from a service-connected disability rated by the Veterans' Administration as totally disabling and has suffered from such disability while so rated for a continuous period of 10 or more years (or, if so rated for a lesser period, has suffered from such disability while so rated for a continuous period of not less than 5 years from the date of such person's last discharge or release from active duty) may discontinue participation in the Plan by submitting to the Secretary concerned a request to discontinue participation in the Plan. Any such person's participation in the Plan shall be discontinued effective on the first day of the first month following the month in which a request under this paragraph is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired or retainer pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date. Any request under this paragraph to discontinue participation in the Plan shall be in such form and shall contain such information as the Secretary concerned may require by regulation.

"(2) A person described in paragraph (1) may not discontinue participation in the Plan under such paragraph without the written consent of the beneficiary or beneficaries of such person under the Plan.

"(3) The Secretary concerned shall furnish promptly to each person who files a request under paragraph (1) to discontinue participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw a request made under paragraph (1) if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

"(4) Upon the death of any person described in paragraph (1) who has discontinued participation in the Plan in accordance with this subsection, any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower.

"(5) Any person described in paragraph (1) who has discontinued participation in the Plan may again elect to participate in the Plan if (A) at any time after having discontinued participation in the Plan the Veteran's Administration reduces such person's service-connected disability rating to less than total, and (B) such person applies to the Secretary concerned, within such period of time after the reduction in such person's service-connected disability rating has been made as the Secretary concerned may prescribe, to again participate in the Plan and includes in such application such information as the Secretary concerned may require. Such person's participation in the Plan under this paragraph is effective beginning on the first day of the month after the month in which the Secretary concerned receives the application for resumption of participation in the Plan, and the Secretary concerned shall begin making reductions in such person's retired or retainer pay, or require such person to make deposits in the Treasury under subsection (d), as appropriate, effective on such day.

"(h) Whenever retired and retainer pay is increased under section 1401a of this title, the amount of the reduction to be made under subsection (a) or (b) in the retired or retainer pay of any person shall be increased at the same time and by the same percentage as such retired or retainer pay is increased under section 1401a of this title.".

SEC. 5. (a)(1) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse of a member of the uniformed services who—

(A) died before September 21, 1972;

(B) was serving on active duty in the uniformed services at the time of his death and had served on active duty for a period of not less than 20 years; and

(C) was at the time of his death entitled to retired or retainer pay or would have been entitled to that pay except that he had not applied for or been granted that pay.

(2) An annuity under paragraph (1) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if such member had died on or after September 21, 1972.

(b)(1) The amount of retired or retainer pay to be used as the basis for the computation of an annuity under subsection (a) is the amount of the retired or retainer pay to which the member would have been entitled if the member had been entitled to that pay based upon his years of active service when he died, adjusted by the overall percentage increase in retired and retainer pay under section 1401a of title 10, United Sates Code (or any prior comparable provision of law), during the period beginning on the date of the member's death and ending on the day before the effective date of this section.

(2) In addition to any reduction required under the provisions of subchapter II of chapter 73 of title 10, United States Code, the annuity paid to any surviving spouse under this section shall be reduced by any amount such surviving spouse is entitled to receive as an annuity under subchapter I of such chapter.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section:

(1) The term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration.

(2) The term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) The term "Secretary concerned" has the meaning given such term in section 101 (8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

SEC. 6. Section 4 of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended—

(1) by striking out "section 9(b) of the Veterans' Pension act of 1959 (73 Stat. 436)" in subsection (a)(2) and inserting in lieu thereof "section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978";

(2) by striking out "in the limitation on annual income for purposes of eligibility for benefits under section 541(b) of title 38, United States Code" in the first sentence of subsection (c) and inserting in lieu thereof "under section 3112 of title 38, United States Code, in the maximum annual rate of pension under section 541(b) of such title"; and

(3) by striking out "limitation on annual income" in the second sentence of subsection (c) and inserting in lieu thereof "the maximum annual rate of pension".

SEC. 7. The amendments made by sections 2, 3, and 4 of this Act and the provisions of section 5 of this Act shall be effective on the first day of the second calendar month following the month in which this Act is enacted and shall apply to annuities payable by virtue of such amendments and provisions for months beginning or after such date. No benefits shall accrue to any person by virtue of the enactment of this Act for any period before the date of the enactment of this Act.

Mr. THURMOND. Mr. President, I rise to express my appreciation to my distinguished colleagues in the Senate and

House of Representatives for approving my survivor benefit plan (SBP) bill, S. 91, which will remove some of the inequities in the current SBP law.

