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

The Acting President pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Acting President pro tempore. Under the previous order, the minority leader is recognized.

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

HAPPY BIRTHDAY TO THE MAJORITY LEADER

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

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

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

THE RETIREMENT OF SENATOR RIBICOFF

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

This is the final day of public service on the floor of the Senate by the most distinguished senior Senator from Connecticut (Mr. Ribicoff). He has served as a member of Connecticut's General Assembly for 42 years. In the aggregate, a remarkable 42 years of devoted service. It is a debt which can never be repaid, but one for which this country should be eternally grateful.

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

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

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

The Acting President pro tempore.

ACKNOWLEDGMENTS

The Assistant Legislative Clerk, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

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

We pray in the Name that is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The President pro tempore, in accordance with the provisions of Sec. 3, of the Standing Rules of the Senate, hereby appoints the Honorable Carl Levin, a Senator from the State of Michigan, to perform the duties of the Chair.

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

RECOGNITION OF THE MAJORITY LEADER

The Acting President pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

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

*This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.
The ACTING PRESIDENT pro tempore. The Senator has 4 minutes and 20 seconds.

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

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

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

Mr. ROTH. I thank my distinguished leader.

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

I say it has been a rare experience because I know of no one in Congress with whom it could be a greater pleasure to serve than ABE Ribicoff. As chairman of the Trade Subcommittee, I think he is one of two people primarily responsible for the multinational trade agreements. I give him credit for that because, as chairman of the Subcommittee on Trade, he works diligently with everybody, the Republicans as well as the Democrats. It was his leadership in this area, along with Strauss in the executive branch, that I think resulted in the agreement being enacted with very little or practically no opposition in the Congress.

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

Mr. President, I think ABE Ribicoff has done a great service for this country, but perhaps above all and the most important, he has made us proud of being public servants. Too many people have not lived up to the qualifications, to the requirements, of providing strong moral leadership to do what is right even though sometimes it is very hard.

But ABE Ribicoff has met that measure, and I wish him and his lovely wife Casey the best in the years ahead.

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

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

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

One is that he is one of the most considerate human beings I have ever met. I believe his almost unparalleled success in the chairmanship of the Committee on Governmental Affairs has been attributable to that fact. I have seen irritation or explosion in that committee, which is almost routine in any other I have served on; sometime, somehow, somebody gets irritated and just cannot take any more. Never in the case of ABE Ribicoff.

That committee has operated on time. It has completed its agenda. It has...
operated with celebrity. Almost always, it has rotten together in a consensus; hence its remarkable success on the floor.

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

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

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

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

The ACTING PRESIDENT pro tempore. 3 1/2 minutes.

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

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

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

Mr. President, I shall have some more remarks at a later time, before we are out of session this year, but I want to associate myself with all the remarks being made today. No one could have been as successful and as close to the floor of the Senate 6 years ago or was more considerate of and being able to get a consensus are accurate. Even though we start out with completely divergent views, there always seems to be a consensus somehow worked out through his efforts.

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

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I think how much I admired him and how much I admired him.

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

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

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

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

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

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

I thank the Chair.

Mr. MOYNIHAN. Mr. President, I should like to continue the remarks which have been made by my colleagues. Most especially those by my revered Senate colleague, Senators Ribicoff and Senator Percy, with respect to the impact that ABE Ribicoff has had upon this institution and the Nation which it reflects.

He has been one of the preeminent...
question of all. Will it work? Does it work?

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

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

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

I would like to express to my colleagues my particular affection for his wife, Casey, and wish them every happiness in what will be their new State, alas not their new residence for political purposes.

They will add to the distinctions of New York as he has illuminated the U.S. Senate.

We look forward to his new career practicing in Manhattan.

I thank the Chair.

Senator RIBICOFF seems always to have regarded the improvement of governmental policy and management functions as a continuous and logical process. He understood that as our society learned new and better ways of performing these functions, these new ways be incorporated into our public policy institutions.

Program evaluation, in particular, seemed to him to hold high promise for the improvement of public management, and he became concerned, as early as 1967, that the executive branch might develop a monopoly with regard to evaluative information needed by the Congress. At that time he stated on the floor:

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

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

In his legislative endeavors to improve the way Government operates, Senator Rischcfoff has been particularly sensitive to the fact that Government activities are conducted and performed by people, and particularly realistic in his recognition that the rules and regulations governing public management must be reasonable and the goals set for Government to achieve must be, in fact, achievable. At the same time, and moving toward the same goal but from another direction, he has been a strong proponent of a more effective use of evaluation, audit, and investigation, realizing that improved Government efforts and more responsive public management depend, over the long term, upon independent appraisal.

In the past and more recently, Senator Rischcfoff's work with the General Accounting Office has led to the establishment of inspectors general in various Federal agencies. Similarly, the kinds of legislation he has supported and the enforcement requirements in that legislation, reflect his awareness of the need for evaluative information, especially as it contributes to congressional oversight and program accountability.

In 1967 Senator Rischcfoff introduced a bill (S. 1299) into the Senate to establish a commission on legislative evaluation which would explore the best ways to set up an independent office of the Congress to do legislative evaluations. It was passed that the Commission be chaired by the Comptroller General and came back to Congress with its recommendations.

The process continued in 1969 when hearings were held by Senator Rischcfoff as chairman of a government operations subcommittee responsible for the oversight of GAO. These hearings grew out of an agreement reached in the Senate in July 1969, on the legislation concerning the evaluation function.

In 1970 Senator Rischcfoff introduced a bill (S. 30339) with the General Accounting Office which contains the following provisions:

1. The General Accounting Office of the Congress receive the best evaluative information available on the results of public programs.

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

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

Review, analyze, and evaluate ongoing Federal programs.

Assign staff to committees to prepare analyses.

Analyze and review legislative programs.

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

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1. The General Accounting Office of the Congress receive the best evaluative information available on the results of public programs.
All in all, the Ribicoff bill was designed to strengthen and broaden GAO’s authority in order to provide more effective service to the Congress. In its report on this legislation, the Senate Committee on Government Operations said: "It has long been the judgment of many Members of Congress, and of this committee, that more work performed by the General Accounting Office would be far more meaningful and useful if attention were focused upon major programs, current activities, and new proposals. This approach, it was felt, would enable the Congress and its committees, to have the benefit of the General Accounting Office’s findings and recommendations in time to halt unsound practices and activities, or those of doubtful value or legality. It would also make the activities of the General Accounting Office more meaningful and relevant and afford the Congress an opportunity to select the most effective program alternatives."

As is well known, the bill passed the Senate in October 1970 with little debate and no dissent, but the House failed to act on the bill when Congress adjourned. This report, however, played an important part in the later enactment of provisions on the Legislative Reorganizing Act, the Congressional Budget Act of 1974 which established a strong charter for current GAO program evaluation efforts which today represent one-half of GAO’s activities.

No Member of this body has a more proper claim to the role of statesmanship than ABRAHAM RIBICOFF. Many times, in our very difficult and arduous efforts to resolve the problems that confront Americans, ABRAHAM RIBICOFF has risen above party, above region, above prejudice, to provide us guidance in meeting national problems. For example, in the very difficult problem of the busing of children to achieve racial integration, ABRAHAM RIBICOFF has insisted that this matter be resolved for the best interests of the children rather than for the political advantage of any section or any group anywhere in this country. In doing so, he has met with some opposition from some people who did not understand his efforts to benefit Americans. He has presented similar leadership in grave international difficulties involving war and peace, such as settling the impasse issues of the Near East. Although his heart tends to be for Israel, as the atmosphere would suggest, he has had the courage to advocate positions which would suggest that both sides must be compassionate and understanding with regard to the problems of war and peace. Both sides must be willing to make concessions in order to live at peace with their neighbors, for the good of both sides and for the ultimate survival of mankind.

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

In settling issues such as health care and helping the poor, ABRAHAM RIBICOFF has a strong feeling for the common man. Yet, he has always been a tremendous pleasure to work with. ABRAHAM RIBICOFF has not hesitated to speak out when he felt that he had reached a point in his life to realizing the American ideals of social justice and social service. He has not hesitated to speak out when there was a need. He has cared. He has cared deeply.

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

We will miss him in the Senate, but ABRAHAM RIBICOFF, I know that we can count on your advice and counsel in the difficult days and the challenging days that lie ahead. We know that you always will be within reach, and we will be reaching out to you very often in the days to come. Mr. LONG. Mr. President, at the close of this session, we will lose a Senator who will be a legend to this body. I refer, of course, to the senior Senator from Connecticut, ABRAHAM RIBICOFF. No Member of this body has a more proper claim to the role of statesmanship than ABRAHAM RIBICOFF. Many times, in our very difficult and arduous efforts to resolve the problems that confront Americans, ABRAHAM RIBICOFF has risen above party, above region, above prejudice, to provide us guidance in meeting national problems. For example, in the very difficult problem of the busing of children to achieve racial integration, ABRAHAM RIBICOFF has insisted that this matter be resolved for the best interests of the children rather than for the political advantage of any section or any group anywhere in this country. In doing so, he has met with some opposition from some people who did not understand his efforts to benefit Americans. He has presented similar leadership in grave international difficulties involving war and peace, such as settling the impasse issues of the Near East. Although his heart tends to be for Israel, as the atmosphere would suggest, he has had the courage to advocate positions which would suggest that both sides must be compassionate and understanding with regard to the problems of war and peace. Both sides must be willing to make concessions in order to live at peace with their neighbors, for the good of both sides and for the ultimate survival of mankind.

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member of the President’s Cabinet, an outstanding Member of Senate, and the chairman of a major committee. I would be the great fortune of every one of us to retire a winner, undefeated, having been before the people for their approval many times, having been reelected many times, or been to retire at a time when one is chosen to seek re-election, he could have been reelected.

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

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

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

The Senator from Connecticut not only held many meetings and traveled around the world to discuss trade problems, but also, he led the charge to see the problems, but also, he led the charge to see the

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

Mr. President, let me conclude by saying that one of the highest privileges I have had is to know and work with a man of the stature of ABE Ribicoff. The fact is that as years go by, we will be regarded as one of the ablest men and one of the finest men who has ever served in the United States Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

I want him to know at this time, and at all times, that I have appreciated his friendship, and I have admired him. As the distinguished Senator from Virginia, Mr. Byrd, just said in his own case that he did not always agree with Senator Ribicoff, and neither one of us is sure the gentleman that he did not always agree with Senator Ribicoff, and neither one of us is sure the gentleman that he is an agreeable one. That is what you have to do.

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

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

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

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

He is an individual whom I instinctively like, one for whom I have the warmest and highest admiration.

The Senate will miss ABE Ribicoff, but he has left a very important mark on the Senate of the United States, and I believe that as the years go by, he will be regarded as one of the ablest men and one of the finest men who has ever served in the Senate of the United States.
I would like to start, because there are so many things on my heart at this time.

I recall one time that Senator Ribicoff shared with a few of us about an experience he had as a small boy growing up in Connecticut, and particularly and specifically of Senator Abraham Ribicoff. Many of us—certainly this young Senator from Virginia—have tried to model our careers in many respects following the guidance, wisdom, and the friendship extended by Abraham Ribicoff.

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

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

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

"Our heavenly Father, no people have been as blessed as the American people. We have been given so much for which we are thankful—a fruitful land, a diverse population, and especially a tradition which values the dignity of each person whom you have created in your image. We are now at a turning point in the history of our country, and at this turning point we are present tonight have been called to leaders.

Give us the strength and the commitment to be up to that task. Help us to set forth a policy to be, to state a clear purpose for our people, to offer hope for a future of peace and opportunity. Help us to summon Americans together to the great common task of rebuilding our country and creating a heritage for generations to come. Bless our new Vice President, and all who will assume positions of leadership. Bless this food to our use and us to thy service, and make us always mindful of the needs of others. Amen."
Mr. President, Abbe Ribicoff has fulfilled this mighty assignment. We who remain behind shall miss his wisdom, his council, and, most of all, his quiet patriotism.

Mr. SIMPSON. I regret that I was not able to present on the floor this morning at the time various tributes were paid to Abbe Ribicoff. I deeply appreciate the majority leader holding the Ribicoff open for further testimony.

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

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

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

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

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

I consider it an experience to have been a much richer one because of my association with Abbe Ribicoff. And I say a most sincere "thanks" to him. "Thanks" for being just who he is. He is a most authentic human being. And I also say "thanks" to him and his most stylish and gracious lady, Casey, whom he has extended to Ann and to me since our coming to this place.

His leaving the U.S. Senate leaves a blank space which no one has ever understood, that weaves through the personalities in this Chamber. He will be sorely missed. But he goes out the same way he came—in with a smile.

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

God Bless you, Abbe.

Mr. STEVENS. Mr. President, when the senior Senator from Connecticut, Abbe Ribicoff, announced his intention to retire from the U.S. Senate at the end of his current term, it did not come as a great surprise to any of us by surprise. Abbe Ribicoff has been a pillar of support and an example of leadership in the Senate for over 16 years. We have come to depend upon his judgment, his fair and even treatment, his restraint, and his absolute honesty. When Abbe Ribicoff gives his word, it is like money in the bank. These characteristics have been exemplified throughout his career as a State legislator, Judge, Congressman, Governor, Cabinet officer, and a U.S. Senator. His life and career should be an example to all those who seek public office.

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

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

One of the greatest times that I can
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remember was when my late wife, Ann, and I accompanied the Ribicoffs on a trip abroad. I want to take this opportunity to congratulate Abe on his outstanding public service. I have always expressed the hope that he and Casey will find equally challenging and rewarding tasks in the future.

The PRESIDENT. The Senator from Connecticut.

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

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

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

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

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

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

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

The Presidency becomes more and more complicated with each passing day because of American power, American position, American resources. Without question, the President of the United States has become the most important single individual in the entire world.

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

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

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

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

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

I will always be in Connecticut.

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

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

(Applause, Senators rising.)

The following proceedings occurred during the foregoing tributes to Senator Ribicoff:

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

ADJOURNMENT JOURNAL—ROUTINE MORNING BUSINESS

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

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

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

Mr. BAKER. That nothing come over under the rule and that we proceed to have not more than 15 minutes of morning business.

Mr. ROBERT C. BYRD. Mr. President, with no disturbance in the Record of the colloquy, the President pro tem. (Mr. BAKER.) Mr. President. The Senate has not come over under the rule; and that Senators may speak therein up to 2 minutes each; and that any Senator may insert a statement in the Record at any time.

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

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

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

There being no objection, the Senate, at 10:28 a.m., pursuant to adjournment, was called to order by the Honorable Carl Levin, a Senator from the State of Michigan.

Mr. CHILES, Mr. President, is there additional time at this point?

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

May I ask him if he wishes so to do. Mr. Hefflin. I will certainly not, I am enjoying this. I am finding out about the history of our greatest Senator that we have ever had.

EXTENSION OF ROUTINE MORNING BUSINESS

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

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

AMENDMENT OF TITLE VIII OF CIVIL RIGHTS ACT OF 1968

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

The legislative clerk read as follows:

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

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

Mr. ROBERT C. BYRD. Mr. Presi-
S. 3216—NATIONAL LASER INSTITUTE ACT

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

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

While much has been done to nurture this infant technology during the last 20 years of its existence, a recurring theme developed during the laser hearings and is well documented in the report I previously mentioned.

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

While there is a degree of coordination among the programs under the aegis of the Department of Defense, each program is directed toward technology development and weapons system development. The individual funding levels, even within the Department of Defense, do not permit the accumulation of the critical mass funding necessary to facilitate program development. Thus, the hearings found that there is a compelling need to revise the DOD high-energy laser research and development planning and funding to achieve a balance between technology development and weapon system development. It is therefore recommended that the achievement of this objective could be enhanced by the Secretary of Defense designating an office in the Office of the Deputy Under Secretary for Research and Engineering to manage and direct the overall DOD high-energy laser program. But, this is only part of the problem since, as mentioned, the total national effort is fragmented, just as the DOD effort is fragmented.

Coordination among the Federal departments and agencies is generally weak, and much of the coordination stems from the professional relationships and working arrangements among the researchers, rather than from institutional relationships. The Federal program structure stresses achievement of classified and unclassified objectives within the Federal Government. Therefore, the hearings found that there is a need to recommend the coordination of the high-power laser programs among the various departments and agencies of the Federal Government.

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

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

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

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

Mr. President, the approach I am advocating here today is certainly not without precedent. When World War I broke out in 1914, the United States was last on the list of world powers equipped with an aeronautical research laboratory. Our nation lagged behind France, Germany, Russia, and Great Britain.

But, not only the tangible evidence of aeronautical progress was lacking. There were no aeronautical research laboratories and facilities in this country, whereas the above-mentioned nations already had well equipped and well staffed research facilities. Italy and Russia were already well ahead of the United States in the development of aeronautical laboratories long before the United States took the step. A survey by the Smithsonian Institution resulted in a report which showed clearly the dangerous gap between the state of aeronautical technology in Europe and in the United States.

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

The first committee appointments were made by President Woodrow Wilson on April 2, 1915, and the committee became the Federal Aeronautics Board. This forerunner of the National Aeronautics and Space Administration proved to be one of the most successful
approaches to solving practical problems ever devised by this Congress. Within a few short years, the United States was able to assume the lead in aviation, and today, it continues this day to be the technological leader in air and space applied sciences, primarily because of the foresight displayed by the Members of Congress and the scientific community in those early years of aviation.

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

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

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

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

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

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

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

In addition to defense applications, a very large number of Senators are already on record as supporting a space-based laser weapons system which could potentially provide an umbrella protection for our Nation from enemy missile-delivered nuclear weapons systems, whether launched from underground land-based sites or from submarines lurking near our shores.

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

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

(9) Two members shall be selected by the President from a list of three recommended by the majority of the House of Representatives. Not more than five of the individuals appointed pursuant to paragraphs (6) through (9) of this subsection may be members of the same political party.

(b) The President shall designate one of the members as Chairman of the Institute at the time of his appointment. Any vacancy in the Institute shall be filled by the President in the same manner as persons employed intermittently under subsection (a) of this section, as necessary, or upon the request of the President, the Congress, or the head of any department or agency of the Federal Government.

ACCESS TO INFORMATION

SEC. 5. (a) The members and employees of the Institute shall have access to such classified or nonclassified information as is necessary for the performance of their responsibilities under this Act. Access to such information shall be subject to the procedures established and promulgated by the source of such information.

(b) In order to carry out the provisions of this Act, the President, or the head of any department or agency of the Federal Government, shall, upon request of the Chairman of the Institute, provide access to such information and materials as are requested in subsection (a) of this section.

ANNUAL REPORT

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

(1) to the President;
(2) to the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, and the Committee on Energy and Natural Resources of the Senate;
(3) to the Committee on Armed Services, the Committee on Science and Technology, and the Committee on Interior and Insular Affairs of the House of Representatives; and
(4) to the President.

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

AUTHORIZATION OF APPROPRIATIONS

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

TERMINATION

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

CRIME IN THIS COUNTRY

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

During the past few years there has been an alarming increase in overall crime in this country, a fact which is having a chilling effect on the average American citizen.

Over the past 30 years the number of murders in the United States has increased by 370 percent and the number of robberies has increased by 300 percent. Last year murder rose by 18 percent over 1978, forcible rape rose by 13 percent, and robberies rose by 17 percent.

There is no reason to believe that these trends in violent crime will begin to reverse in the near future. FBI statistics for the first 6 months of 1980 reveal that violent crimes are up 10 percent over last year.

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

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

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

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

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

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

Recent studies reveal that "white collar" crime is on the increase, costing the American taxpayer more each year. All across this land, in our cities and in our towns, in our suburbs and in our rural areas, crime is on the increase, creating an alarming rate and is diminishing the quality of life for all Americans regardless of race, sex, or creed.
Mr. President, I believe it is time that Congress declare an all-out war on crime in this country. Indeed, I believe that something must be done about crime, but too many times it has been treated as a secondary issue by the Federal Government. Strong talk and mealy thinking will not accomplish reducing crime.