Most of the inequities of the current survivor benefit plan have developed subsequent to the plan's original conception in 1972. It was intended by the Congress to provide the survivors of military retirees with benefits similar to those provided to the survivors of civil service retirees.

Mr. President, although my original bill contained some other provisions which were deleted by committee action, the bill as currently approved is another step forward to remove some of the inquities. I was disappointed that there were several other provisions in my original S. 91 which were not adopted by our committee.

These pertained to: First, social security offsets for a widow with one child, since there is no offset for a widow with two children; second, the elimination of the social security offset when that benefit is based on the widow's own earnings; third, an open participation period of 270 days to provide an opportunity for nonparticipating retirees to enroll in the survivor benefit plan; and fourth, an annuity for the "forgotten widows" whose husbands died in retirement before September 21, 1972, who were otherwise qualified before there was an SBP law. I plan to propose legislation in the next session of Congress to address the remaining inequities.

In the interest of reducing the adverse impact of inequities as much as possible, and because of our budgetary problems, I urge my distinguished colleagues to support the revised version of S. 91.

Mr. President, it must be the objective of the Congress to insure that the military survivor benefits are at least comparable to those provided the civilian Federal work force. I might point out to my col'eagues that even if all the provisions of my bill (S. 91) were enacted into law, the programs would still not be comparable to the civil service program. This is a fact, even if the benefits of social security were added to the benefits of the survivor benefit plan.

I also know that in our efforts to balance the fiscal year 1981 budget, our desire to provide military retirees with a comparable plan is not completely obtainable at this time. Consequently, I commend this important measure to my colleagues for final approval by the Senate with the minor technical changes made by the House.

Mr. President, I strongly recommend final approval of S. 91 by unanimous consent.

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

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT TO CHAPTER 87 OF TITLE V, UNITED STATES CODE, INCREASING AMOUNTS OF LIFE INSURANCE AVAILABLE TO FEDERAL EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. PRYOR, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on H.R. 7666.

The PRESIDING OFFICER (Mr. DECONCINI) laid before the Senate H.R. 7666, an act to amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members, and for other purposes.

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

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

● Mr. PRYOR. Mr. President, H.R. 7666 is a bill to amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members. This legislation was passed by the House of Representatives, rules suspended, on September 8, 1980. The legislation was subsequently held at the desk in the Senate. On September 17, 1980, the Subcommittee on Civil Service and General Services, which I chair, conducted thorough hearings on the issue receiving extremely favorable testimony from Dr. Alan K. Campbell, Director of the Office of Personnel Management. According to Dr. Campbell, "We believe that H.R. 7666 embodies positive and needed improvements in the Federal Employees Group Life Insurance program and that it does so in a fiscally responsible way. For these reasons, we strongly support the bill and recommend favorable consideration by the Committee."

I urge my colleagues to join me in supporting this needed revision of civil service law.

I submit for the RECORD certain portions of the House committee report which further explains the provisions of H.R. 7666.

The portions follow:

STATEMENT

THE PRESENT LIFE INSURANCE PROGRAM

The group life insurance available for almost all Federal employees was created by the Federal Employees' Group Life Insurance Act of 1954, Public Law 85-598. At the time the program was authorized, it represented a model of progressive fringe benefit legislation; many employers in the private sector of the economy at that time offered no life insurance protection. The new Federal program offered employees life insurance, plus an equal amount of accidental death or dismemberment insurance in an amount equal to their annual rate of pay, rounded off to the next higher thousand dollars, up to a maximum of $20,000. The cost of the insurance would be paid jointly: the employee paid two-thirds and his employing agency paid one-third.

An unusual feature of the 1954 act was the provision authorizing an employee to continue his insurance after retirement. Under most industry plans in effect at that time, insurance lapsed when an employee was separated from his position. Under the Federal program, however, an employee who retired on an immediate annuity could continue his insurance, without payment. Upon reaching age 65, the amount of the insurance began to decline each month at the rate of 2 percent of the original face value of the policy until 25 percent of the original value remained—38 months after the reduction began.

The life insurance program remained virtually unchanged until 1967 when in Public Law 90-206, Congress increased the maximum amount of insurance, increased the basic coverage, and created a new optional policy. The maximum was increased from $20,000 to an amount equal to the rate of pay for Level II of the Executive Salary Schedule, as that Schedule is periodically revised. The basic policy was revised to provide a minimum of $10,000 insurance and to add $2,000 to the otherwise applicable amount of insurance. The optional policy of $10,000, paid for entirely by the employee, could be carried into retirement along with the basic insurance, subject to the same reduction in value after age 65.