It is incumbent upon Congress to act forcefully and deal dramatically with this crisis that now confronts us.

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

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

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

In efforts by Congress to reduce Federal spending and bring inflation under control LEAA has been reduced to a nominal existence. LEAA's critics cite inefficiency and waste as sufficient reasons to eliminate the programs and I understand their concerns. I believe my record will reflect that I am strongly in favor of returning fiscal responsibility to Government. In doing so, I realize that every agency in the Government will have to sacrifice. Yet, how many agencies, out of the hundreds that exist, have been totally abolished as has LEAA.

The programs we had in its early years diminished as the program matured and instead of adopting policies and methods to further solve its defects, Congress and the Government instead preferred to destroy it altogether.

With the abolition of LEAA, the Federal Government now has no program whose primary function is to try to solve the problems it had in its early years diminished. I believe the Federal Government must take an active role if the war on crime is to be won. The extent of its role, and how it can be used, is evolved. I only hope to answer in hearings to be conducted by the Judiciary Committee on December 3. These hearings will focus on the problems and successes of past Federal assistance programs to State local governments and, what role, if any, the Government should play in the future. The committee will also look at the current status of crime in this country and reasons for the drastic trends it has taken in recent years.

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

I thank the Chair.

ENVIRONMENTAL EMERGENCY RESPONSE ACT

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

It would also be my hope that if Senators wish to have a little time to further negotiate the Stafford-Randolph proposal, if we could get to the superfund bill, we might then set it aside, in the meantime.

The PRESIDING OFFICER. I would also be my hope that if Senators wish to have a little time to further negotiate the Stafford-Randolph proposal, if we could get to the superfund bill, we might then set it aside, in the meantime.

The PRESIDING OFFICER. Is there an objection?

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

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

The PRESIDING OFFICER. Is there a sufficient second?

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Objection is heard.

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

[Baker, Hart, Sarbanes, Saladino, Bump, Byrd, Robert C. McCollum, Cranston, Randolph, Goldwater, Riegel]

The PRESIDING OFFICER. A quorum is not present.
The call will be the roll of absent Senators.

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

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

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

The PRESIDING OFFICER. The Chair sees only three Senators in the Chamber. By the request of Mr. President, I hope the clerk will continue the call of the roll of absent Senators while others are brought to respond to the request for the yeas and nays.

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

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

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

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

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

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

The assistant legislative clerk called the roll.

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

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

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURBNERBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. JENSEN), the Senator from North Dakota (Mr. HEFNER), the Senator from New Mexico (Mr. JOHNSON), the Senator from Arizona (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Dakota (Mr. PASSLER) are necessarily absent.

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

The result was announced—yeas 75, nays 50, as follows:

[Quorum No. 94 Leg.]

| YEAS-75 | 
|---|---|
| Armstrong | Gravel |
| Baker | Gravel |
| Baucus | Hart |
| Bayh | Hartfield |
| Bellmon | Helms |
| Bentsen | Helms |
| Biden | Helms |
| Boren | Hollings |
| Boschwitz | Hollings |
| Bradley | Hollings |
| Bumpers | Hollings |
| Byrd | Johnson |
| Harry F., Jr. | Johnson |
| Byrd, Robert C. | Johnson |
| Chafee | Kennedy |
| Chiles | Kennedy |
| Cochran | Kennedy |
| Cranston | Kennedy |
| Culver | Kennedy |
| Danforth | Kennedy |
| DeConcini | Kennedy |
| Dole | Kennedy |
| Domenici | Kennedy |
| Exon | Kennedy |
| Ford | Kennedy |
| Gore | Kennedy |
| Glenn | Kennedy |
| Goldwater | Kennedy |

[Quorum No. 94 Leg.]

| NAYS-50 | 
|---|---|
| Armstrong | Grave |
| Baker | Gravel |
| Baucus | Hart |
| Bayh | Hartfield |
| Bellmon | Helms |
| Bentsen | Helms |
| Biden | Helms |
| Boren | Hollings |
| Boschwitz | Hollings |
| Bradley | Hollings |
| Bumpers | Hollings |
| Byrd | Johnson |
| Harry F., Jr. | Johnson |
| Byrd, Robert C. | Johnson |
| Chafee | Kennedy |
| Chiles | Kennedy |
| Cochran | Kennedy |
| Cranston | Kennedy |
| Culver | Kennedy |
| Danforth | Kennedy |
| DeConcini | Kennedy |
| Dole | Kennedy |
| Domenici | Kennedy |
| Exon | Kennedy |
| Ford | Kennedy |
| Gore | Kennedy |
| Glenn | Kennedy |
| Goldwater | Kennedy |

Mr. HELMS addressed the Chair. The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I have to lay on the table the motion to proceed and I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The legislative clerk called the roll.

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

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

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. JENSEN), the Senator from North Dakota (Mr. HEFNER), the Senator from New Mexico (Mr. JOHNSON), the Senator from Arizona (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from South Dakota (Mr. PASSLER) are necessarily absent.

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

The result was announced—yeas 29, nays 50, as follows:

[Quorum No. 477 Leg.]

| YEAS-29 | 
|---|---|
| Armstrong | Gravel |
| Baker | Gravel |
| Baucus | Hart |
| Bayh | Hartfield |
| Bellmon | Helms |
| Bentsen | Helms |
| Biden | Helms |
| Boren | Hollings |
| Boschwitz | Hollings |
| Bradley | Hollings |
| Bumpers | Hollings |
| Byrd | Johnson |
| Byrd, Robert C. | Johnson |
| Chafee | Kennedy |
| Chiles | Kennedy |
| Cochran | Kennedy |
| Cranston | Kennedy |
| Culver | Kennedy |
| Danforth | Kennedy |
| DeConcini | Kennedy |
| Dole | Kennedy |
| Domenici | Kennedy |
| Exon | Kennedy |
| Ford | Kennedy |
| Gore | Kennedy |
| Glenn | Kennedy |
| Goldwater | Kennedy |

[Quorum No. 477 Leg.]

| NAYS-50 | 
|---|---|
| Baucus | Glenn |
| Bentsen | Glenn |
| Bayh | Glenn |
| Boren | Heinz |
| Bradley | Heinz |
| Bumpers | Heinz |
| Byrd | Heinz |
| Byrd, Robert C. | Heinz |
| Chafee | Heinz |
| Chiles | Heinz |
| Cochran | Heinz |
| Cranston | Heinz |
| Culver | Heinz |
| Danforth | Heinz |
| DeConcini | Heinz |
| Dole | Heinz |
| Domenici | Heinz |
| Exon | Heinz |
| Ford | Heinz |
| Gore | Heinz |
| Glenn | Heinz |
| Goldwater | Heinz |
November 20, 1980

CONGRESSIONAL RECORD—SENATE

Bayh

Hatch

Magnuson

NOT VOTING—21

Bumpers

Hon. Al Gore (Tennessee)

Bumpers

Bumpers

Chambliss

Hildreth

Huddleston

Sargent

Huddleston

Ingouye

Inouye

Morgan

Durbin

Javits

Javits

Phalange

Durenberger

Jepson

Presler

Durkin

Lake

Senates

SECOND CONCURRENT RESOLUTION

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

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

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

If I be so more, I would like to see us pass a bill if we can work out the details of it, and do it in this session. With the request just made by the majority leader, I am willing to resume those negotiations, and I have no objection.

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

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

The PRESIDING OFFICER. The President announces that Mr. Armstrong will call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

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

SECOND CONCURRENT RESOLUTION ON THE BUDGET—CONFERENCE REPORT

Mr. Hollings, Mr. President, I submit a report of the committee of conference on House Concurrent Resolution 448 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

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

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

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

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

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

Mr. HOLLINGS. The Senator is correct.

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

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

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

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

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

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

On the tax cut issue, this conference agreement provides fully for the proposal advanced yesterday by Senators Roth and Dole and adopted by the Senate. It assumes only that such a tax cut will be enacted next year by April 15 and made retroactive to January 1. The April 15 enactment date for the tax cut means that its cost to the Treasury will be reduced in 1981. That is because withholding options will continue at the higher level established by existing law until April 15. Taxpayers will get refunds in the following fiscal year just as they always have done after retroactive tax cuts.

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

President-elect Reagan will be inaugurated on January 20. If our new President presents his tax cut plan on January 21, this conference agreement assumes that Congress will not cut it in less than 90 days. Surely that is an optimistic time frame for the consideration and passage of such a major new tax reduction.

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

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

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

There are a number of alternatives or options there.

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

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

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

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

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

The deficit level of $27.4 billion is more than $2 billion lower.

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

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

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

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

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

Now, Mr. President, I want to emphasize a few points in addition to my prepared remarks. I want to go right back to ground one, the starting line, June 1980, the balanced budget, and ask what happened to the Senate's resolution then. As I view it, there are four elements that have run us over that balanced budget. One, of course, is inflation, the inflationary costs of all the particular programs that make up the whole Government. Another element is another one-half of 1 percent of unemployment. You will find this particular budget rather than being computed, as in the first concurrent resolution, at 7.5 percent, is computed at an 8 percent unemployment level. That is a 1 percent increase. So for the year 1980, which could still be high, hopefully, it also contemplates the addition of a tax cut here and there. That was well debated yesterday. That has added to the deficit.

Then, of course, more than anything else, and it should be emphasized with respect to priorities, the National Congress of American Indians, which said, "Yes, we can have that balanced budget we had in June. But we feel so strongly about our need to rebuild the Nation's defenses that we have added $28.2 billion." That was a high priority in the middle of the budget.

This new budget function for fiscal year 1980 was $144 billion; for 1981 it is $172.7 billion. So that is an increase in budget authority of $28.2 billion, and that $144 billion is up from the $139 billion when we met in November a year ago. We were trying them in the neighborhood of $129.9 billion, right in there as a figure and, of course, that has gradually gone up over the year with supplements to the $144.5 billion level.

It has gone up $28.2 billion since June; it has gone up $28.2 billion in the last year, and more.

This resolution has got a $27.4 billion deficit. If we kept defense at the constant level of $144 billion would have the balanced budget. It is a restrictive budget. It cuts back on the controllables, as we characterize them. Other than, of course, such key areas as defense spending and security and the built-in inflators, it cuts back some 15 percent in real terms in the other programs and, at the same time— I do not know what this percentage would amount to, but I would dare say it is somewhere in the nature of a 5-percent real growth for defense. I am going to have to try to compute that and have it for my colleagues before the debate is concluded.

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

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

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

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

On the contrary, our particular levels, which were decided back in August—and of course, everybody at that particular time did not think there was going to be this dramatic change in administration of the budgeting here in December and everything else. The fact that the House arrived through a different approach to the same levels, of course, is their affair and their way of describing it. But the fact that we did not, the fact that we did not because that was not the fact, that was not the case. So this is not a multiple choice or where to find the fraud or a loose budget or hemorrhaging or what about the deficit or anything else.

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

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

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

The PRESIDING OFFICER. Mr. Boren.

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

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

At that time the Senator from Colorado said: Look, folks, that is crazy. We all know, everyone one of us in this Chamber knows, that the alleged balance reflected in the budget is not correct.

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

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

Mr. President, I ask unanimous consent to have printed in the Record a resolution which my staff has been prepared, a function-by-function analysis of the Federal budget for fiscal years 1977, 1978, 1979, and during fiscal year 1980. For the fiscal years 1981-82, and third concurrent budget resolutions as they have been adopted by the Senate and the House and the conference committee.

There being no objection, the tabulation was ordered to be printed in the Record as follows:
<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>FY 1977</th>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget authority</td>
<td>$458.2</td>
<td>$501.8</td>
<td>$556.7</td>
</tr>
<tr>
<td>Outlays</td>
<td>$467.7</td>
<td>$486.8</td>
<td>$483.7</td>
</tr>
<tr>
<td>Revenues</td>
<td>$878.8</td>
<td>$452.0</td>
<td>$469.9</td>
</tr>
</tbody>
</table>

**Lobbying Review**

<table>
<thead>
<tr>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational, training, and social services:</td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
<td>$30.4</td>
</tr>
<tr>
<td>Outlays</td>
<td>$21.0</td>
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</table>

<table>
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<tr>
<th>FY 1978</th>
<th>FY 1979</th>
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</thead>
<tbody>
<tr>
<td>Budget authority</td>
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<tr>
<td>Outlays</td>
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<table>
<thead>
<tr>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>General income, other, and other</td>
<td>$54.6</td>
</tr>
</tbody>
</table>

**Net Savings**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>FY 1977</th>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
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<td>Budget authority</td>
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<td>$878.8</td>
<td>$452.0</td>
<td>$469.9</td>
</tr>
</tbody>
</table>

**Lobbying: General, national, and other**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>FY 1977</th>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget authority</td>
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<td>$22.4</td>
<td>$27.6</td>
</tr>
<tr>
<td>Outlays</td>
<td>$21.0</td>
<td>$25.2</td>
<td>$27.9</td>
</tr>
</tbody>
</table>

**Lobbying: Educational, training, and social services**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>FY 1977</th>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget authority</td>
<td>$30.4</td>
<td>$22.4</td>
<td>$27.6</td>
</tr>
<tr>
<td>Outlays</td>
<td>$21.0</td>
<td>$25.2</td>
<td>$27.9</td>
</tr>
</tbody>
</table>

**Lobbying: General income, other, and other**

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>FY 1977</th>
<th>FY 1978</th>
<th>FY 1979</th>
</tr>
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<tbody>
<tr>
<td>Budget authority</td>
<td>$30.4</td>
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<tr>
<td>Outlays</td>
<td>$21.0</td>
<td>$25.2</td>
<td>$27.9</td>
</tr>
</tbody>
</table>

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

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

Not necessarily all agree that at some point the Nation's economic situation could, at least theoretically, become sufficiently desperate that extraordinary measures would be necessary; that we might have to address ourselves to cutting even political popular programs; that even sacred cows would have to take their turn in the tub; that we would have to do things that might be unpopular, unpalatable, and that might even be to the political disadvantage of Senators. We might have to give up some programs that have never been previously thought to be sacrosanct.

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

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

And when double digit inflation was accompanied by rising unemployment, a phenomenon which economists had confidently assured us could never happen, it seemed to me then, last January and even before, last fall when we were considering last year's budget resolution, that the time had come to throw away...
out the window all of the conventional budgeting wisdom about "You can't touch this program" and "We will never get this through committee" and "The Appropriations Committee will never go for it" and "We will never be able to pass a reconciliation bill" and "The House won't buy it!" and "The people won't understand!"

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

Well, if that was justified then, it is justified now? This week the banks raised their prime rate to 16 1/2 percent. I have not heard what has happened to the mortgage lending market, but my belief is that home mortgage lending has all but stopped in most communities around this country and whether it has or not there is practically nobody who can afford to buy a house at today's mortgage lending rates.

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

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

A few months ago, the Senate adopted, over my objection, a concurrent budget resolution for fiscal year 1981 which would have suggested budget outlays for the fiscal year of $613 billion. That seemed to me to be an unjustified increase. It would have been if we had stuck at $613 billion, the largest year-to-year increase in Federal spending in the history of this Government. Of course, the increase was so large that it would have dwarfed the entire Federal budget just 4 years ago.

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

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

This week, 4 weeks later, we are being asked to vote a budget calling for outlays of $632 billion. Again, all I can say is that is on the conscience of the people who voted for it and of course for the kind of budget. But the Senator from Colorado certainly does not intend to do so.

While I do not think this is the moment to be overly political, I would like to remind my friends on the other side of the aisle that just before the election, just about a month or 5 weeks before the election, I suggested that the American people were ready for a change; they were ready for a balanced budget; they were ready for a Congress that would perform its responsibilities and not go home leaving unfinished business to come back in the lameduck session.

One of the prerogatives of the media and of Senator Roth and all of us who are interested in the public policy is to evaluate elections in terms of their preconceived notions. We all have our own interpretation of what happened on election day and I would like to offer you what I think is my interpretation of the outcome.

My belief is that the people of this country were saying they were ready for a fundamental and basic change in the way this Government is being run and in the way this country is being governed. I am not suggesting for a minute that there were not a lot of other considerations—the personality of the candidates for national office and for the U.S. Senate and for Congress. Certainly those were considerations. Certainly there was an overall feeling in the races around the country. But, as I traveled across the country, not as a candidate, but as an observer and spokesman, the main and I believe the common denominator in talking to people of my own party and of the other party and people who do not identify themselves with any particular political party, is: "We know this is not working. It is time for a change." And when you really talk to them seriously, not in a political setting, but one on one, and ask them, "What is really troubling you down inside? What is the most important thing to you?" The answer that came back over and over again is, "Inflation." A few months ago, the Senate adopted, over my objection, a concurrent budget resolution for fiscal year 1981 which would have suggested budget outlays for the fiscal year of $613 billion. That seemed to me to be an unjustified increase. It would have been if we had stuck at $613 billion, the largest year-to-year increase in Federal spending in the history of this Government. Of course, the increase was so large that it would have dwarfed the entire Federal budget just 4 years ago.

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

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

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

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

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

I can see that after months and years and even decades of extravagance that it might be impossible, even in the light of the political earthquake of November 1980, to decide the balance of power. But certainly, we must have a strong military power. But it depends as well upon the process that we will adopt. And I am deeply concerned about the process. I think the process has been dashed.

I want to tell you as one who expects to be on the Budget Committee next year that that is exactly the process that we will never be able to put into a new process and not a budget process that is going to produce another string of deficits. I do not want to institutionalize a process which has put on the backs of the taxpayers and citizens of this country for 20 years the highest rate of inflation, a huge deficit, and a huge national debt within the last 4 or 5 years. I do not think we are doing any favor to do that.

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

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

Let me just address that thought to my Republican colleagues because this is an election that that kind of tax cut which I presume the President advocates for and favor and pass early next year, will be a tax cut which will not be inflationary because it will be accompanied by corresponding reductions in spending.

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

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

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

I want to tell you as one who expects to be on the Budget Committee next year, I do not think my job is to save the process. I think the process has been dashed. I think my job as a Senator, as a member of the committee next year, is to start a new process and not a budget process that is going to produce another string of deficits. I do not want to institutionalize a process which has put on the backs of the taxpayers and citizens of this country for 20 years the highest rate of inflation, a huge deficit, and a huge national debt within the last 4 or 5 years. I do not think we are doing them any favor to do that.

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

We have stated in our opening remarks, as a fact, that we did not consider the possible reduction in tax liabilities.

What is really disturbing is, the Senator from Colorado is a very responsible gentleman and starts talking about turkeys, the whole thing is a charade. The truth of the matter is that the inflation $1.6 billion. So, that is not radical, fraud, or who Bid the figures, or we have too many spendouts, or it is hemorrhaging, or we do not know. We worked very diligently on this entire process.

I will say to the Senator that I will be working with him to get on top of the inflation. Now that he has landed as Pilgrim Armstrong on the shores of leadership, and he gets this turkey. I want to see how he carves it. Beginning now, Mr. O'Neill said he is going to give President Reagan 6 months. The Senator from Colorado does not get that. He gets from November 7th, and he has about 2 months and his honeymoon is over from then on. It is going to be a Republican Senate. What is that? They should Dowd do? They have the President, they have the control. The Senator from Oklahoma ought to come back. I cannot wait for my 2 months to be over with so I can get on the other side and start cutting.

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

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

They have added it up here: the inflation, the unemployment, tax cut, defense add-ons. Those are the things that constitute that $37.4. And we are a Congress that has to go along with the majority. I could write a budget that would suit me and the American people. That was my argument. We told the Senator from Colorado and told Senator ARMSTRONG that the $2.5 billion more than the going rate, we are underestimating interest costs by $1.7 billion.

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

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

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

The terms of the Penn-Central court settlement, if we pass only half of that in 1981, will cost $1 billion. So that totals $11.15 billion more deficit than we have in the budget. If we add that to the $27.4 billion, we come up with $38.5 billion, not $27.4 billion. Then, of course, we need to add those same calculations to the totals, giving us the total for 3 years of well over $60 billion.

So while we have tried hard to get a handle on Federal spending, and we have done some good, I have to confess to great frustration as I leave the Senate and will no longer be part of the process. I think we could have done much better. Everyone has additional targets to see us reduce. But there are some savings.

We have reduced highway obligation authority by $7 billion, the CETAs is cut by $9 billion, on food stamps we anti-
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paie saving $5 billion, although I doubt that will ever happen.

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

So we tried hard. We have not done as well as I think we should have done. I believe the goal of noninflation and nondestruction of bringing inflation under control than of getting some relatively insignificant and quickly lost benefit from a tax cut. With this newsletter, I have put out from my office to my constituents in Oklahoma. To my amazement, there were only 10 percent to 11 percent who wanted a tax cut to almost 90 percent who wanted the budget balanced.

I think we would get the same reaction nationwide.

So I believe the Congress has made a mistake in reading public attitude. I believe the parochial Republicans are wrong in pushing so hard for a tax cut that will be paid for with borrowed money, that will simply increase interest rates and increase inflation, and a tax cut quickly lost so far as any value to taxpayers because of inflation, due to deficit, will quickly eat up any benefits.

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

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

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

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

Mr. HOLLINGS. Surely.

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

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

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

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

On that score, I also disagree with my friend from Oklahoma, because the poll says that our people want a balanced budget and not a tax cut. If we asked them, would they like to see us moving down a path that will bring a balanced budget in 3 years or provide for a significant tax cut, multyear in nature, that will cause America to reinustrialize and become competitive, I wonder how they would answer if they would like to have a balanced budget at the highest level of taxation in history; and would they like it to stay that way for a long period of time, with the highest level of taxation?

I think the answers would be different. But I do not think those issues are terribly relevant today.

I am not going to argue about protecting the dollar. I think every time we say this a line will break it. If we do not pass this, we will have to expect worse. There will be no discipline. This is a minor disciplinary mechanism. But if we do not have a budget resolution, we are in a path that will bring a balanced budget. The last one will break even this year, both as to taxation and levels of expenditure and, it is hoped, leave discipline. But I do not think this is the final answer.

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

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

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

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

I am hopeful that will be historic and it will come in less than this. That would be historic and one.

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

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

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

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

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

We already have a job, and Senator Bellmon told us $11 billion that does not fit in this budget, that somebody will have to cut that, if I understand my good friend from Oklahoma.

We figure that without any changes in the law, this figure is too low. That means we already have our work cut out for us next year.

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

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

That is the attitude that has to be changed. We have to find a way to get the appropriators, the joined Committee and all the other committees that have laws in their jurisdiction of spend-out, to set in motion a desire to make this work. We have a budget in the budget resolution because it is going to be broken." That kind of attitude has to be changed or we will not be an effective process.

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

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

I thank the chairman of the committee next to and before me.

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

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

I voted against the budget reported by the committee after our latest deliberations...
ed a round and exercised great political
attraction tax cuts that increased the
trillion national debt ceiling and thereby
it
ning
yesterday afternoon in reducing spend-
plications which have been wished away
Budget
this budget a'at all levels as being
umented legislative history-to vote
accept the proposal before us would be
ecessary spending re-
ills of the current recession.
While spending remains too high, we
progress. The step to signal the death knell of
President,
and I question their under-
ator Muskie, and for all of us who worked
in my opinion, is too
mblyning. The final figure.
and I
mation, in my opinion, is to vote
against acceptance of the conference re-
ne every reason—and the well-doc-
ized legislative history—to vote
against acceptance of the conference re-
report. Yet, I have great respect for the
Budget Committee chairman, Senator
Bellmon, and the incoming chairman of that committee, Senator

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

Therefore, Mr. President, I suggest that the responsible and courageous vote
is to support the position of the floor and vote with it, with reg-
and I urge my colleagues to support
adoption of the conference report.

Mr. President, we shall have opportu-
reductions which have been wished away
in the political tide of reducing taxes,
first
suggested
This was not a well

bills of the current recession.

I
Mr. President, the budget embodied in
2, 1980
budget authority and $300 million in out-
lays. Because legislation affecting the
VA entitlement programs—to authorize
cost-of-living increases in service-con-
ected disability compensation and GI
benefits. Fortunately, the lump-sum cross-
walk allocation that is made to the Ap-
propriations Committee under section
302(a) of the Budget Act leaves that
committee and the Senate with discre-
ion; the spending priorities implicit in this resolution in order to
provide adequate funding for the essen-
tial, high-priority VA programs funded
under these accounts, and I am confi-
dent that adequate funding will be pro-
vided for these programs in the appro-
ations process.

Thus, I wish to make clear my position that I do not favor the Kemp-Roth pro-
posal or the assumption made by the
budget resolution that a huge tax cut
should be included in the budget without
knowing the nature of the tax cut we are
approving. If the policies embraced by
this budget are fully carried out, I be-
lieve the result may be a substantial
increase in the rate of inflation. I
Dakota (Mr. Durkin), the
vote, but within it
I
yielded back
I
yielded back

be inadequate to assure adequate
funding for the Veterans' Administration
programs during fiscal year 1981. As
agreed to by the Senate yesterday, the
resolution provided for overall function
700 levels of $22.6 billion in budget au-
thority and $22.0 billion in outlays. The
hundreds of millions of dollars in savings
Mr. President, the yeas and nays have been ordered. I move
the adoption of the conference report.

The PRESIDING OFFICER. Is all time
yielded back?

Mr. DURKIN. I announce that the
Senator from North Dakota (Mr. Bur-
duck), the Senator from Nevada (Mr.
Cannon), the Senator from New Hamp-
sire (Mr. Durkine), the Senator from
South Dakota (Mr. McGovern), and the
Senator from Connecticut (Mr. Ran-
cup) are necessarily absent.
Mr. STEVENS. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Utah (Mr. Harkin), the Senator from California (Mr. Haya­kawa), the Senator from New York (Mr. Javits), the Senator from Nevada (Mr. Laxalt), the Senator from Maryland (Mr. Mattoon), and the Senator from South Dakota (Mr. Pressler) are necessarily absent.

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

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

[Rollcall Vote No. 478 Leg.]

YEAS—50

Baucus  
Bayh  
Bellmon  
Bentsen  
Biden  
Bradley  
Byrd, Robert C.  
Kasembaum  
Chafee  
Chiles  
Clark  
Cranston  
Cutter  
Dole  
Domenici  
Ford  
Goldwater  
NAYS—38

Armstrong  
Boren  
Bentschick  
Bumpers  
Byrd  
Boren  
Church  
Cranan  
Danforth  
DeConcini  
Durenberger  
Eagleton  
Garn  
RANCID—12

Baker  
Burdich  
Cochran  
Durkin  

The so-called report was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

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

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

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

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

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

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

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

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

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

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

There being no objection, the resume was ordered to be printed in the Record, as follows:

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

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

Years of active commissioned service: Over 69.

Present assignment: Assigned to Office, Chief of Staff, Department of the Army, Washington, D.C. 20310, since August 1943. Military Academy attended: United States Military Academy, BT.

The Infantry School, Advanced Course. United States Army Command and General Staff College. The Army War College.

Educational degrees: United States Military Academy—BS Degree—Military Science.

Major duty assignments since 1941:

Commandant, The Infantry School, Fort Benning, Georgia, from March 1941 to January 1942.

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

Commanding General, 2nd Infantry Division, Camp Claiborne, Louisiana, from February 1942 to June 1942.

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

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

Commanding General, Field Forces, European Theater of Operations, from September 1943 to December 1944.

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

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

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

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

Promotions, dates of appointment, temporary and permanent:

1922, Lt. (Army) D.C., 21 June 1913.

1923, Capt. (Army) D.C., 13 October 1913.

1924, Maj. (Army) D.C., 22 August 1914.

1925, Capt. (Army) D.C., 17 January 1917.

1926, Maj. (Army) D.C., 27 July 1918, 29 November 1920.

1927, Maj. (Army) D.C., 4 November 1924.

1928, Capt. (Army) D.C., 19 March 1941.

1929, Maj. (Army) D.C., 31 May 1944.

1930, Capt. (Army) D.C., 16 September 1944.

1940, Maj. (Army) D.C., 29 March 1945, 31 January 1946.

1945, Gen. of the Army, 22 September 1945.

U.S. decorations and citations:

Distinguished Service Cross.

Distinguished Service Medal.

Bronze Star.

Legion of Merit (with Oak Leaf Cluster).

Silver Star.

Bronze Star Medal (with Oak Leaf Cluster).

Combat Infantryman Badge.

Legion of Merit (with Oak Leaf Cluster).

Distinguished Service Medal (with 3 Oak Leaf Clusters).

Distinguished Service Medal (Navy).

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

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

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

Mr. ROBERT C. BYRD. Yes.
Mr. STEVENS. Mr. President, I certainly join with the majority leader in urging Members of the Senate to extend for 10 minutes the recess ordered by the Presiding Officer (Mr. SARBANES).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

There being no objection, the Senate, at 2:05 p.m., recessed until 2:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SARBANES).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

ORDER FOR RECESS FOR 30 MINUTES

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

The PRESIDING OFFICER. It is ordered so.

PATENT AND TRADEMARK LAWS AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6933 for not to exceed 5 minutes.

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

The bill will be stated by title.

The legislative clerk read as follows:

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

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1779

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

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

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

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

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

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

"Sec. 301. Citation of prior art.

302. Request for reexamination.

303. Determination of issue by Commissioner.

304. Reexamination order by Commissioner.

305. Conduct of reexamination proceedings.

306. Appeal.

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

"§ 301. Citation of prior art

"Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. Any person requesting reexamination of the prior art cited thereto in any claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.

"§ 302. Request for reexamination

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

"§ 303. Determination of issue by Commissioner

"(a) Within three months following the filing of a request for reexamination under this chapter, the Commissioner will determine whether a substantial new question of patentability affecting any claim is raised by the request, with or without consideration of other patents or printed publications.

(b) Any proposed amended or new claim determined to be patentable, and incorporat

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of subsection (a) of this section, the Commissioner determines that no substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The Commissioner will send to the owner of record of the patent a written determination not less than two months from the date a copy of the determination is given or mailed to the owner of record.

"§ 305. Conduct of reexamination proceedings

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

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

"§ 306. Appeal

"If, in a determination made under the provisions of subsection (a) of this section, the Commissioner determines that no substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent.

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

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

"(a) In a reexamination proceeding under this chapter, when the time for appeal has expired, or appealed from any determination made by the Commissioner, the Commissioner will publish a certificate of patentability, unpatentability, or new claim determined to be patentable, and incorporating the determination, which shall be conclusive upon all persons interested.

(b) Any proposed amended or new claim determined to be patentable and incorporated into a patent following a reexamination proceeding shall have the same effect as specified in section 252 of this title for proposed amended or new claims determined to be patentable, and incorporated into a patent following a reexamination proceeding under this section.
actual processing of an application for a patent, other than for a design patent, from filing through disposition by issuance or abandonment, will recover in aggregate 25 per centum of the estimated average cost to the Office of such processing. By the first day of the first fiscal year beginning on or after one calendar year after enactment, fees for the payment of an application fee for a patent, from filing through disposition by issuance or abandonment, will recover in aggregate 50 per centum of the estimated average cost to the Office of such processing.

"(c) By the fifteenth fiscal year following the enactment of this Act, fees for maintaining patents in force will recover 25 per centum of the estimated cost to the Office, for the year in which such maintenance fees are received, of the actual processing of all applications for patents, other than for design patents, from filing through disposition by issuance or abandonment. Fees for maintaining a patent in force will be due three years and six months, seven years and six months, and eleven years and six months after the grant of the patent. Unless payment of such maintenance fees is received in the Patent and Trademark Office on or before the date the fee is due or within a grace period of six months thereafter, the payment will not be effective at the end of such grace period. The Commissioner may require the payment of a surcharge as a condition of payment of a maintenance fee. However, no fee for the filing or processing of an application for the registration of a trademark or other mark for all other services or materials related to trademarks and other marks will be adjusted more than once every 3 years. No fee established under this section will take effect until 90 days following notice in the Federal Register.

"(d) The Commissioner may waive the payment of any fee for any service or material related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.

"(e) The Commissioner may waive the payment of any fee for any service or material related to patents will recover the estimated average cost to the Office of performing the service or furnishing the material specified in section 13 of this title with uncertified printed copies of the specifications and drawings for all patents issued in that year will be $50.

Sec. 3. Section 42 of title 35, United States Code, is amended to read as follows: "§ 42. Patent and Trademark Office funding. "(a) All fees for services performed by or materials furnished by the Patent and Trademark Office shall be payable by the Commissioner.

"(b) All fees paid to the Commissioner shall be used for the cost of the operations of the Patent and Trademark Office as defined by section 725 of title 31, United States Code, unless otherwise directed.

"(c) Revenues from fees shall be available to the Commissioner of Patents to carry out, to the extent provided for in appropriation Acts, the provisions of sections 314 and 315 of the Patent and Trademark Office.
(b) (1) Any determination under (ii) of paragraph (a) of this section shall be made with a statement of facts justifying the determination. A copy of each such determination and justification shall be transmitted to the Comptroller General of the United States within thirty days after the award of the applicable funding agreement and be made available for review by the agencies and on such other manner in which this chapter is being applied by the agencies and on such other aspects of Government patent policies and practices with respect to federally funded inventions, the Comptroller General believes appropriate.

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

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

(1) A requirement that the contractor disclose each subject invention to the Federal agency within a reasonable time after it is made by a Federal employee, contractor, assignee, or exclusive licensee to receive title to any subject invention not reported to it within such time.

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

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

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

(5) The Federal agency may request periodic reporting on the utilization or efforts at obtaining utilization that are being made by the contractor or his licensees or assignees: Provided, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 652 of title 5 of the United States Code.

(6) An obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to disclose within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government wishes to have all rights to such invention.

(7) In the case of a nonprofit organization, (A) a prohibition upon the assignment of title to any subject invention, unless required by Federal law or regulations promulgated hereunder to require the contractor, an assignee or exclusive licensee of a subject invention, to grant a nonexclusive, partial exclusive, or exclusive license in any field of use to a responsible agency or agencies, upon terms that are reasonable under the circumstances, and if the contractor, assignee, or exclusive licensee of such subject invention refuses such request or grant a license that is not reasonable under the circumstances.

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

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

(c) In any case when a Federal employee is a coinventor of any invention made under a funding agreement, the Federal agency, unless prohibited by applicable Federal regulations, shall have the right to use, license, or sell any subject invention by the coinventor incident to the administration of subject inventions, be utilized for the support of scientific education. The Federal agency shall consult with such coinventor and take such action as it deems necessary to generate income for the support of scientific education.

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

(1) No funding agreement with a small business firm or nonprofit organization shall contain any provision which the Federal Government may receive title to any subject invention and no assignee of any such small business firm or nonprofit organization shall be granted any rights to a subject invention in the United States unless such person agrees that any products embodying the subject invention is manufactured and sold substantially in the United States and that under the circumstances domestic manufacture is not commercially feasible.

(1) Preference for United States industry

(2) Notwithstanding any other provision of this section, no small business firm or nonprofit organization which requires title to any subject invention and no assignee of any such small business firm or nonprofit organization shall have the right to use, license, or sell any subject invention in the United States unless such person agrees that any products embodying the subject invention is manufactured and sold substantially in the United States and that under the circumstances domestic manufacture is not commercially feasible.

(2) Confidentiality

(2) Federal agencies are authorized to withhold from disclosure to the public information disclosing any invention in which the United States Government owns or may own a right, title, or interest (including exclusive license) for a reasonable time in order for a patent application to be filed. Further, Federal agencies are authorized to withhold copies of any document which is part of an application for patent filed with the United States Patent and Trademark Office with any federal agency or office.

(2) Uniform clauses and regulations

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

§ 207. Domestic and foreign protection of federally owned inventions

"Each Federal agency is authorized to-(1) apply for, obtain, and maintain patents or other forms of protection in the United States and in foreign countries on inventions in which the Federal Government owns a right, title, or interest; and (2) grant, nonexclusive, exclusive, or partially exclusive licenses under any patents, patents pending, or other patents, or other forms of protection obtained, royalty-free or for royalties or other consideration, and on terms and conditions, including the grant to the licensee of the right of enforcement pursuant to the provisions of chapter 29 of this title as determined appropriate in the public interest; (3) undertake all other suitable and necessary steps to protect and enforce the rights to federally owned inventions on behalf of the Federal Government, either directly or through any person, firm, or corporation; and (4) transfer custody and administration, in whole or in part, to another Federal agency, the Right of the United States or any interest in any federal owned invention.

§ 208. Regulations governing Federal licensing

"The Administrator of General Services is authorized to promulgate regulations specifying the terms and conditions upon which any federally owned invention, or other inventions owned by the Tennessee Valley Authority, may be licensed on a nonexclusive, partially exclusive, or exclusive basis.

§ 209. Restrictions on licensing of federally owned inventions

"(a) No Federal agency shall grant any license under a patent or patent application issued on an invention, other than that person requesting the license has supplied the agency with a plan for development and commercialization and that the licensee will be required substantially to lessen competition or result in undue concentrations.

"(b) A Federal agency shall normally grant the right to use or sell any federally owned invention, or any part or component of the invention, to a licensee that agrees that all products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) Each Federal agency may grant exclusive or partially exclusive licenses in any invention covered by a federally owned domestic patent or patent application only if, after public notice and opportunity for filing written objections, it is determined that "(1) The interests of the Federal Government and the public will be best served by the proposed license, in view of the applicant's intention to apply for and obtain a license for the purpose specified in the application; and "(2) The desired practical application has not been achieved, or is not likely to be achieved, to the extent that such action is necessary to meet requirements for public health, safety, or welfare, or to the extent that such action is necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(D) The proposed terms and scope of exclusion are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"(2) A Federal agency shall not grant such exclusive or partially exclusive license under paragraph (1) of this subsection if it is determined that the grant of such license would tend substantially to lessen competition or result in undue concentration in any section of the country in any line of commerce to which the technology to be licensed relates, or to create or maintain other situations inconsistent with the antitrust laws.


"(e) The Federal agency shall maintain a record of determinations to grant exclusive or partially exclusive licenses.

"(f) Any grant of a license shall contain such terms and conditions as the Federal agency determines appropriate for the protection of the interests of the Federal Government and the public, including provisions for the following: "(1) prevent reporting on the utilization or efforts at obtaining utilization that are being made by the licensee with particular reference to the grant noted: Provided, That any such information may be treated by the Federal agency as commercial and financial information obtained from a person, firm, or corporation, and not subject to disclosure under section 522 of title 5 of this United States Code; "(2) the right of the Federal agency to terminate such license in whole or in part if it determines that the license is not executing the plan submitted with it's request for a license and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it can or will be expected to take within a reasonable time, effective steps to achieve practical application of the invention; "(3) the right of the Federal agency to terminate such license in whole or in part if the license is in breach an agreement obtained pursuant to paragraph (b) of this section; and "(4) the right of the Federal agency to terminate the license in whole or in part if the agency determines that such action is necessary to meet requirements for public health, safety, or welfare, or to the extent that such action is necessary to provide the incentive for bringing the invention to practical application or otherwise promote the invention's utilization by the public.