PROBLEMS IN THE INSURANCE PROGRAM

No other changes in the insurance program have been enacted. What was for its time a progressive and popular fringe benefit program has become less attractive as time has passed. This is particularly true in the case of younger employees, for whom the cost of the program is considered unduly expensive. When the life insurance program began in 1955, about 98 percent of all eligible employees enrolled in the program. Since that time, enrollment has gradually declined to 87 percent. For the optional policy, only 33 percent of employees select coverage.

The committee has identified two basic problems in the Federal employees' group life insurance program which cause many employees, particularly those under 35 years of age, to decline the insurance.

First, the amount of insurance is relatively small. Basic coverage, equal to annual salary, rounded, plus $2,000, is less than insurance generally available from major employers in the private sector of the economy. It is not unusual in the private sector for employers to offer an employee insurance equal to several times the amount of his annual pay. The Federal program is limited to salary, plus $2,000. The Federal who is a classfied employee, GS-7, step 4, is eligible for only a basic $18,000 insurance policy.

A second problem is that the insurance is relatively expensive compared to insurance available in the private sector. The only reason for this high cost is that the insurance may be continued after retirement without cost to the employee and a minimum death benefit is payable to the retired employee's beneficiary. This guaranteed payment causes the cost of the Federal insurance policy to be about twice the cost of ordinary term insurance. Although this costly feature makes the insurance attractive to older employees, younger employees, who are not considering retirement, frequently decline coverage and purchase term insurance in the private sector at lower cost. The Federal program suffers because of the actuarial experience which younger employees would contribute to the overall system.

COMMITTEE RECOMMENDATIONS

The committee recommends three basic changes in the Federal employees' group life insurance program:

First, the committee recommends that the amount of basic life insurance available for each eligible employee be increased. The increase would be graduated according to age. Employees less than 36 years of age would be eligible for a basic insurance policy equal to two times the amount of insurance available under existing law: that is, annual sal-

ary rounded to the next higher thousand dollars, plus $2,000, multiplied by 2. For each year of age between 36 and 45, the multiplication factor for the amount of insurance would decline by one tenth each year. The following table illustrates this increase in the basic coverage:

If the age of the employee is:	*The appropriate factor is:*
35 or under	2.0
36	1.9
37	1.8
38	1.7
39	1.6
40	1.5
41	1.4
42	1.3
43	1.2
44	1.1
45 and over	1.0

The increase in cost incurred by this proposal would be borne entirely by the Government.

The second proposed change would permit employees to purchase additional life insurance, the full cost of which would be paid by the employee. This additional optional insurance, excluding accidental death and dismemberment, would be available in multiples of up to five times the annual pay of the employee, subject to the current limit of five times the rate in effect for level II of the Executive Schedule.

The combination of these two proposed changes in the life insurance program will very substantially enhance the appeal of the life insurance program to all employees, and particularly younger employees. For example, a Federal employee, at GS–7, step 4, currently earns $15,317, a salary which when rounded to the next higher thousand, plus $2,000, entitles him to $18,000 in life insurance. Under the committee amendment, this employee under age 36 would have his basic life insurance doubled to $36,000, would be permitted to purchase an optional life insurance policy (under existing law) of $10,000, and (under the committee amendment) an additional life insurance policy in multiples of $16,000 (his annual salary rounded to the next higher thousand), up to $80,000.

The committee amendment would also permit an employee to purchase a life insurance policy of $5,000 for a spouse and $2,500 for each child.

The third committee recommendation changes the reduction in life insurance which occurs after retirement. Under existing law, the face value of the policy continues in full effect until the retired employee reaches age 65. Thereafter, the value of the policy declines at the rate of 2% each month until 25% of the original face value remains. Under the committee amendment, a retired employee could elect to pay an additional amount in order to preserve the face value of his life insurance at the original amount, or to change the reduction factor from 2% each month to 1% each month.

Mr. STEVENS. Mr. President, I wish to join the distinguished chairman of the Civil Service and General Services Subcommittee, Senator PRYOR, in supporting H.R. 7666, the Federal Employees Group Life Insurance Act of 1980. During consideration of the President's proposed pay reform, we learned that except for retirement, the level of Federal employee benefits lagged behind those in the private sector, particularly life insurance benefits.

It is not rare to hear of life insurance coverage of $100,000 these days. However, employees under the Federal program are only eligible for basic coverage equal to one's annual salary plus $2,000, minimal coverage in today's standards. This bill increases basic life insurance available for each employee plus increasing the amount of optional insurance available. In addition, at a retiree's option, the reduction in life insurance which occurs after retirement can be mitigated or eliminated.