"§ 210. Precedence of chapter

"(a) This chapter shall take precedence over any other Act which would require a disposition of rights in subject inventions of small business firms or nonprofit organizations in a manner that is inconsistent with the intent of this section, but not necessarily limited to the following: "(1) section 10(a) of the Act of June 29, 1934 (42 U.S.C. 5212); 87 Stat. 149); (b) section 105 of the Act of July 29, 1943 (42 U.S.C. 5247); (c) section 109 of the Act of August 14, 1946 (7 U.S.C. 4271(a); 60 Stat. 1085); "(2) section 205 of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090);

"(3) section 501(c) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951(c); 83 Stat. 742); "(4) section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721); "(5) section 12 of the National Science Foundation Act of 1950 (2 U.S.C. 1791(a); 82 Stat. 360);

"(6) section 152 of the Atomic Energy Act of 1946 (42 U.S.C. 2122; 88 Stat. 541); "(7) section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457);


"(10) section 32 of the Arms Control and Disarmament Act of 1961 (22 U.S.C. 2372; 75 Stat. 634);


"(14) section 3 of the Act of April 5, 1944 (30 U.S.C. 223; 88 Stat. 191);

"(15) section 4 of the Solid Waste Disposal Act (42 U.S.C. 6981(c); 90 Stat. 2829);

"(16) section 219 of the Foreign Assistance Act of 1991 (22 U.S.C. 2179; 87 Stat. 380);

"(17) section 427(b) of the Federal Mine Health and Safety Act of 1977 (30 U.S.C. 937(b); 86 Stat. 105); "(18) section 300(d) of the Surface Mining and Reclamation Act of 1977 (30 U.S.C. 1220(d); 91 Stat. 1542);


"(b) Nothing in this chapter is intended to alter the effect of the laws cited in paragraph (a) of this section or any other laws with respect to the disposition of rights in inventions made in the performance of funding agreements with persons other than nonprofit organizations or small business firms.

"(c) Nothing in this chapter is intended to limit the authority of agencies to agree to the creation or maintenance of partially exclusive licenses made in the performance of work under funding agreements with persons other than nonprofit organizations or small business firms in accordance with the Statement of Government Patent Policy issued on August 14, 1946 (7 Fed. Reg. 11399) and similar regulations, or other applicable regulations or to otherwise limit the authority of agencies to
allow such persons to retain ownership of inventions. Any disposition of rights in inventions made in accordance with the statement or implementing regulations, decisions, and recommendations, after enactment of this section, are hereby authorized.

"(d) Nothing in this chapter shall be construed to disallow the use of intelligence sources or methods within other authority granted to the Director of Central Intelligence by statute or Executive order for the protection of intelligence sources or methods.

1211. Relationship to antitrust laws

"Nothing in this chapter shall be deemed to convey to any person immunity from civil or criminal liability, or to create any defenses to actions, under any antitrust laws.

(b) The table of chapters for title 35, United States Code, is amended by adding immediate after the item relating to chapter 37 the following:


Sec. 7. Amendments to Other Acts.—The following Acts are amended as follows:

(a) Section 156 of the Atomic Energy Act of 1954 (42 U.S.C. 2186; 68 Stat. 547) is amended by deleting the words "held by the Commission or"

(b) The National Aeronautics and Space Act (42 U.S.C. 2001 et seq.) is amended by repealing paragraph (g) of section 305 (42 U.S.C. 2457(g); 72 Stat. 436).

(c) The Federal Nonnuclear Energy Research and Development Act of 1974 is amended by repealing paragraphs (g), (h), and (i) of section 9 (42 U.S.C. 3908 (g), (h), and (i); 98 Stat. 1890-1891).

Sec. 8. (a) Sections 2, 4, and 5 of this Act will take effect upon enactment.

(b) The Act will take effect on the first day of the seventh month beginning after its enactment and will apply to patents in force as of that date or thereafter.

(c) Section 3 of this Act will take effect on or after one calendar year after enactment. However, until section 3 takes effect, the Commissioner may credit the Patent and Trademark Office appropriation account in the Treasury of the United States with the revenues from collected reexamination fees, but is directed to pay the costs to the Office of reexamination proceedings.

(d) The effect as of the date of enactment of this Act will remain in effect until a corresponding fee established under section 41 of title 35, United States Code, or section 1113 of title 15, United States Code, takes effect.

(e) Fees for maintaining a patent in force will not be applicable to patents applied for prior to the date of enactment of this Act.

(f) Sections 6 and 7 of this Act will take effect on the first day of the seventh month beginning after its enactment. Implementing regulations may be issued earlier.

Sec. 9. The Commissioner will take effect on the date of enactment of this Act.

Sec. 10. The Commissioner of Patents and Trademarks shall report to Congress, within 2 years after the effective date of this Act, a plan to identify, and if necessary develop, computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the Patent and Trademark Office, and particularly to the patent search file, the patent classification system, and trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented, and the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

Sec. 11. Section 111 of title 17 of the United States Code is amended to add at the end thereof the following new language:

A "computer program" is a set of statements or instructions to be used directly or indirectly in a computer in order to bring about a certain result.

Sec. 12. Section 117 of title 17 of the United States Code is amended to read as follows:

"§ 117. Limitations on exclusive rights: Computer programs

"(1) that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner.

"(2) that such new copy or adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful.

"Any exercise of the rights under the provisions of this section shall be in accordance with the provisions of this section may be leased, sold, or otherwise transferred, along with the computer program which it accompanies, only as part of the sale, lease, or other transfer of all rights in the program.

"Adaptations so prepared may be transferred only with the authorization of the copyright owner.

Amend the title so as to read: "A bill to amend the patent and trademark laws."

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

The amendment was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

Mr. BAYH. Mr. President, there has been no more troubling issue before this Congress than the disturbing slump in American innovation and productivity. This trend strikes at the very heart of our economy and leads to a loss of jobs, a weakening of the dollar, and a poor balance of trade.

There are many complex reasons for this unhealthy trend, yet virtually every expert who has testified before the Congress has mentioned the weaknesses in our present patent laws as a significant contributor to the problem. The amendment that I am offering to the House-passed bill, H.R. 6933, represents an important step in solving this patent problem.

The amendment that I am offering represents in essence the patent policy incorporated in my bill, which was unanimously reported out of the Senate Judiciary Committee.

This new policy will make federally supported research and development more productive by allowing the private sector to develop many inventions now left gathering dust on the shelves of Government agencies. This patent policy reorganization will give small businesses and universities conducting research and development for the Government the incentive to develop and market the inventions that they make while fully protecting the rights of the Government and the public. This concept has received wide support from both sides of the aisle because of the overwhelming evidence of the present inefficiencies in the present patent policies. The full legislative history of this provision is found in the Senate Judiciary Committee report on S. 414 (96-480) which fully spells out the intent of the Congress and specifies how this patent policy is to be implemented.

Sec. 210(c) is intended to make clear that the disposition of rights in inventions to contractors not covered by this act shall continue to be governed by the President's statement on Government patent policy and implementing agency regulations. Implementing regulations and policies granting ownership rights to such contractors are not intended to be adversely affected by the enactment of this act; and dispositions pursuant to such statements and implementing regulations prior to enactment of this act are expressly authorized by this act.

The other provisions of this amendment will allow the Patent and Trademark Office to reexamine issued patents. This concept was unanimously supported by the Senate when it passed my bill, S. 2446. The present reexamination procedure is that passed by the House, which is essentially the same as that already passed by the Senate.

Reexamination will allow patent holders and challengers to avoid the present costs and delays of patent litigation. The American Patent Law Association testified to the Judiciary Committee that patent litigation can cost both parties $250,000 and take years to settle. Quite obviously, this sum is beyond the means of many patent holders, particularly small businesses and independent inventors, and is a sizable burden to any business. Patent reexamination will also reduce the burden on our overworked courts and save millions of dollars in the Patent and Trademark Office for an estimated $1,000 to $1,500 per case. Reexamination has been endorsed by the American Bar Association and the American Patent Law Association as a much needed improvement in our present system that will strengthen the American patent system.

The Senate Judiciary Committee and the Appropriations Committee have been concerned about the continued underfunding of the Patent Office. The amendment that I am offering includes the first increase in patent office fees in 15 years. The language is that already approved by the House.

The House provision includes a system of maintenance fees so that a patent holder can spread out his payments over a number of years. I believe that the Senate should accept this concept with the proviso that this provision is non-negotiable and cannot be changed by an amendment offered to this bill.

The Senate provision includes a system of maintenance fees so that a patent holder can spread out his payments over a number of years. I believe that the Senate should accept this concept with the proviso that this provision is non-negotiable and cannot be changed by an amendment offered to this bill.
with this one minor addition in the legis­
lative history of the fee provision, I re­
demanded that it be accepted. There­
should also be provisions made in the
implementing regulations of the Patent
and Trademark Office to extend the
definition of the term holder and should
ad­
vertently payment through no
fault of their own.
Few would argue that trademark fee
adjustments are not needed. They have
not been increased for years. Rather
than merely increasing fees, this bill ties
them to recovering an established per­
centage of average estimated costs, with­
out any feeling or control. Unfortun­
ately, support for fee increases based on
a percentage of cost recovery waned
dramatically when the language creating a
Patent and Trademark Office inde­
dependent of the Department of Com­
erce, an action I actively sought, was
deleted from this legislation. In any case,
this open-ended structure should not be
considered a "blank check." While there is
no provision in this legis­
lation to prohibit the commingling of
treaties within the
Department of Commerce. Addi­tion­
ally, the treaty, as it substantially reduces for
receipt the patent system, would
be counterproductive to the patent and
trademark system if this concern were
not carefully weighed by the Patent
and Trademark Office.
As required by the Regulatory Flexi­
bility Act (Public Law 96–354) and the
present act (H.R. 6933), the Patent and
Trademark Office is required to adopt
regulations for the patent fees of section
(41A) of this act that will reflect the
ability of small entities to pay such
charges. Consideration must be given to
several tiers of processing, filing, and
maintenance charges.
My amendment will also authorize a
2-year study of the feasibility of com­
puterizing many of the operations of the
Patent and Trademark Office. The
Judiciary Committee has been very con­
cerned with reports it has received about
missing patent files and the uncertainty of
many issued U.S. patents. Computer­
ization should significantly modernize
the operations of the Office and this
study will be very important in determin­
ing how best to proceed.
Finally, Mr. President, this amend­
ment clarifies the 1976 Copyright Act as
it is related to the ability to obtain copy­
rights on computer software. This lan­
guage reflects that proposed by the Com­
misson on New Technological Uses
of Copyrighted Works and is supported by
the Copyright Office.
This amendment represents a safe­
factory position in the posi­
tions of the Senate and the House. This
bill will be a significant step forward not
only for the patent system, but for America's
future competitive ability. I urge my colleagues to join with me in
supporting this vitally important legis­
lation.
• Mr. SCHMITT. Mr. President, as
most of my colleagues are undoubtedly
aware, recent economic indicators sug­
gest that the United States is experienc­
ing an alarming decline in the rate of
technological innovation and econom­
ic growth. This decline is reflected
in the growing international trade deficit, diminishing national pro­
ductivity, and the increasing penetration of
domestic markets by foreign competitors.
The Senate Science, Technology, and
Space Subcommittee, chaired by Senator
Saxenman and on which I serve as the
ranking member, has examined this prob­
lem and recommends a long­stand­
ing interest in the industrial innovation
process and Federal policies which ad­
versely impact upon it. For the past 2 years
we have held extensive oversight hear­
ings with the Banking Committee has con­
ducted extensive oversight hearings ex­
amining the direction of Federal R. & D.
and the Federal Government's role in
promoting the development, application,
and diffusion of new technologies.
In addition, the committee has held
4 days of hearings on my bill, S. 1215
addresses these problems in a com­
prehensive manner, treating all contractors,
small, medium, and large, equally.
I urge my colleagues to continue their efforts toward
that end.
• Mr. DOLE. Mr. President, the present
patent policy generally encourages re­
tention by the Government of rights to
inventions it sponsored. This policy has
resulted in a reluctance by universities
and industry to invest in basic research, to name just a few. Neverthe­
less, there are steps which the Federal Government can and should
take to reverse the downward trend in the development of new products and
processes. Reform of patent activities and policies is at the top of the list.
Mr. President, in my judgment, there is
a clear need for the establishment and
implementation of a uniform Govern­
ment-wide patent policy that would ad­
dress all recipients of Federal R. & D.
funds.
The present bill, H.R. 6933, provides for such a
policy but only for small and nonprofit
businesses, and academic institutions.
While I support the basic objectives of
the bill, I am concerned that the bill
does not go far enough. Through
these hearings are varied and complex—over­
burdensome and costly regulations, lack of
an overall trade policy, counterpro­
ductive tax policies, and inadequate
fundings of basic research, to name just a few. Nevertheless, there are steps which
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ment-wide patent policy that would ad­
dress all recipients of Federal R. & D.
funds.
Mr. President, I am hopeful that early
in the next Congress we can more thor­
oughly address the problem of lagging
technological innovation through imple­
mentation of a government-wide patent
policy that is applicable to all contrac­
tors, regardless of size.
I view the legislation before us today
as only the first step in the process of
providing incentive for technological
innovation among all recipients of Fed­
eral R. & D. funds, and urge my col­
leagues to continue their efforts toward
that end.
erally funded research. This is understandable in view of the fact that the development process is not only risky but expensive, and estimated to cost 10 times the cost of the initial research and development arm, charging 10 percent of patent rights and innovations, the Government increases the factor of uncertainty in an already uncertain area, that of technology end result. By denying the medium of protection that the granting of patent rights for a limited period of time would afford, the Government removes the incentive that would stimulate the private sector to develop and market inventions.

IMPACT OF FEDERAL POLICY
The effect of this policy is twofold, bearing on the consumer as well as on the economy in general. In both cases, the public is the victim. When large amounts of taxpayers’ money are directed to the research field, the public expects and deserves to reap the benefit of its investment in the form of usable products from its consumption. When this fails to materialize, it is obvious that the Government has reneged on its promise. This is evidenced by the fact that the inventions funded by the Government, only about 5 percent have been used.

The damaging impact of the Federal patent policy on the economy is dramatic. That we have lost our leadership role to Japan in the fields of electronics and shipbuilding is no accident. Without short-term exclusive rights, small firms cannot avoid the risk of bringing innovations to the commercial market, but large foreign firms can and are doing so, with ideas gleaned from U.S.-funded research. That the richest Nation on Earth has a trade deficit with Japan amounting to $13 billion leaves room for reflection, when one considers the fact that Japan has no natural resources on her mainland.

The development of technological innovation by Government and industry in countries such as Japan and Germany, is a contributing factor in their dominance of world trade.

WHAT IS THE ANSWER?
Protectionism is not what I am advocating. Such a theory would be counterproductive and one I do not adhere to on general principles. What I am rather suggesting is that the answer to foreign competition lies neither in an increase of export subsidies, nor in an increase of tariffs, but in an increase in productivity. I believe that the protection that patent rights for a limited amount of time would guarantee to American business would be a tremendous incentive for greater productivity.

Our economy is one which has always run on America’s innovative genius. This resource must now be allowed to waste away on development of minute delays and red tape. Complex rules and regulations devised by Federal agencies are detrimental to stimulating productivity and enterprise. They are particularly harmful to small businesses from which, traditionally, innovative, and creative programs have emanated. In the field of medical innovation, the obstruction of patent rights by the Government is an extremely serious problem. Indeed, when medical inventions offering potential cures for diseases are withheld, it is the very lives of Americans which are affected.

The almost adversarial relationship that now exists between business and Government must be replaced by a true and genuine partnership in which the Government will act as impresario in bringing industry and universities together with new fields of knowledge, and their practical implementation.

The amendment that I am cosponsoring represents the patent policy incorporated in S. 414, which was overwhelmingly passed by the Senate after being unanimously reported out of the Senate Judiciary Committee.

This new policy will result in an increase in productivity by allowing the private sector to develop many inventions. The chance that a Government now left on the shelves of Government agencies. Small businesses and universities that conduct research and development for the Government will now have the incentive to develop and market the inventions that they create.

THE PATENT TRADEMARK OFFICE
An estimated 2 to 28 percent of the search files are missing in each patent subclass. Therefore, when patent examiners are searching these files, when seeking prior patents and relevant materials, in order to determine whether or not to grant a patent, some of the necessary materials may be missing.

PATENT REEXAMINATION
As drafted, H.R. 6933 allows a person who wishes to challenge an issued patent on the basis of prior art or print published applications to file a request with the PTO along with the fee and the evidence that is relevant to patentability. It is a hope of the Senator from Kansas that this legislation will be a significant step forward for American innovation and productivity. I urge my colleagues to support this necessary piece of legislation.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6933), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

RECESS FOR 30 MINUTES
The PRESIDING OFFICER. Pursuant to the previous order, the Senate now stands in recess for 30 minutes.

Thereupon, at 3:06 p.m., the Senate recessed for 30 minutes; whereupon, at 3:36 p.m., it reassembled when called to order by the Presiding Officer (Mr. SANTANES).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The motion to proceed to the consideration of S. 1460.

RECESS UNTIL 4:30 P.M.
Mr. ROBERT C. BYRD. Mr. President, I am informed that the parties are still negotiating and need a little more time. Therefore, I ask unanimous consent that
Mr. President, the Senate stand in recess until 4:30 p.m. today. There being no objection, the Senate, at 4:04 p.m., recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Lavine).

RECESS FOR 15 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 15 minutes. There being no objection, the Senate, at 4:45:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. Boren).

The PRESIDING OFFICER. The Chair in his capacity as the Senator from Oklahoma suggests the absence of a quorum.

The clerk will call the roll. The assistant legislative clerk procured to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum be rescinded. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, the parties who have been principally engaged in the negotiations with respect to the superfund bill have made considerable progress. They need several hours tomorrow in which to continue those negotiations.

In order to accommodate several Senators, one in particular who will not be here Saturday and who wishes to be here when action is taken on the superfund legislation, I ask unanimous consent that further action on the pending motion be delayed until Monday, following the orders for the recognition of the two leaders or their designees.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object. Indeed, I will join the majority leader in his request.

I, too, believe substantial progress has been made. I would like to say that I believe enough progress has been made to predict that there will be a successful outcome, at least I hope so. Because I feel the parties are close enough together now, a great deal will be gained by trying to complete consideration of this measure yet in this session of Congress.

It is my understanding of the request made by the majority leader that further consideration of the motion would simply be suspended until next Monday, at which time all the parties would be left in the same position exactly where they were when we discontinued consideration of that motion this morning.

I ask the Chair if that understanding is correct and if the Chair will confirm that understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, then I certainly have no objection. I thank the majority leader for his good offices in working out this arrangement.

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

The galleries will be in order.

Mr. ROBERT C. BYRD. Mr. President, will the Chair please get order in the galleries? The Senate is still in session and will be in session for a while. While I have the floor, I want to take this occasion to say that the Senate will be in Saturday, also, because there is work to do, unless all the work can be completed that we are hoping to get done prior to that.

At this time, I hope that the EDA legislation can be brought up. The distinguished Senator from West Virginia, my senior colleague, Mr. Randolph, is here for that purpose and Mr. Stafford is also here.

Mr. President, I yield the floor.

EXTENSION OF AUTHORIZATION OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND APPALACHIAN REGIONAL DEVELOPMENT ACT

Mr. RANDOLPH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3152) entitled "An Act to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965 to extend the authorization for such Acts for two additional years", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

That the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended as follows:


The situation causes me for a moment to say that those two bodies were very carefully considered by the members of our committee at that time.

What we did in the committee, after the most careful, yet constructive, consideration was to bring the measure to the Senate. This year two of our colleagues in the Senate took two measures, to benefit the men and women of this country.

Those who were members of our committee in 1965 were part of the beginning of an effort that continues today and flourishes. They were, in addition to myself, Stephen M. Young, Edmund S. Muskie, Ernest Glimpse, Fred R. Harris, John Sherman Cooper, Hiram L. Fong, Caleb Boggs, James B. Pearson, Chris, Robert P. Griffin.

Today, I am joined in the continued review and revision of these important programs by Mike Craven, Lloyd Bentsen, Quentin Burdick, John Culver, George Gross, Patrick Moynihan, George Mitchell, Robert T. Stafford, Howard Baker, Pete Domenici, John Chafee, Alan Simpson, and Larry Pappas.

These programs since that date have carried with them substantial activities which have benefited the health of the people throughout this country.

In the processes of quality education, we have provided for very, very necessary public facilities to benefit communities, large and small.

We have helped in the development of a further network of roads in Appalachia which have strengthened the economy, business that, in many instances, have done a further network of roads in Appalachia which have strengthened the economy, business that, in many instances, are now gainful employment for people in various regions of this country, but what is done in one region benefits another. We make progress on the results and strengthen the entire Nation through a better economy.

The two programs are for economic growth and development and for the well-being of men and women who live in various regions of this country, but what is done in one region benefits another. We make progress on the results and strengthen the entire Nation through a better economy.

Authorization in the bill are continued at the level authorized for the Appalachian Regional Development Act and the Appalachian Regional Development Act, and the Public Works and Economic Development Act. The Senate, as will be recalled, passed this legislation prior to November 4. During that recess, it became apparent that the conference committee on S. 914, which was passed last year, could not resolve the remaining differences. I do not quarrel with those differences except to say that, in the Senate, we thought we must hew more closely to the lines which we had drafted in the bill.

We had further negotiations. Mr. President, after the Senate’s passage of S. 3152, then the election. We continued to work to demonstrate, but it was impossible to pass to what we would have liked very much, a conference report on S. 914.

Mr. President, with my colleagues, we come now to the adoption of the House amendment to S. 3152, in which the only change is the adding of an additional year of authorization, fiscal year 1982, to apply to both programs. The bill, as passed by the Senate and as amended in the House is simply a 3-year extension of the existing programs.

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November 20, 1980

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those appropriations are within the budget resolution. As a result of the Appropriations Committee's action, EPA's budget for fiscal year 1981 will be increased from $550 to $664 million.

Mr. President, may I ask my colleagues to approve the bill before us.

Mr. President, I join with my friend, the distinguished chairman of the Committee on Environment and Works, in urging our colleagues to approve the bill before us.

Mr. President, I yield the floor.

Mr. RANDOLPH. Mr. President, I have just this postscript in a sentence or two. It is customary at times to recognize, and at other times, the record will reflect later, the assistance of members of our staff, regardless of whether they be majority or minority. I know that Senator STAFFORD and I want very much not to be redundant but to be very eager to thank all those on the staff of the committee who in House to House worked very, very earnestly to help bring about this result.

We are appreciative of the efforts of John Yago, Balley Guard, Richard Harris, Philip McCranie, Richard Gugger, John Schaefer, Steve Swain, and Ann Garrabrant.

Philip McCranie, able administrative assistant in our personal office, has labored in behalf of EPA and Appalachian projects for long, long hours. He knows what it means to a community and to its people to have this assistance which many, many times has been the difference between the closing or continued operation of a plant, sometimes combining with other funding, including that from private sources. Thus plants were improved and kept open; new ones were established and workers were gainfully employed. In a personal and official way and for the people of West Virginia I say, thanks Phil.

I want also, Mr. President, to indicate that I am very hopeful that Howard Baker, the Senator from Tennessee, who is a member of our committee, will remain a member of the committee. He moves now to the majority leadership, but I hope that nothing will keep him from continuing as a member of our committee, where his advice and counsel and his advocacy have been important elements of what we have done.

Mr. STAFFORD. Mr. President, if the distinguished Senator will yield briefly, I would like to join in expressing our appreciation for the staff assistance to all of us.

I am happy to tell my beloved chairperson that I have discussed Senator Baker's remaining on the committee and he has told me he expects to do so.

Mr. RANDOLPH. That is good news this evening.

Then I desire also, before we call for the concurrence in the amendment, to speak of the assistance of the majority leader (Mr. ROBERT C. BYRD) in connection with this legislation.

He has been from the beginning a strong supporter of what we have done. We are all aware he and Howard Baker have been very helpful in arranging for us to bring this measure to a conclusion.

From the standpoint of the Hill, we know that President Carter wishes to sign this legislation and, in doing so, does it not as a Democratic President, but as a President of the United States of America.

I would say the same of another President who were he in office, because when legislation here can be reflected from both sides of the Hill and the White House and so to the people, not just dollars to be spent, but dollars that are an investment; and after they have been expended there is a dividend for the American people down the road, wherever these programs bear fruit.

Mr. President, I move that the Senate concur in the amendment of the House. The PRESIDING OFFICER. Is there objection to the motion?

Without objection, the motion was agreed to.

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

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

The motion to lay on the table was agreed to.

FEDERAL SUPPLEMENTAL UNEMPLOYMENT COMPENSATION

Mr. LONG. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8146.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8146) to provide a program of Federal supplemental unemployment compensation and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

UP AMENDMENT NO. 1780

(Purpose: To correct drafting error)

Mr. LONG. Mr. President, I ask unanimous consent that the Senate be permitted to reconsider the concur and in the own amendments with an amendment which I now send to the desk. This amendment would correct a drafting error in one of the sections added by the Senate so that the section in fact do what it was described as doing.

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

The clerk will state the amendment.

The legislative clerk read as follows:

The Senate from Louisiana (Mr. LONG) proposes an unprinted amendment numbered 1780.

In paragraph (4) (B) of section 202 (a) of the Federal-State Extended Unemployment Compensation Act of 1970, as added by section 10 of the Senate Amendment, insert "multiplied by 20" after "available to the State.""

Mr. LONG. Mr. President, this amendment would correct a drafting error in one of the sections added by the Senate so that the section will do what it was described as doing.

Mr. STAFFORD. Will the distinguished Senator yield?

Mr. LONG. Yes.

Mr. STAFFORD. Has this matter been cleared on my side of the aisle?

Mr. LONG. This was cleared with the minority staff of the Finance Committee and I believe it was with Senator Dole. If there is any doubt, I would be glad to straighten it out. The Senator will be one of the conferees on the bill, and it is strictly a drafting error.

The staff, in drafting the language, simply failed to draft it properly and they put the wrong number in at one point.

Mr. STAFFORD. It is my understanding that this is a change that is going in at conferees. In any event.

Mr. LONG. Yes, and, to my knowledge, the staff well understands what this is. Mr. STAFFORD. Senator Dole will be one of the conferees?

Mr. LONG. Yes.

Mr. President, has the amendment been agreed to?

The PRESIDING OFFICER. The request has been agreed to.

Mr. LONG. Mr. President, I move that the Senate insist on its amendments and request a conference with the House, and that the Clerk appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Boren) appointed Messrs. LONG, Talmadge, Harry F. Byrd, Jr., Boren, Bradley, Dole, Chafee, and Heinz conferees on the part of the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE ACCESS PROVISION IN THE ALASKA LANDS BILL

Mr. MELCHER. Mr. President, we have finally had an opportunity to read the fine print in the long and detailed statement put into the record by Congressman Udall with regard to section 1323, Access, of the Senate compromise amendment to H.R. 39, the Alaska National Interest Lands Conservation Act.

Congressman Udall says:

Although the amendment is ambiguously drafted and not expressly limited to Alaska lands, the House believes that, as with all other provisions of the bill, the language of the section applies only to lands within the State of Alaska. Reference in an earlier section of his remarks dealing with "General Issues" under the National Parks section also indicated that "various authorities granted to the Secretary of Agriculture . . . apply only to the State of Alaska."

Mr. President, this brief expressed by Mr. Udall is in complete error. I was the author of section 1323 and the language certainly was not designed or intended to apply only to Alaska lands. Furthermore, the Senate intent with its own language was made quite clear by the Senate committee report at page 310 which I am inserting at this point. The committee said:
The committee amendment is designed to resolve any lingering legal questions by making clear that non-Federal landowners have a right of Access.

A statement in the House that the language applies only to Alaska is an outright attempt to amend the Senate language and limit its application. The Members of the House had a clear understanding of the meaning and intent of the language in section 1323 because I met personally with both Mr. Udall and Mr. Skinner on the matter to make its meaning clear. We also exchanged a large number of letters and had a charade of fine print to limit application of section 1323 to Alaskan lands. This is made even more transparent when you consider that section 1110 of the bill deals specifically with special access and access to inholdings in Alaska. Let me insert section 1110 at this point with section 1323.

Note that section 1323 provides no more than section 1110(b) provides for Alaskans. That is why section 1323 was added by the Senate committee in order to provide equity with other Federal and non-Federal landowners. The Senate committee intends outside of Alaska to provide for others who own land within or effectively surrounded by one or more units of the National Forest System or of public lands administered by the Secretary of the Interior under the Federal Land Policy and Management Act of 1976 such rights as may be necessary to assure appropriate access for economic and other purposes, subject, of course, to reasonable rules and regulations.

Mr. President, the House was unable to muster the necessary support to amend the Senate compromise Alaska lands bill; therefore, their attempts to amend it with fine print in the Recorders will not stand. The Senate intent on the floor, in the committee report and through the entire Senate committee markup is clear. Section 1323 is not limited to Alaska and was not limited to Alaska.

Mr. President, I ask unanimous consent to have certain sections on Access printed in the Record.

There being no objection, the matter is so ordered to be printed in the RECORD, as follows:

\[ SECTION 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned lands within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: Provided, That such owner comply with rules and regulations applicable to access across public lands.

\[ SECTION 1324: Access

This section is designed to remove the uncertainties surrounding the status of the rights of the owners of nonfederal lands to gain access to such lands across Federal lands. It has been the Committee's understanding that such owners had the right of access to their land subject to reasonable regulation by either, the Secretary of Agriculture or in the case of Federal land within the boundaries of the National Forest System administered by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976. However, a recent District Court decision in Utah (Utah v. Simon et al., C79-9037, October 1, 1979. D. C. Utah) has case some doubt over the status of these rights. Furthermore, the Attorney General is currently reviewing the issue because of differing interpretations of the law by the Departments of Agriculture and the Interior.

Mr. Secretary of Agriculture Department believes that non-Federal landowners have the right of access to national forest lands subject to reasonable rules and regulations. They find nothing in the Organic Act of 1897, 473-478, 479-482, 551) or the Wilderness Act which precludes such access. In fact, they support section 5(a) of the Wilderness Act (16 U.S.C. 1110i-1136) as mandating access to non-Federal in holdings within national forest wilderness.

The Interior Department on the other hand, interprets section 5(e) of the Wilderness Act as expressly authorizing denial of access to such inholders in wilderness areas. Based on that interpretation, Interior then concludes that the provisions for wilderness review of public lands organized by BLM in section 603(c) of the Federal Land Policy and Management Act also authorized denial of access across public lands subject to wilderness review.

The Committee amendment is designed to resolve these legal questions by making it clear that non-Federal landowners have a right of access. National Forests and public lands subject to the Forest Service, of course, to reasonable rules and regulations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—DEFENSE DEPARTMENT APPROPRIATIONS, H.R. 8105

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees recognized under the standing order, the Senate continue the consideration of the Defense Department appropriation bill, Calendar No. 1152, H.R. 8105.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, will the majority leader withhold his request momentarily, while I check with one last clearance on that matter?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I temporarily withdraw my request.
METHANE TRANSPORTATION, RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1154, H.R. 6889.

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

The assistant legislative clerk read as follows:

A bill (H.R. 6889) entitled the "Methane Transportation, Research, Development, and Demonstration Act of 1980"

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BAKER. Mr. President, there is no objection.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources with amendments, as follows:

On page 3, line 11, strike "and"; on page 5, line 17, strike "amended" and insert the following:

amended: and

(5) supplement, but neither supplant nor duplicate, the automotive propulsion system research and development efforts of private industry.

On page 5, line 14, strike "determine" and insert "conduct research and development on"

On page 6, after line 20, insert the following:

(d) (1) The Secretary of Energy shall in­

sure that the conduct of the research and development of industry, (A) supplements the automotive propulsion system research and development efforts of private industry.

(b) (5) Nothing in this Act shall be construed as granting the Secretary or any other Fed­

eral official any authority to promulgate rules of general application to regulate the produc­tion, safety, or use of methane as a trans­

portation fuel or vehicles which use methane as a transportation fuel.

AMENDMENT NO. 1781

Mr. FORD. Mr. President, I send to the desk an amendment for the distin­

guished Senator from Ohio (Mr. Metz­

enbaum). This has been cleared with all our colleagues on both sides. I have sev­

eral amendments at the desk. There are four amendments by the distinguished Senator from Idaho (Mr. McClure); and if there is no objection, I move that the amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object— I will not ob­

ject— I thank the Senator from Ken­

nucky for advising me that amendments of the Senator from Idaho (Mr. Mc­

Clure) are included. That is our only re­

quirement. We have no objection to the request.

Mr. FORD. I say to the distinguished minority leader that Senator McClure and I discussed this and he has more

than one, and it has been covered ade­

quately.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. Ford) proposes an unprinted amendment numbered 1781.

Mr. FORD. Mr. President, I ask unani­

mous consent that reading of the amend­

ment be dispensed with and that the amendments, including the amendments by the Senator from Ohio (Mr. Metz­

enbaum), be considered en bloc.

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

The amendments considered en bloc are as follows:

On page 4, strike lines 8 through 10, and insert in lieu thereof the following:

(4) determine that the participants in each demonstration assisted under this Act have made satisfactory arrangements to ob­

tain an adequate supply of methane for vehicular use in the project.

On page 6, line 12, after "sources" add ", as provided for in other authorization acts.

On page 10, lines 20 through 23, strike paragraph (8), and insert in lieu thereof the following:

(8) overcoming institutional barriers to widespread use, including but not limited to: (A) the transportation of meth­

ane for vehicular use through tunnels, and the potential expansion of the distribution of methane for vehicular uses.

On page 11, lines 13 and 14, strike "facili­

ties for the transmission and storage of methane as a vehicular fuel", and insert in lieu thereof "methane transmission, storage and dispensing facilities.

On page 11, line 24, strike "equipment" and insert in lieu thereof "facilities."
Mr. President, the time for study is long past. Methane is being used by 15,000 vehicles in this country, and was the subject of extensive testing by GSA, back in 1970. Testimony in our hearings showed that if we did use methane in just 2 million vehicles, we could save up to 80,000 barrels per day of gasoline. Furthermore, with a kit to convert to a dual fuel capacity, it would take a mechanic under 8 hours to do the conversion.

But the hearings also showed that industry and fleet owners are reluctant to invest in conversion to dual fuel capacity because of a lack of Government policy in this area. For example, the Department of Transportation representative testified that: "Although the DOT administrations concerned have plans to develop regulations governing methane systems in private or commercial vehicles." He also said that such fuels for use in vehicular propulsion are only partially regulated by the Department.

But before we let DOT regulate these vehicles we must learn what they do, how they operate, and demonstrate to industry the benefits and disadvantages. That is the purpose of this bill.

The bill would provide a program for advanced and accelerated research into methane as a vehicular fuel, methane-fueled systems, and methane facilities. It would also demonstrate the economic and technological practicalities of methane-powered vehicles for fleet use and under consideration by the Department for private or commercial operations. The Department of Energy would be the lead agency to conduct this research, development and demonstration program. The bill would result in the initiation of 50 fleet demonstrations, of no less than 50 vehicles each, over the next 3 years.

Methane is an attractive transportation fuel because of several obvious characteristics which make it an inherently safer vehicular fuel than petroleum-based fuels. Methane is noncorrosive, lighter than air, and has an ignition temperature below that of gasoline. Methane also has a high research octane rating of 120, and as a result it is a particularly efficient fuel in conventional internal combustion engines with high compression ratios, and could potentially even be more efficient with engines specifically designed for methane operation.

According to an analysis by the American Gas Association, fuel costs for conventional, natural gas powered vehicles are about 25 to 50 percent less than those for comparable gasoline or electric powered vehicles. The costs associated with vehicle conversions could be recouped quickly because of the differential between distributed and centralized vehicle fuel systems, and methane facilities.

Mr. President, I urge the enactment of this bill.

Mr. HOLLINGS. Mr. President, as we all know, a major cause of our Nation's current economic difficulties is the continued importation of expensive foreign oil. One of the primary uses of this oil is in the transportation sector. In fact, meeting the daily fuel requirements of the vehicles of the American people takes up a large portion of not only the imported oil but an increasingly large amount of our domestically produced oil. The threat posed to our Nation by continued reliance on foreign energy supplies is potentially devastating. On a day-to-day basis, the dependence weakens us economically and risks our national security, but at risk by the threat of an oil cutoff. Clearly, it is important that we take steps now to reduce the amount of oil used in the transportation sector of our economy, particularly in light of the possibility of a world oil shortage in the coming months if the war between Iran and Iraq continues. There is no simple, single solution to this problem.

The legislation is designed to make possible the use of methane in the transportation sector which could help bolster our economy. The Methane Transportation Demonstration Research and Development and Demonstration Act of 1980, offers our Nation the opportunity to utilize a fuel which has a variety of benefits when compared to other transportation fuels now in use or under consideration by private companies and the Federal Government.

Natural gas, which is composed of 95 percent methane, is our country's most abundant source of this domestically produced fuel. As indicated in the bill, methane is also derived from such domestic sources as Devonian shale, tight sands, geopressured zones, coal seams, and such renewable resources as marine and land biomass, peat, and organic and municipal wastes.

Of importance, methane has the potential for reducing the cost of transportation fuel to the consumer. The rate of return on this small investment would be great. Presently, methane costs the equivalent of 65 cents per gallon of gasoline.

Another major advantage of methanepowered vehicles is the environmental considerations. Generally, all types of emissions associated with methane-powered vehicles are of lower levels than those associated with vehicles powered with other fossil fuels. On a total energy cycle basis (from energy source to end use) all types of emissions associated with methane-powered vehicles are lower than those from vehicles powered by gasoline from oil, coal, or shale.

Currently there are less than 20,000 methane-powered vehicles operating in the United States. This is another example of where our country lags behind other nations. By contrast, an estimated 400,000 methane-powered vehicles in Italy alone and New Zealand recently began to convert 150,000 vehicles to natural gas by 1983. Even the Soviet Union intends to convert most of the buses in the city of Moscow to methane. Clearly, methane has been proven to be a viable and economic transportation fuel for vehicles.

The rapid development of this alternative fuel technology in the United States, however, is being hindered by economic and institutional barriers founded on a data base of outdated economic and gas supply studies and restrictive laws which do not apply to the modern methane transportation situation. This measure, Mr. President, calls for funds to support advanced and accelerated research, development, and demonstration of methane as a transportation fuel to the consumer. The rate of importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Mr. FORD. Mr. President, I ask unanimous consent to have printed in the Record an explanation of the amendments.

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

EXPLANATION OF AMENDMENTS

Amendment No. 1: This amendment will revise the definition of private entities which will participate in the bill. It will include both public and non-incorporated persons, except for those entities which are "public entities." Amendment No. 2: This amendment requires that the Secretary of Energy determine the need for continued importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Amendment No. 3, 9, 10, and 11: These amendments make conforming changes to make the term "methane transmission, storage and dispensing facilities" consistent throughout the bill. Amendment No. 4: This amendment requires that the Secretary of Energy determine the need for continued importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Amendment No. 5: Technical change.