Mr. President, the changes embodied in this bill have been a long time in coming.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 7666) was ordered to a third reading, was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

RECOGNITION OF SENATORS MATHIAS AND CHAFEE ON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow morning, after the two leaders or their designees have been recognized under the standing order, Mr. MATHIAS and Mr. CHAFEE be recognized each for not to exceed 15 minutes but not necessarily in that order.

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

RECESS UNTIL TOMORROW, SEPTEMBER 30, 1980, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in recess until the hour of 11 a.m. tomorrow morning.

The motion was agreed to and at 3:54 p.m., the Senate recessed until Tuesday, September 30, 1980, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 29, 1980:

IN THE NAVY

The following-named chief warrant officers, W–4 of the U.S. Navy for permanent promotion to the grade of chief warrant officer, W–4, pursuant to title 10, United States Code, sections 563 and 555(b), subject to qualifications therefor as provided by law:

Adams, George M.
Andrews, William F.
Armour, Warren T.
Bagley, Raymond C.
Barton, Hershel V.
Bauer, Edward A.
Beck, Allen E.
Becker, John D.
Boor, Leo J.
Boyd, Henry L.
Carter, Arthur E.
Catter, Peter B.
Duren, James R.
Edwards, Raymond L.
Enevoldsen, Jack
Flahiff, Daniel E.
Flynn, Kevin A.
Gardiner, John P.
Gilbert, James M.
Gochenaur, George E.
Goodrum, Daniel J.
Green, Marion W.
Gutteridge, William C.
Harris, Donald E.
Havner, Jerry G.
Henry, Joseph E.
Hodges, Byron W.
Holliday, Donald A.
Howell, Robert D., Sr.
Johnstone, Robert J.
Kleis, Louis P., Jr.
Lauerman, James D.
McDaniel, John O.
McKay, Roy C.
McKinzie, Joe E.
Miller, Kenneth R.
Normandin, Raymond H.
O'neal, Jim. F.
Parsons, Robert E.
Parsons, William G.
Piper, Leon T.
Pitzer, Richard L.
Prather, Luverne
Prothero, Glen, Jr.
Ragghianti, Charles F.
Rawls, Robert S.
Rhoden, Lawrence B.
Russell, Perry B.
Sauls, Herbert M.
Schmidt, Charles O.
Schwaeble, Harry M.
Shelton, George M.
Simmons, Norman R.
Spata, August
Stout, Arling G., Jr.
Turk, Joseph
Turnquist, Arnold C.
Tyler, Warner R.
Wales, Richard A.
Werling, Robert
Williams, David
Wilson, Millard J.
Wilson, Robert H.
Windell, Marion A.
Woods, Gerald B.

The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps, as indicated, pursuant to title 10, United States Code, sections 5769 (line officers), 5773 (staff corps officers), and 5791, subject to qualifications therefor as provided by law:

LINE

Henley, Van A. O'Donnell, Joseph W

SUPPLY CORPS

Luster, Harry C. Moore, Joseph D., II.

The following-named woman lieutenant (junior grade) of the U.S. Navy for permanent promotion to the grade of lieutenant in the Supply Corps, pursuant to title 10, United States Code, sections 5771 and 5791, subject to qualification therefor as provided by law:

Simon, Lynn P.

The following named lieutenant of the line of the U.S. Navy, for appointment in the Judge Advocate General's Corps as permanent lieutenant (junior grade) and temporary lieutenant, pursuant to title 10, United States Code, sections 5578a and 5572, subject to qualifications therefor as provided by law:

Stevens, Richard A.

The following-named lieutenant (junior grade) of the line of the U.S. Navy, for appointment in the Civil Engineer Corps as permanent ensign and temporary lieutenant (junior grade) pursuant to title 10, United States Code, sections 5582(b) and 5572, subject to qualifications therefor as provided by law:

Chapman, Craig.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1980:

THE JUDICIARY

Richard L. Williams, of Virginia, to be U.S. district judge for the eastern district of Virginia.

Hipolito Frank Garcia, of Texas, to be U.S. district judge for the western district of Texas.

James Harry Michael, Jr., of Virginia, to be U.S. district judge for the western district of Virginia.

George Howard, Jr., of Arkansas, to be U.S. district judge for the eastern and western districts of Arkansas.

Charles P. Kocoras, of Illinois, to be U.S. district judge for the northern district of Illinois.

Susan C. Getzendanner, of Illinois, to be U.S. district judge for the northern district of Illinois.

Richard C. Erwin, of North Carolina, to be U.S. district judge for the middle district of North Carolina.

David Vreeland Kenyon, of California, to be U.S. district judge for the central district of California.

Consuelo B. Marshall, of California, to be U.S. district judge for the central district of California.

Norman P. Ramsey, of Maryland, to be U.S. district judge for the district of Maryland.