Amendment No. 6: This amendment requires that the Secretary of Energy determine the need for continued importation of foreign oil, will promote energy independence for the United States, and will help cut air pollution in major metropolitan areas. It can also accelerate development of unconventional sources of natural gas. All this can be done while providing vehicle operators with a cheaper and cleaner domestically obtained fuel than that which is currently in use.

Mr. President, I urge the adoption of this measure.

Agreement No. 7: This amendment requires that the Secretary perform research and development on new sources of methane.
November 20, 1980

CONGRESSIONAL RECORD—SENATE

NATIONAL COUNCIL ON THE ARTS

SEC. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The term of office of all Council members shall expire on the third day of September in the year of expiration."

NATIONAL ENDOWMENT FOR THE HUMANITIES

SEC. 104. (a) (1) Section 7(f) (2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 966(f) (2)) is amended by striking out "or loans" after "grants-in-aid;" and

In paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity;"

SEC. 102. (a) Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by inserting "or loans" after "grants-in-aid;"

(2) in paragraph (1) thereof, by inserting "and cultural diversity" after "American creativity;"

(b) (1) Section 5(g) (2) (A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g) (2) (A)) is amended by striking out "private;" and

(2) by redesignating paragraph (5) thereof as paragraph (6) thereof, and by inserting after paragraph (4) thereof the following new subparagraph:

"(5) for the arts at the local level, and; and"

(3) by adding at the end thereof the following new sentence: "Any loans made by the Chair shall be made in accordance with terms and conditions approved by the Secretary of the Treasury."

(p) by adding at the end of the following new sentence: "Any loans made by the Chair shall be made in accordance with terms and conditions approved by the Secretary of the Treasury."

SEC. 103. Section 6(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(c)) is amended by inserting after the first sentence thereof the following new sentence: "The term of office of all Council members shall expire on the third day of September in the year of expiration."
(A) Section 7(f) (3) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (3) ) is amended to read as follows:

“(3) Whenever a State selects to receive Federal financial assistance under this subsection, such State shall submit an application for such assistance at such time and in such form as shall be specified by the Chairman. Each such application shall be accompanied by a plan which the Chairman finds:

(B) to provide that funds paid to the grant recipient will be expended solely on programs which carry out the objectives of subsection (c);

(c) establishes a membership policy which is designed to assure broad public representation with respect to programs administered by such grant recipient;

(D) provides a nomination process which assures opportunities for nomination, membership, and leadership by groups with the State and from a variety of segments of the population of such State, and includes in such process considerations of achievement, scholarship, or creativity in the humanities, are especially qualified to serve;

(E) establishes procedures to assure the regular rotation of the membership and officers of such grant recipient;

(F) establishes reporting procedures which are designed to inform the chief executive officer of the State involved, and other appropriate agencies and officials of the activities of such grant recipient;

(G) establishes procedures to assure public access to information relating to such activities; and

(H) provides that such grant recipient will make reports to the Chairman, in such form, at such times, and containing such information, as the Chairman may require.

(A) The first sentence of section 7(f) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (4) ) is amended by inserting “State and the ‘grant recipient’,” before “grant recipient.”

(B) The second sentence of section 7(f) (4) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (4) ) is amended by inserting “States and” before “grant recipients.”

(C) Section 7(f) (5) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f) (5) ) is amended by striking out “paragraphs (4), (5), and (6)” and inserting in lieu thereof “the third sentence of paragraph (4), and paragraphs (5) and (6)”.

(D) Section 7(g) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(g) ) is amended by striking out “paragraph (C) of the Acts of 1965 (20 U.S.C. 956(g) (1) ) is amended by striking out “State and the ‘grant recipient’,” before “grant recipient,” and (D) in the matter following subparagraph (C) thereof, by striking “grant agency,” before “grant recipient,” and inserting in lieu thereof “State plan or grant recipient application”; and

(E) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purpose of subsection (c) for the costs of such activities.”

NATIONAL COUNCIL ON THE HUMANITIES

SEC. 105. Section 8(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 957(f) ) is amended by adding at the end thereof the following new paragraph:

“(i) the Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on either a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated for the purposes of subsection (c) for the costs of such activities.”

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 106. Section (a) Section 9(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 938(c) ) is amended—

(1) in subsection (b) thereof, by striking out “and” at the end thereof;

(2) in paragraph (5) thereof, by striking out the period at the end thereof and inserting “as provided in subsection (b) thereof, shall be assigned to one or more of the 50 States,”;

(3) by adding at the end thereof the following new paragraph:

“(d) The Council shall conduct a study on the feasibility of expanding the existing indemnity program to include the indemnification of objects loaned by lenders located in the United States for exhibition exclusively in the United States; and (C) the impact of making grants to local Federal agencies to carry out the Act on the population of the United States; and (D) the results of the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.”

(2) Not later than one year after the date of the enactment of the Arts and Humanities Act of 1965, the Chairman of the Council shall submit a report to the President and to the Congress relating to the study required in paragraph (1), including such findings and recommendations (including legislative recommendations) as may be appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation.”

ADMINISTRATIVE PROVISIONS

SEC. 107. Section 9(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(a) ) is amended by striking out “geographic” after “geographic area.”

(b) Section 10(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959(b) ) is amended by strik-
(e) Section 10(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(c)) is amended by striking out "January" and inserting in lieu thereof "April".

(f) Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958(a)) is amended by adding at the end the following new subsections:

"(d) (1) The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities, each shall conduct a study of the use, sale, or other disposal of property under subsection (2), for the purpose of carrying out sections 5(e) and 7(c). Each such study shall assess in particular (A) the effectiveness of such use, sale, or other disposal of property as an incentive for increasing the levels of non-Federal support; and (B) the extent to which activities carried out by each such Chairman under subsection (a)(1) result in undue administrative and financial burdens upon grant recipients.

"(2) The Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities, shall submit a report to the President and to the Chairman under subsection (a)(1) result in the National Endowment for the Arts and the Humanities, respectively, an amount equal to the appropriate. Any recommendation involving changes in Federal legislation shall be accompanied by draft legislation."

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. (a) The first sentence of section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Arts $114,500,000 for fiscal year 1981, $36,000,000 for fiscal year 1982, $33,000,000 for fiscal year 1983, $30,000,000 for fiscal year 1984, and $20,000,000 for fiscal year 1985."

"(b) The first sentence of section 11(a)(1)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(B)) is amended to read as follows: "For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities $15,500,000 for fiscal year 1981, $11,500,000 for fiscal year 1982, $9,500,000 for fiscal year 1983, $8,500,000 for fiscal year 1984, and $7,500,000 for fiscal year 1985."

"(c) Section 11(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(2)) is amended to read as follows: "(2) There are authorized to be appropriated for each fiscal year ending before October 1, 1985, to the National Endowment for the Arts an amount equal to the sum of—

"(i) the total amounts received by such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such Endowment, for use in carrying out activities under paragraphs (1) through paragraph (5) of section 7(c), and except that the amounts so appropriated to the National Endowment for the Arts shall not exceed $18,500,000 for fiscal year 1981, $16,500,000 for fiscal year 1982, or $12,500,000 for fiscal year 1985; and

"(ii) the total amounts received by the grantees of such Endowment from non-Federal sources, including the value of property donated, bequeathed, or devised to such grantees, for use in carrying out activities under paragraphs (1) through paragraph (5) of section 7(c), except that the amounts so appropriated to such Endowment shall not exceed $12,500,000 for fiscal year 1981, $10,500,000 for fiscal year 1982, $8,500,000 for fiscal year 1983, $6,500,000 for fiscal year 1984, and $4,500,000 for fiscal year 1985."
(B) Section 206 of the Museum Services Act (20 U.S.C. 967) is amended by adding at the end thereof the following new subsection:

"(b) The Director, subject to the policy direction of the National Museum Services Board, is authorized to enter into cooperative agreements with professional museum organizations to provide financial assistance to such organizations in order to strengthen museum services, except that any contracts or cooperative agreements entered into pursuant to this subsection shall be effective only to such extent or in such amounts as are provided in appropriations Acts.

The aggregate amount of financial assistance made under this subsection to professional museum organizations shall not exceed 5 percent of the amount appropriated under this Act for fiscal year 1981.

For purposes of this subsection, the term ‘professional museum organization’ means a private, nonprofit professional museum-related organization, institution, or association which engages in activities designed to advance the well-being of museums and the museum profession.

Sec. 301. Section 5(b) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(b)) is amended by striking out "$700,000", and inserting in lieu thereof "$500,000".

Sec. 302. Section 5(d) of the Arts and Artifacts Indemnity Act (20 U.S.C. 974(d)) is amended to read as follows:

"(d) If the estimated value of the items covered by the indemnity agreement for a single exhibition:

'(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to items covered;

'(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to items covered;

'(3) $10,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to items covered.

Amend the title so as to read: "An Act to amend the Library of Congress, the Arts and the Humanities Act of 1965 and the Museum Services Act to extend the authorizations of appropriations contained in such Acts, to amend the Arts and Artifacts Indemnity Act to make certain changes in the coverage provisions of such Act, and for other purposes.""

Mr. SCHWEIKER. Mr. President, I inquire of my distinguished colleagues from Rhode Island whether the National Endowments for the Arts and the Humanities plan to redefine certain requirements for eligibility in a way that would exclude science museums from participating in their funding programs. I am particularly concerned about the eligibility of those participating in the challenge grant programs. Pennsylvania boasts some of the finest museums in the country. Her science museums have unparalleled collections in natural history, archaeology, and anthropology, as well as important living collections of plants and animals. These institutions play an integral part in the cultural vitality of the State and of the Nation. Furthermore, I understand that science museums from participation in the challenge grant programs, which have done so much to stimulate community support and guarantee cultural institutions. Some measure of financial security, would be short-sighted and unfair.

Mr. PELL. I assure my colleague from Pennsylvania that the concern that challenge grants be widely available to all qualified cultural institutions, including science museums. In the report that line, for 1368, the bill authorizing both endowments, the committee was explicit that the endowments continue the funding of science museums and urged the widest possible eligibility of science museums of all kinds for challenge grants and project support. Both the Arts and the Humanities endowments have made excellent efforts to science museums and I am confident that Mr. Biddle and Mr. Duffey, the chairmen of the two agencies, will continue to fund them. The Senator from Massachusetts urged the positive effect of the challenge grants on private giving to our Nation's cultural institutions and I appreciate and share his concern that the benefits of these grants be available.

Mr. RIBICOFF. Mr. President, I note that the bill would require the Director of the Institute of Museum Services to report directly to the Secretary of Education on museum activities. It would also give the Director specific authority over the Institute's grant making procedures. In view of the importance of improving the efficiency and management of all activities transferred to the Department under the Organization Act, I want to emphasize that nothing in this section should interfere with the application of sound management principles at the new Department or would undermine the efforts of the Department to streamline its organization.

All of the Department's programmatic functions have been organized under various assistant secretaries. The bill does not preclude the Department from requiring IMs to report, for administrative purposes, to the appropriate assistant secretary on all operational matters relating to museum activities, so long as the Director has a direct reporting line to the Secretary on matters of museum policy. Similarly, the Director's authority over grant-making procedures does not mean that the Institute's grants procedures are free from Secretarial supervision or from the Department's general policies and regulations.

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

The motion was agreed to.

DR. HALLA BROWN

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Kennedy, I ask that the Chair lay before the Senate a message from the House of Representatives:

Resolved, That the bill from the House of Representatives (S. 1578) entitled "An Act for the Relief of Doctor Halla Brown", do pass with the following amendment: Page 1, line 6, strike out "$800,000", and insert "$400,000".

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

The motion was agreed to.

AMENDMENT OF JUVENILE JUSTICE ACT TO DELINQUENCY PREVENTION ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Bayh, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3441.
The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2355) entitled "An Act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert: That (a) section 2 (b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Sec. 2. Section 3 (d) of the Council on Wage and Price Stability Act is amended to read as follows:

"(e) The Council shall review proposals which have a major inflationary effect through tax-based incomes policies and shall submit a report containing its findings, along with recommendations for proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include income tax-based policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided by other means, including sales taxes, corporate income taxes, investment tax credits, and depreciation allowances. The Council shall also report on inflation that might result from supply side income tax reductions and include in the report regulations to improve its findings pursuant to such review.

Sec. 3. Section 5 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis".

Sec. 4. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "not to exceed $7,770,000 for the fiscal year ending September 30, 1981."

Sec. 5. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "on a quarterly basis and not later than thirty days after the close of each calendar quarter" and inserting in lieu thereof "on an annual basis."

Sec. 6. Section 8 of the Council on Wage and Price Stability Act is amended by adding "The Council shall not prescribe an annual average price increase guideline lower than the percentage obtained by subtracting the average annual growth in nonfarm output per man-hour in the private sector since 1975, as measured by the Bureau of Labor Statistics and stated as a percentage, from the average annual wage increase permitted under the voluntary wage standard, stated as a percentage."

Sec. 7. (a) Section 9 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following: "(b) The Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a) (6) (b)."

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability."

Sec. 30377

CONGRESSIONAL RECORD—SENATE

November 20, 1980

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2355) entitled An Act to increase the authorization for the Council on Wage and Price Stability, to extend the duration of such Council, and for other purposes, do pass with the following amendments:

Strike out all after the enacting clause, and insert: That (a) section 2 (b) of the Council on Wage and Price Stability Act (12 U.S.C. 1904 note) is amended by striking out the last sentence thereof and inserting in lieu thereof the following: "The Council shall be headed by a Chairperson who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability.

Sec. 2. Section 3 (d) of the Council on Wage and Price Stability Act is amended to read as follows:

"(e) The Council shall review proposals which have a major inflationary effect through tax-based incomes policies and shall submit a report containing its findings, along with recommendations for proposals for such policies, to the Congress not later than January 15, 1981. Such review shall include income tax-based policies designed to provide incentives for compliance with wage, price, or profit-margin guidelines that could be provided by other means, including sales taxes, corporate income taxes, investment tax credits, and depreciation allowances. The Council shall also report on inflation that might result from supply side income tax reductions and include in the report regulations to improve its findings pursuant to such review.

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Sec. 7. (a) Section 9 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following: "(b) The Council shall identify those regulations which have the greatest inflationary impact on the economy or on specific industry sectors, consistent with subsection (a) (6) (b)."

(b) The amendments made by subsection (a) shall apply only to individuals who are appointed, on or after the date of the enactment of this Act, as Chairperson of the Council on Wage and Price Stability."

MOAPA INDIAN RESERVATION

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. Jackson, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1135.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1135) entitled An Act to add certain lands to the Moapa Indian Reservation, and for other purposes, do pass with the following amendments:

Strike out all after the enacting clause, and insert: That beginning on the date of the enactment of this Act, the following amendments shall be made to the Senate Majority Finance Report on United States. Such loan shall be in trust for the benefit of the Moapa Band of Paiutes and shall be considered to be a part of the Moapa Band of Paiutes Reservation.

Township 15 south, Range 65 east, Mount Diablo Meridian, Nevada

Section 1: Lot 1; south half northwest quarter, 12 acres.

Section 2: All 639.56 acres.

Section 3: All 639.28 acres.

Section 4: All 638.44 acres.

Section 5: All 638.41 acres.
Section 1: All 640.00 acres.
Section 2: All 640.00 acres.
Section 3: All 640.00 acres.
Section 4: All 640.00 acres.
Section 5: All 640.00 acres.
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Section 82: All 640.00 acres.
Section 83: All 640.00 acres.
Section 84: All 640.00 acres.
Section 85: All 640.00 acres.
Section 86: All 640.00 acres.
Section 87: All 640.00 acres.
Total acreage: 22,835.66 acres.

Township 16 south, Range 65 east, Mount Diablo Meridian, Nevada:

Section 1: All 640.00 acres.
Section 2: All 640.00 acres.
Section 3: All 640.00 acres.
Section 4: All 640.00 acres.
Section 5: All 640.00 acres.
Section 6: All 640.00 acres.
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Section 29: All 640.00 acres.
Section 30: All 640.00 acres.
Section 31: All 640.00 acres.
Section 32: All 640.00 acres.
Section 33: All 640.00 acres.
Section 34: All 640.00 acres.
Section 35: All 640.00 acres.
Section 36: All 640.00 acres.

Total acreage: 22,961.65 acres.

ORDER TO HOLD H.R. 7805 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 7805, an act for boundary expansion of Crater Lake National Park in the State of Oregon and the establishment of the Women's Rights National Historical Park in the State of New York, and for other purposes, be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. BAKER. There is no objection.

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

ORDER TO HOLD H.R. 8350 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8350, an act for boundary expansion of Lake McConaughy in Nebraska and Kansas, and for other purposes, be held at the desk pending further disposition.

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

ORDER ALLscribing 10 DAYS IN WHICH TO INSERT REMARKS IN TRIBUTE TO SENATOR ABRAHAM RILCOFF

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 calendar days in which to insert their remarks in tribute to Senator Abraham Rilcoff.

The PRESIDING OFFICER. Without objection, it is so ordered.
ORDER AUTHORIZING PRINTED VOLUME OF TRIBUTES TO SENATOR ABRAHAM RIBICOFF

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent that the record of the tributes may be printed as a bound volume and as a Senate document.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Harry F. Byrd, Jr.). Without objection, it is so ordered.

SETTING ASIDE IN SPECIAL TRUST LANDS AND INTERESTS WITHIN THE WINEMA NATIONAL FOREST TO EDISON CHILOQUIN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 7960.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

"A bill (H.R. 7960) to provide for the setting aside in special trust lands and interests within the Winema National Forest to Edison Chiloquin of the lands that are his ancestral home. It has been reported from the committee, is that correct? Are you reporting it now?"

Mr. HATFIELD. I am reporting this on behalf of the committee, yes.

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

The bill was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed. Mr. HATFIELD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

ADJOURNMENT OF THE HOUSE FROM NOVEMBER 21 TO DECEMBER 1, 1980, AND RECESS OF THE SENATE FROM NOVEMBER 25 TO DECEMBER 1, 1980

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 451.

The PRESIDING OFFICER. The House Concurrent Resolution 451 providing for an adjournment of the House from November 21 to December 1, 1980, and a recess of the Senate from November 25 to December 1, 1980.

The concurrent resolution was agreed to, as follows:

"CON.RES. 451
Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 21, 1980, it stand adjourned until 12 o'clock meridian on Monday, December 1, 1980, and that when the Senate reecesses on Tuesday, November 25, 1980, it stand in recess until 11 o'clock, ante meridiem on Monday, December 1, 1980."

REMOVAL OF CERTAIN NAMES FROM THE ALASKA NATIVE ROLL

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 5108.

The PRESIDING OFFICER. The House Concurrent Resolution 5108 providing for the removal of the names of certain Alaska Natives from the Alaska Native Roll and to allow their enrollment with the Metlakatla Indian Community.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second time by title and that the Senate proceed to its immediate adoption.

Without objection, the bill was read the third time and passed.

AIR TRAFFIC CONTROLLERS

Mr. STONE. Mr. President, in one of my final statements as a Member of the U.S. Senate, I would like to say a few words about a group of men and women who perform the vitally important job in our air transportation system of guiding aircraft through increasingly crowded skies—the air traffic controllers. With increased travel operations due, in part, to airline deregulation, the problems facing air traffic controllers are becoming more difficult. When one mistake could result in the death of hundreds of people, it is no wonder that air traffic controllers have one of the highest burn-out rates of any profession.

Given the crucial nature of their job, it would seem logical to provide them with the best equipment and manpower available. Yet, there presently is a shortage of qualified controllers in this country and the computers used to track aircraft would keep the controllers overloaded to the point that they shut down, with alarming frequency. It has been estimated that a major computer failure takes place somewhere in this country’s air traffic control system every 9½ hours.

We need more controllers. The quality and amount of their training on various systems needs to be improved. We must get rid of the outdated manual backup systems that are pressed into service when the computers shut down, and replace them with last-resort control systems.

During this decade, I would like to see the Congress address these needs and provide the proper funding for them. So far, our aviation safety record has been good, but the number of near-misses is increasing. We cannot afford to wait for one more air tragedy to occur before commitments for improvements are made.

We cannot continue to ask our air traffic controllers to bear this tremendous physical and emotional pressure alone. They must be provided with the tools to make their jobs manageable. We owe this to every man, woman, and child who flies and we owe this to the men and women who dedicate their lives to insuring that air transportation in the United States is safe and reliable.

POTENTIAL PROBLEMS FOR THE UNITED STATES AT THE MADRID CONFERENCE

Mr. PROXMIERE. Mr. President, the 35 nations meeting at the Conference on Human Rights and Detente in Madrid are currently stalled in a deadlock over discussion of the conference’s agenda items.

These procedural negotiations have been stalled, due to the Soviet Union’s reluctance to face up to charges, leveled by many nations, of Soviet human rights violations. The United States, as a nation which does not practice torture or other barbarous acts, is appalled at charges of such perversities. It has long wanted to discuss these charges against the Soviets in an open international forum.

Should the proposal to discuss Soviet human rights violations be realized however, the United States will face counter-accusations by the Soviets.

The Soviets may very well demand to know why the United States is so vehement to discuss Soviet human rights violations since for over three decades, our country has failed to sign a treaty which expresses contempt for a very serious type of human rights violation.

This treaty is the Genocide Convention.

It deplores the heinous crime of genocide which is the extermination of a national, religious, racial or ethnic group of peoples.

Mr. President, it is clear that U.S. demands to investigate Soviet human
right violations would be made more legitimate if we would ratify the Genocide Treaty.

The Soviets may very well use the example of our steadfast refusal to ratify the Genocide Convention, in order to halt discussions of its human rights violations, as it did last year at the Helsinki Conference.

As Dr. William Korey argues in Foreign Policy, this tactic will generate support for the Soviets from both our allies and neutral nations, most of which ratified the treaty long ago.

It is clear that in order to avoid such scenarios of hypocrisy, the United States must ratify the Genocide Convention.

I urge my colleagues to move immediately for ratification of the Genocide Convention.

MESSAGES FROM THE HOUSE

At 10:52 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the fiscal years 1981, 1982, and 1983, with an amendment, in which it requests the concurrence of the Senate:


The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:


The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:


At 3:03 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks announced that the House has passed the bill (S. 3074) to authorize appropriations for the Department of Energy for national defense programs for fiscal year 1981, with an amendment, in which it requests the concurrence of the Senate:

S. 3074. An act to provide for a national defense program for fiscal year 1981.

At 3:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1828. An act to exempt the Milner Dam from certain requirements of the Federal Power Act (U.S.C. 6807), and for other purposes.

S. 1918. An act to amend title 10, United States Code, to revise and make uniform the provisions of law relating to appointment, promotion, separation, and retirement of regular commissioned officers of the Army, Navy, Air Force, and Marine Corps, and to establish the grade of commodore admiral in the Navy, to equalize the treatment of male and female commissioned officers, and for other purposes.

H.R. 5950. An act for the establishment of the Appalachian Regional Development Act of 1978, and for other purposes.

H.R. 6930. An act for the establishment of the Appalachian Regional Development Act of 1978, and for other purposes.

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The message further announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 448) revising the congressional budget for the U.S. Government for the fiscal years 1981, 1982, and 1983.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:


HOUSE BILLS HELD AT THE DESK

The following bills were held at the desk by unanimous consent:

H.R. 7805. An act for the establishment of the Appalachian Regional Development Act of 1978, and for other purposes.

H.R. 6930. An act for the establishment of the Appalachian Regional Development Act of 1978, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents:

EC-4943. A communication from the Assistant Secretary of the Air Force (Research, Development, Test, and Evaluation), transmitting, pursuant to law, a report on contracts negotiated under 10 United States Code 2304 (a) (11) and (18) for the years 1976 and 1977 through June 30, 1980; to the Committee on Commerce, Science, and Transportation.

EC-4944. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on contracts negotiated for fiscal years 1979-1980; to the Committee on Environment and Public Works.

EC-4945. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on contracts negotiated for fiscal years 1979-1980; to the Committee on Environment and Public Works.

EC-4946. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on contracts negotiated for fiscal years 1979-1980; to the Committee on Environment and Public Works.

EC-4947. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled Evaluation of Selected Features of the Nuclear Non-Proliferation Law; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-925. A resolution adopted by the City Council of Youngstown, Ohio, calling for the approval of counter-cyclical funds to economically depressed cities; to the Committee on Rules and Administration.

POM-926. A resolution adopted by the Legislature of the County of Suffolk, New York.
favouring legislation to provide for the stabilisation of the Moriches Inlet; to the Committee on Commerce, Agriculture and Public Works.

POM-927. A resolution of the City Council of Sanger, California, and a resolution of the City Council of Swabno, California, favoring legislation to aid in the funding of the 1984 Olympics; to the Committee on Finance.

POM-928. A resolution adopted by the City Council of Youngstown, Ohio, favoring the extension of the Federal workers compensation program; ordered to lie on the table.

POM-929. A petition from a citizen of New Orleans, requesting the appointment to any position of authority of opponents to Right To Work; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Energy and Natural Resources, without amendment:

H.R. 7960. An act to provide for the setting aside in special trust lands and interests within the Winema National Forest to be sold or exchanged in the transfer of mineral deposits otherwise available to Mr. Chiloquin from the Klamath Indian Settlement to the Secretary of the Interior for the acquisition of replacement lands or interests.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, the first and second time by unanimous consent, and referred to committees:

By Mr. HEFLIN:

S. 3216. A bill to accelerate the development and utilisation of laser technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOSCHWITZ:

S. 3211. A bill for the relief of Aasheen Naimollih; to the Committee on the Judiciary.

S. 3216. A bill for the relief of Faith Wong; to the Committee on the Judiciary.

S. 3219. A bill for the relief of Young Chul Lee; to the Committee on the Judiciary.

S. 3220. A bill for the relief of Sally Sussman; to the Committee on the Judiciary.

By Mr. SASSER:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. STAFFORD):

S. 3220. A bill to amend the Higher Education Act of 1960, Public Law 96-374; to the Committee on Labor and Human Resources.

By Mr. BAUCUS:

S. 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for income related to the sale or rental of farmland and grazing land; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SASSER:

S. 3221. A bill entitled the Great Smoky Mountains Wilderness Act; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

Mr. SASSER. Mr. President, today I am reintroducing the Great Smoky Mountains Wilderness Act, a bill I introduced in the 95th Congress to designate 475,000 acres of the best nature has to offer as wilderness.

Designating the Great Smoky Mountains as wilderness, Mr. President, will encourage the herdsmen of America who will be able to enjoy the natural splendor of this rugged country, while insuring that the surrounding regions of Tennessee and North Carolina will have a continuing economic base of support.

There are a number of important provisions in my bill, Mr. President. Mt. Le Conte Lodge, as well as the existing trail shelters on the Appalachian Trail, will be excluded from wilderness designation. Activities now being conducted in Cades Cove, Elkmont, and on Clingman's Dome will be preserved as these areas are already excluded from the wilderness designation.

Additionally, and perhaps most importantly, the Great Smoky Mountains Wilderness designation, as an equitable and fair settlement of the dispute involving the Tennessee Valley Authority, the Department of the Interior, and Swain County, N.C. The rights of Swain County are protected by this legislation, and the wilderness will not infringe on any settlement eventually reached.

In 1966, Daniel Payne Hale, one of the Great Smokies' most ardent supporters said:

Whatever we preserve of the Great Smokies now is all that we and the multitudes which will follow us will have of them for a long time—perhaps all that we will ever have for many may never permit a reversion of developed areas to wilderness. It is in our power to deliver the Great Smokies from those who seek to build their paradise on the ashes of those paradises they would destroy.

We of the 96th Congress, Mr. President, still have the opportunity to deliver the Great Smoky Mountains from interests adverse to its preservation. Future generations will judge us by our actions; our failure or success in least some portion of the pristine territory embodied in the Great Smokies will most certainly affect the judgment of future Americans.

I urge the Senate to make every possible effort to approve this legislation quickly and positively.

By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Select Committee on Indian Affairs.

CAYUGA INDIAN CLAIMS SETTLEMENT ACT

Mr. MOYNIHAN. Mr. President, I am today introducing legislation that would provide for congressional ratification and implementation of the terms of an agreement negotiated between the Cayuga Indian Nation to over 64,000 acres of land in New York State. This settlement, submitted by the administration last year and a result of over 3 years of negotiations between the State of New York, the Department of the Interior and Agriculture, and the Cayuga Nation. As in the case of similar Indian land claims in the Eastern United States already resolved by Congress, the major parties involved with the Cayuga claim have agreed on one fundamental premise: Litigation to settle the claim, regardless of the eventual outcome of such proceedings, would have devastating impact on persons living in the claim area and on the area's economy. In that connection, it may be noted that within the past several months the President has proved and the President signed into law, legislation to implement a negotiated settlement of a very large land claim by several Indian tribes against the State of Maine. That bill included a payment of $81 million to the tribes involved, and provisions whereby the tribes would be able to obtain thousands of acres of land.

In the administration's proposal that I introduce today, the Cayuga Indian Nation would receive an $8 million trust fund, and 5,481 acres of federal land. In return, the Indians' claim to over 64,000 acres in Seneca and Cayuga Counties would be extinguished.

Throughout the years, the Cayugas have made clear that they do not wish to have this matter, it has been my position that no private landowner would be required to contribute land in order to settle this claim. This goal has been reached under the settlement, as no private land is to be transferred, and future land acquisition by the Cayugas would be on a willing buyer-willing seller basis.

Since negotiations to settle this issue began more than 3 years ago, everyone involved has sought to find a solution to this difficult and complex problem, one that would win the unanimous agreement of all the parties involved. Toward that end, I am proposing that two changes be made in the settlement agreement as it was forwarded to Congress by the administration.

The first provides that the recreational portion of Sampson State Park, transferred to the Cayugas under the settlement, would remain open after the 1989 date now provided. The second, the settlement eventually reached.

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By Mr. MOYNIHAN:

S. 3222. A bill to provide for the settlement of land claims of the Cayuga Indian Nation in the State of New York, and for other purposes; to the Select Committee on Indian Affairs.
asked that this legislation be introduced in the Senate.

In introducing this measure, I want to make clear that the door is left open to consider additional amendments that, if acceptable to the parties involved and to Congress, would achieve the unanimity that has been the ultimate objective of all the parties involved. It is my hope that Congress will consider this legislation at the earliest opportunity.

By Mr. RANDOLPH (for himself, Mr. JAVITS, Mr. WILLIAMS, and Mr. BAUCUS).

S. 3223. A bill to amend the Higher Education Act of 1980, Public Law 96-374: to the Committee on Labor and Human Resources.

TECHNICAL AMENDMENT TO HIGHER EDUCATION ACT

Mr. RANDOLPH. Mr. President, the legislation I am introducing today will make a technical change in the Education Act Amendments of 1980, Public Law 96-374.

This bill will correct an error in the new law, and honor a commitment we made to representatives of the different types of higher education institutions not to provide a greater benefit to any one type of student or institution at the expense of another.

As a result of our joint conference committee deliberations on title 4 of the act, with respect to the basic (or Pell) grants, and on the other campus-based student aid programs included in the title, it was believed that we had agreed to a mechanism for balanced growth of student aid benefits for students attending both public and private, independent colleges and universities.

Unfortunately, due to inadvertent drafting errors, the conference agreement did not accurately reflect our commitment on the percentage-of-cost limitation for Pell grants.

Mr. President, the history of our commitment goes back to August and September of 1979, at which time the representatives of the American Council on Education, the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the National Association of State Universities and Land Grant Colleges, the National Association of Independent Colleges and Universities, the National Association of Student Financial Aid Administrators, and the various student organizations, sent a series of letters to subcommittee Chairmen Fono and Pell, committing their associations to a common position on the 'half-cost' limitation of the basic educational opportunity grant program, now rightfully known as the Pell grant program.

The essence of the agreement among the higher education community was that staged increases in the Pell grant maximum award would trigger balancing increases both in the percentage-of-cost limitation and the floor funding levels for supplemental educational opportunity grants.

Changes in the percentage-of-cost limitation helped low-priced public institutions, and the SEOG changes helped higher priced institutions, especially private and independent colleges and universities. The various associations stood by the agreement the entire process of reauthorizing the Higher Education Act, which President Carter signed into law on October 3, 1980.

During the long conference on this legislation, the higher education community got together once again to develop a specific proposal to settle a number of student grant differences between the House and Senate bills, which proposal was based on the principles they had agreed on. During the joint conference, I offered an amendment intended to retain the percentage-of-cost limitation for Pell grants at 50 percent, which was current law, for fiscal year 1981 when, hopefully, the Pell grant would increase to $1,800. My amendment would have allowed the half-cost limitation to rise to 55 percent in fiscal year 1982, or when the Pell grant maximum award increased to $2,100. Subsequently, under my amendment, the percentage of cost limitation would rise in 5 percent increments each year, reaching 70 percent in fiscal year 1985, when the Pell grant maximum reached the authorized level of $2,600.

The retention of the percentage-of-cost limitation at 50 percent in fiscal year 1981, or academic year 1981-82, was to serve the private and independent school sector and to allow for, at least 1 more year. The rise to 70 percent in fiscal 1985 would further serve junior and community, and other public colleges and institutions.

Our commitment to retaining the 50 percent, or half-cost limitation for 1 more year to accommodate the private, independent sector was based, for the most part, on the congressional budget process of reauthorizing the Higher Education Act, the higher education community trusts to the tax imposed by section 3224. A bill to amend the Internal Revenue Code of 1954 to subject pension trusts to the tax imposed by section 511 on unrelated business income for investments related to the sale, purchase, or rental of farmland and grazing land; to the Committee on Finance.

TE physician farm preservation act

Mr. BAUCUS. Mr. President, today I am introducing legislation designed to curb a serious and growing threat to the family farm. The Family Farm Preservation Act would prevent investments in agricultural land by pension funds.

The family farm has been the cornerstone of America's agricultural system since the first pioneers pushed west from the eastern seaboard. The family farm is an introduction to the assumption that farmers and ranchers who own the land they work are the best stewards of America's richest natural resource.

The family farm is protected not only in a strong democratic tradition but also in the world's most productive agricultural system.

But, increasingly, the family farm is being threatened by outside forces. The continued increase in the cost of producing food for this Nation and the world already has forced many family farmers out of business. The problems of inflation have reduced the value of their investments and have increased the cost of production.

New a new threat has appeared. In 1977 a bank and brokerage firm proposed the Ag-Land Fund that would funnel pension and other investment funds into purchases of farmland. This proposal fortunately died in the face of stiff opposition from Congress and national farm groups.

More recently, foreign investors have made substantial purchases of farm and ranch land. These investors have tax advantages that allow them to compete unfairly with American agricultural producers related to the sale, purchase, or rental of farmland and grazing land; to the Committee on Finance.

Now the American Agricultural Investment Management Co. has been formed to acquire and manage agricultural properties for pension funds.

PENSION FUND INVESTMENTS

All of us recognize the importance of pension funds. They encourage a voluntary retirement system and provide needed investment capital for U.S. industry. But while these investments are critical in this Nation's efforts to reindustrialize, they yield little if any benefits when made in agricultural land.

Pension funds are interested in purchases of farmland because in recent years it has been a more profitable investment than stocks and bonds. Experts predict that farmland price appreciation will continue, partly because of inflation and partly because of greater pressures on our food supply.

But because of their tax status, pension funds receive an added bonus for
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their investments. Under present law, income to pension fund trusts is non-taxable and contributions to establish the trust are tax deductible. Tax only is paid when pension fund benefits are distributed to the plan's beneficiaries. At this point, of course, the beneficiary has benefited from the deferral of taxes for all the years his or her money was in a plan, plus he is able to pay taxes at the lower rate established for persons over age 65.

In most cases, pension fund trusts can compete unfairly with family farmers. These funds control massive amounts of capital. If pension funds invested only 1.5 percent of their nearly $400 billion in annual assets, they could buy up all the farmland that is normally available for public sale. Theoretically, pension funds have enough assets to purchase all the farms and ranches in the United States.

SENATE SMALL BUSINESS COMMITTEE HEARING

These questions were explored at an October 8, 1980, Senate Small Business Committee hearing which I chaired. The American Agricultural Investment Management Co. claims that its proposal to purchase farmland with pension funds will help young people enter agriculture by providing the capital needed to finance a farm.

But experts testifying at our hearing disagreed. They pointed out that there is no shortage of capital to buy farmland. Further, pension fund investments could radically increase spiraling land prices, making it even more difficult for existing farmers to expand their operations and for young people to get started in farming.

Pension funds, according to several witnesses, are likely to be better stewards of soil and water resources than family farmers and will not contribute nearly as much to local towns and communities.

Most important, however, concentration of control over our farmland by a few large investors would set the stage for a cold war over the price of food. Family farmers could end up in the same tradeoff as cattlemen who have sold many of their herds to large investors. As in the West, family farmers could end up in competition with large investors in the hands of a few investors could be the most damaging aspect of this proposal.

Over the long term, Congress can only preserve family farmers through price and income policies that assure an adequate return for farm production and through tax, credit, and landownership policies that encourage production control and landownership.

The Family Farm Preservation Act is an essential step toward insuring the future of family farmers. I realize that this late in the session there is little prospect for action on my bill. But I hope that my colleagues in the Senate and House of Representatives will study this bill closely. This legislation must be a priority in the next session of Congress, and I intend to reintroduce it when we reconvene in January.

Mr. President, pension fund invest-

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dents are opposed by the U.S. Department of Agriculture, the American Farm Bureau Federation, the National Farmers Organization, the National Farmers Union, the American Agriculture Movement, and other groups.

At this hearing, there was unanimous consent to have printed in the Record several recent articles on pension fund investments in farmland and the text of the Family Farm Preservation Act.

There were some questions before the bill and the articles were ordered to be printed in the Record, as follows:

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

SECTION 1. SHORT TITLE.—This Act may be cited as "The Family Farm Preservation Act."

SEC. 2. APPLICATION OF UNRELATED BUSINESS INCOME TAX

(a) Modifications to income.—Subsection (b) of section 512 of the Internal Revenue Code of 1954 (relating to modifications) is amended by adding at the end thereof the following new sentence:

"(16) Notwithstanding paragraphs (3) and (4), the term "related business taxable income gain from the sale or exchange of, and rents from, open land or forest land (as defined in section 1252(a)(3)) , and "(b) Deductions directly connected with such gain or rents shall be taken into account."

(b) UNRELATED TRADE OR BUSINESS.—Subsection (b) of section 512 of such Code (relating to unrelated business taxable income) is amended by adding to the end thereof the following new sentence: "In the case of a trust described in paragraph (2), the term includes the activity of purchasing, renting, and selling land described in section 512(b)(16)(A)."

SEC. 3. EFFECTIVE DATE.—The amendments made by section 1 shall apply with respect to taxable years beginning after December 31, 1980.

PENSION FUND INVESTMENT FARM PROPOSAL DENOUNCED

(From the Washington Post, Oct. 11, 1980)

A proposal to encourage pension fund investment in farms was denounced by a U.S. Agriculture Department official Wednesday as a scheme that could hurt both farmers and consumers.

"Pension fund speculation in farmland has been irrevocably change from tax benefits, " Bauersaid, "to tax advantages, threaten farmers trying to run their farms. The Department of Agriculture and the Internal Revenue Service have already discouraged pension fund speculation in farmland by providing the capital needed for the entry of even a small fund into the market. "

The proposal was also opposed by the Department of Commerce, which declined to testify but submitted a statement for the record. The proposal was also opposed by the National Farmers Union, the American Agriculture Movement, and other groups.

The proposal was made by the American Agricultural Investment Management Co., Inc., which declined to testify but submitted a statement for the record.

The company said that "it supports the institution of the family farm" and that pension investment would provide the required capital "to expand the economic base and the beginning farmer."

The properties under our management are family-manageable units operated by an individual farmer or farm family under a tenant-farmer relationship," the department deputy director of economics, testifies.

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The properties under our management are family-manageable units operated by an individual farmer or farm family under a tenant-farmer relationship," the statement reads.

It said pension fund investments "will not have a material impact on farmland prices," but "will serve to keep the price of farmland low enough to attract investors."

But Sechler said the pension funds "could overwhelm the national and the local farm market for farmland."

She said the pension funds had $569.4 billion in assets in 1978, just 1 percent of which could buy up $1 billion of farmland estimated to be on the open market.

WASHINGTON—Buying farmland with the billions of dollars Americans save for retirement could "radically, irrevocably" change the country's network of family farms, an agriculture department official said here Wednesday.

A department economist and four family farm advocates told a Senate committee that pension funds, with their vast resources and tax advantages, threaten farmers trying to buy their own farms.

Sen. Max Baucus, D-Mont., who presided over the hearing, said he probably will introduce legislation next year to curb pension fund investments in farms.

"I'm hard-pressed to find any benefits (from pension investment). They are only detrimental to family farm ownership," said the Senate Small Business Committee chairman.

According to Sechler, farmland has become an attractive investment for pension funds because the land's value increases faster than the rate of inflation.

The pension fund managers can pay more for their land. But they must pay taxes on money they make through farmland investments.

Some pension funds already have bought farmland, but USDA statistics show funds own very little of the total American land under cultivation. George W. Stone, president of the National Farmers Union, testifies that the potential for investment fund buying is huge.

Theoretically, there will be more than enough assets to purchase all the farmland in the nation, Stone said. "However, we expect that to happen, but even a small shift of pension fund money into farmland would overwhelm the market for farmland."

Baucus said officials of American Agriculture Investment Management declined to testify at the hearing. Cotter, the president, sent written testimony for the hearing record.
"Employee benefit funds that invest in farmland will be providing a service to the American farm economy," Cotter said. "It is now known that these funds have a great investment capital in the agricultural economy."

In our free enterprise system, the retirement incomes of American workers is one of the best sources of this capital. We believe that legislation should not be passed that would prohibit or discourage the investment capital from being used in the agricultural economy.

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Baucus made his marks, based on testimony presented by Rural America and other national farm and rural organizations as well as the United States Department of Agriculture (USDA), following oversight hearings he chaired on the AAIM venture before the Senate Small Business Committee.

AAIM, incorporated in February 1980 by three former executives to Chicago's Northwestern Trust Co., plans to hire regional managers who will locate farmers throughout the U.S., negotiate with pension funds to purchase the land and select a local "operator" to manage equipment, land and related costs would be split evenly between AAIM and the operator, and the operator would receive 50 percent of the value of the crops raised on the land.

As was the case with a similar venture, the "Ag Land Fund" proposed in 1977 by Continental Illinois Bank and the brokerage firm of Merrill Lynch, Pierce, Fenner and Smith, AAIM has been attacked because it would effectively allow limited partnerships that dominated by large, nonfarm corporations, pension funds, individual investors in connection with farmland investments like AAIM.

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Endorsed by George Stone, president of the National Farmers Union, and Don Reeves, of the Inter Religious Task Force on Food Policy, as a bipartisan Legislative Fund for AAIM. No one spoke in favor of AAIM's venture. AAIM President William S. Cotter declined an invitation to testify.

ADDITIONAL COSPONSORS

S. 1411

At the request of Mr. Randolph, his name was added as a cosponsor of S. 1411, a bill to improve the economy and efficiency of the Government and the private sector by improving Federal information management, and for other purposes.

S. 2111

At the request of Mr. Talbott, the name of Senator From Missouri (Mr. Danforth), the senator from Kansas (Mr. Follwell), the senator from Alabama (Mr. Stewart), and the senator from Nevada (Mr. Cannon) had been added as cosponsors of S. 2111, a bill to regulate the National Federation of Music Clubs.

SENATE RESOLUTION 560

At the request of Mr. Dole, the name of Senator From Nebraska (Mr. Zormeier) was added as a cosponsor of Senate Resolution 560, a resolution to prevent U.S. funding of FLO activities.

AMENDMENTS SUBMITTED FOR PRINTING

TREASURY, POST OFFICE APPROPRIATIONS ACT, 1981

AMENDMENT NO. 2628

(Ordered to be printed and to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill (H.R. 7583) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President and various independent agencies, for the fiscal year ending September 30, 1981, and for other purposes.

Mr. BOSCHWITZ. Mr. President, this amendment, which I hope to attach to the measure providing 1981 appropriations for the Treasury Department, is designed to help insure the continued existence of family farms. This amendment will prevent the Internal Revenue Service from implementing regulations contrary to the intent of legislation passed by Congress only 4 years ago.

Prior to 1976, tax savings to offset excess mortgage protection of certain farmers who owned land, and that led to a lower price for land, was the "prevailing market price" that is, lower than the market price of farmland often bears no relation to its earning capacity. As a result, families of deceased farmers, faced with enormous estate tax bills incurred as a result of the "prevailing market price" valuation method, often were forced to sell the family farm to pay off the Federal Government.

Recognizing the vital role farmers play in our national economy and the need to retain existing cropland, Con-
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National Emergencies Act

Mr. CHURCH. Mr. President, Friday marked the end of the second 6-month period after the President's declaration, on November 14, 1979, of a national emergency with respect to the situation in Iran. I bring this to the attention of my colleagues to urge that the tax relief Congress intended when enacting section 203A be available.

I urge my colleagues to support this amendment.

ADDITIONAL STATEMENTS

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A Federal Charter for the Italian-American War Veterans

Mr. DOLE. Mr. President, today the Senate Judiciary Committee is holding hearings on legislation to provide a Federal charter for the Italian-American War Veterans (IAWV) of the United States.

Charitable Activities

The Italian-American War Veterans is a nonprofit service organization now incorporated in 10 States and active in several others. The IAWV was founded in 1932 and for the last 48 years, the organization has been involved in various charitable and community-service activities. In assisting this Nation's hospitalized veterans, the IAWV is presently involved with more than 20 veterans hospitals. The group has consistently made donations to the needy and the handicapped. For example, alone, the IAWV donated approximately 7,500 hours of service in its hospital volunteer program. While IAWV draws most of its membership from individuals with an Italian-American heritage, it is open to any veteran regardless of race, religion, or national origin.

Federal Charter

Since 1985 the IAWV has sought a Federal charter for the organization meets all of the requirements established by Congress pertaining to Federal charters. Federal recognition of the group's many years of voluntary service would grant new impetus to the activities and membership, which increasingly are of national scope.

Notices of Determinations by the Select Committee on Ethics

Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record this notice of a Senator or Senate employee who participated in a program, the principal objective of which was educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 35 which permitted Senator Joseph R. Biden, Jr., to participate in a program sponsored by a foreign educational organization, the Gesellschaft fuer Wehrkunde, in Munich, West Germany, from February 9-10, 1980.

The committee has determined that participation by Senator Biden in the program in Munich, West Germany, was in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule 35 which would permit Mr. Steven Roberts on the staff of the Senate Banking, Housing, and Urban Affairs Committee to visit Europe from October 18 to November 14, 1980, at the expense of the European community's visits program, funded by the European Parliament and the Committee of the European Communities. It has been determined that the principal purpose of Mr. Roberts' trip is educational participation in a program sponsored by a foreign government or organization.

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States and other Western Powers granted tangible concessions to the Soviet Union in terms of recognition of the East-Western European boundaries and expanded economic and scientific links. In exchange for these measures, which clearly favored the Soviet bloc, the West obtained concessions in the realm of human rights. If we do not press such claims as those of Brallovsky, Andrei Sakharov, Anatoli Shcharansky and thousands of others in similar positions; if we do not make the most of promises made and signed by Leon Brezhnev on August 1, 1975, then we will have rendered meaningless the concession in baskets one and two.

We commend the U.S. delegates to Helsinki for having invoked the cases of Sakharov and Brallovsky, and hope the U.S.S.R. understands that we view these great men as but symbols of many thousands more who are being persecuted at this very moment. We will not be satisfied until all of the victims of this oppression are freed.

PROPOSED ARMS SALES

Mr. CHURCH. Mr. President, section 3(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the Record the covering letter is available to Senators in the office of the Foreign Relations Committee, room 8-116 in the Capitol.

The notification follows:


HON. FRANK CHURCH, Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. CHAIRMAN: Pursuant to the reporting requirements of Section 3(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 81-05 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer Pursuant to section 36(b) of the Arms Export Control Act.

Mr. President, I ask that this excerpt be printed at this point in the Record.

The excerpt follows:

"Mr. HEINZ. Mr. President, today I continue my submission of material examining Japanese import safety standards. In general, Japanese safety standards for small boats are extremely detailed with respect to the physical characteristics which are the objectives of the design requirements. The regulation provides for discretion on the part of the inspecting officer regarding the application or exclusion of certain standards for each vessel undergoing inspection.

Article 15 mandates the installation of certain watertight bulkheads in steel hulled vessels, however, the Japanese requirements are different. In the United States, watertight bulkheads are a fundamental feature of the interior of the vessel. In Japan, watertight bulkheads which deter free passage below decks and occupy considerable space within the limited bulb area. Compliance with the watertight bulkhead requirement would necessitate radical redesigning of U.S. boats and would not necessarily improve their safety characteristics. While the regulations provide for exemption of boats falling within certain classes of boats, where Japanese inspection officers determine that they have sufficient buoyancy, U.S. manufacturers who wish to sell their boats in Japan contend that Japanese inspection officers had not indicated a willingness to exempt U.S.-built boats.

In section 19 of their regulations, Japan states that FRP hulls must pass bending or drop tests. The regulation, however, does not set specific testing methods or performance criteria. U.S. manufacturers report that, until a few years ago, the drop test consisted of dropping the boat, fully laden, from a height of 2.5 meters onto the water, then making a visual examination for damage. The purpose of this test is unclear. The regulation also provides that the bending and drop tests may be omitted at the inspection organization's discretion, upon consideration of certain factors, including the type of water in which the boat will be used. The provision makes it clear that the inspection organization is the only arbiter of what constitutes a safe boat.

Unlike the customs procedures discussed above, Japanese product approval procedures are import-restrictive in theory as well as in practice. The applicable product approval standards, the methods by which such standards are promulgated and the procedures established to test and certify imported products for compliance with these standards all provide significant impediments to the importation into Japan of many U.S. goods. In the past, these product approval requirements have created trade-restrictive impacts in a number of cases.

First, analysis by FTC staff, in response to problems raised by U.S. industry, indicates that Japanese product approval regulations are generally more performance oriented than they are toward performance characteristics. A U.S. product, for instance, would have to be approved for use if there was a minor difference in design, even though it may have better performance characteristics than the Japanese alternative. Japanese businessmen contend that the individual strands in electrical cords manufactured to Japanese safety standards are not equivalent to strands designed to U.S. standards. As a result, even though the two cords may be equally safe, the U.S. cord is barred from the Japanese market.

A lengthy, yet valuable illustration of this principle may be found in the facts of the U.S. small boat manufacturers who attempted to meet Japanese import safety standards. In general, Japanese safety standards for small boats are extremely detailed with respect to the physical characteristics which are the objectives of the design requirements. The regulation provides for discretion on the part of the inspecting officer regarding the application or exclusion of certain standards for each vessel undergoing inspection.

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Sincerely,

ERNEST GRAVES, Defense Security Assistance Agency.

TRANSMITTED NO. 81-05

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act.

(1) Prospective Purchaser: NATO.

(2) Total estimated value: Major Defense Equipment: $115 million; other $5 million: total $120 million.

(3) Description of Articles or Services Offered: Coproduction of up to 29 AN/TAS-73 defense command and control systems (Missile Minder) to include technical assistance and postproduction support.

(4)(i) Missiles (AN/ALQ-99) (USA).

(4)(ii) Sales Commission. Fee, etc. Paid, Offered or Agreed to be Paid: None.

(5) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See annex under separate cover.

(6) Section 26 Report: Case not included in Section 26.

(7) Date Report Delivered to Congress: November 12, 1980.

PROTECTIONISM VI

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The company forwarded samples of resins, screws, laminates, layout-up schemes, and detailed drawings. Based on the company's estimates that it invested literally hundreds of hours of engineering time in order to meet the requirements of the two cooperating laboratories, the company is still attempting to obtain information on the specific standards and inspection procedures to be applied to U.S. manufactured boats prior to the establishment in 1974 of the Small Boat Inspection Organization. The Inspection Organization indicated that each model would be required to undergo all prescribed tests and to meet all mandated design requirements in order to obtain certification. The agent stated that this would require extensive modification of the hull and other structure, and that a great amount of the testing would involve the removal of the boat's lights and other installed equipment. As a result, it would have to be removed and replaced with "official" U.S. approved equipment by the manufacturer. As a result, this basic structural modifications that would be required to undergo the approval process would compromise the marketability of the boat. This has a domino effect on the rest of the industry, including the manufacturer's ability to compete in the market. This need to replace and in some cases remove components to meet the requirements of the inspection process has been a major concern for the industry. The inspection process often requires the submission of proprietary information about the boat's design, which recipients of this information who receive such information for transmittal to the approving agency is in a position to use this knowledge to develop a competitive product.

Another principal area of difficulty is the inevitable delay caused by meeting Japanese product approval standards. The ability to get a new product on the market quickly can be critical in marketing consumer appliances. The products often do not involve new technology such as microwave ovens, but instead are innovations on existing goods, e.g. electric grills, electric toothbrushes or small-size domestic appliances. A company introducing a new product must move quickly to establish its market share since its competitors will introduce similar new products. A similar product quickly if it proves successful. Consequently, a long delay in obtaining product approval means the company has an example opportunity to introduce competitive products before the import can be sold.

One factor that contributes to delay (and time) is the Japanese requirement that foreign manufacturers seldom receive sufficient notice of new testing standards or changes in those standards. Many new standards are apparently open to Japanese but not to the company that made the product. Thus, foreign suppliers often have to develop new test standards only after they have been published, allowing domestic companies a significant time advantage.

One U.S. manufacturer of vapors was confronted with this problem when he discovered a new standard that required vapors to be designed to tilt 60 degrees over or to the side. Before the standard was developed, the U.S. manufacturer's vapors were built with a low profile so that they could not accidentally be tipped over. Since the company faced the potential loss of sales, it decided to expand its product line. The company's boycott of the market in the preceding two years, the president of the company asked the government in 1973 to hear his case. He was told that the application for the test would take 6000 units the first year. By the second year, however, the Japanese set the standard for allowance of any liquid to the test. This made the test so expensive that it would take over 10 years to clear the market of such a product. One peculiar result of this is that a U.S. company cannot move without reapplying for product approval unless the company is in a position to use the information submitted to the approving agency.

Two other problems concerning import approval procedures are the requirement that the product approval procedures be performed in Japan and the requirement that the product approval procedures be performed in Japan. The Japanese government's refusal to accept any test results that have not been obtained in Japan has meant that the company has had to develop its own test procedures. The company was asked to submit its application in 1976 following modifications in the testing procedure. Although MHW under the new regulations has permitted the sale of the test as a "charged clinical" to hospitals and diagnostic clinics. The effect of allowing any new test guidelines is that the product would be eligible for reimbursement under Japan's National Health Insurance Program. In a separate action, the company asked MHW to authorize the Japanese Red Cross (JRC), a quasi-government agency, to use its own blood test for blood in the market. The company told TFC officials that it was informed by the Ministry that the test was considered to be of doubtful effectiveness in detecting the predominant and dominant Japanese subtype of hepatitis B, "ad", and that it would take an "expert group" one year to reach a conclusion on whether the product should be approved. The MHW response to the company was that the approval was deferred until April 1976 and implied that there were no plans to change the test currently used. Further, JRC had not formally recommended any new test guidelines. Subsequent information supplied by the company tended to show that: (1) the company and the JRC conducted extensive clinical testing of the product in Japan, but published results only after the government had approved the test; (2) the product is significantly more sensitive than the tests currently used; (3) the test for red cells is significantly more sensitive than the tests currently used; and (4) the test for red cells is significantly more sensitive than the tests currently used. A major issue of reciprocity. It is generally the U.S. practice to accept foreign test data provided such testing is in accordance with appropriate U.S. standards and test procedures.
also claimed that it had been working with a member of the JRC technical staff who had informally requested, without success, that MHW approve the test for Red Cross use in Japan’s blood donor program.

The U.S. side of the TFC resubmitted this case in mid-May of 1976, asking for (1) expedited MHW approval of the product under the Pharmaceutical Affairs Law; and (2) authorization for the JRC to purchase the test, for screening blood donors. Final approval for the test was granted in June 1979, and MHW indicated that the test would be qualified for reimbursement approval under the National Health Insurance Program. However, it was stated that the JRC would have to make its own determination as to the efficacy of the procedure and whether it would request budgeting to use the test.

The second case was raised in the TFC in March 1979 on behalf of the Animal Health Institute. The Government of Japan controls the purchase, sale and distribution of certain categories of veterinary medicines. These controls include the imposition of import quotas, as well as requirements for testing and approval under the provisions of Japan’s Pharmaceutical Affairs Law. The administration of the quota system, along with the lengthy and duplicative testing procedures required under the law, has long been criticized by U.S. manufacturers for restricting access by U.S. manufacturers to the Japanese market.

Japan also established, under the general existing agreements on Tariffs and Trade (GATT), quotas for the importation of certain microbial vaccines and veterinary pharmaceutical products. These quotas are administered by the Ministry of Agriculture, Forestry and Fisheries, rather than by the Ministry of Health, Labor and Welfare that regulates the manufacture and sale of all (including household) electrical appliances. Household electrical appliances generally fall into “Category A,” i.e., those which, prior to sale in Japan, must be tested independently for compliance with Japanese standards. Until 1979, the Japanese administration of this law under the Ministry of International Trade and Industry required that all testing and approval procedures for foreign “Category A” electrical appliances be made by importers rather than by foreign manufacturers, and that all test data be generated in Japan in designated Japanese testing laboratories, primarily the Japan Electrical Testing Laboratory (JET).

In late 1977 and early 1978, an electrical appliances subcommittee of the Tokyo Trade Study Group concluded that the major barrier to increased exportation of U.S. electrical appliances to Japan was the testing and approval procedure. This procedure, which generally involved a three-tiered system of approval for either direct access to JET by U.S. manufacturers or acceptance of U.S. test data, was resulting in costly delays of up to a year for the introduction of U.S. products into the Japanese market. The TSG report noted a number of additional specific problems with the Japanese approval procedure and standards, including the lack of an appeals process and of sufficient advance notification of standards changes, and the dominance of individual “judgmental factors.”

The Japanese procedures as applied to U.S. exports are in conformity with U.S. procedures for the testing and certification of Japanese electrical products exported to the United States. The United States obtains approvals from Underwriters Laboratories (UL) in usually less than four months. Moreover, approval is often based on direct application to UL and UL acceptance both of Japanese manufactures’ test data and of tests conducted by appointed UL representatives in hundreds of laboratories in Japan.

In November 1978, MITI responded to the TSG recommendations by allowing U.S. manufacturers to directly apply for UL approvals by dealing directly with the Japanese testing facilities, rather than by acting through a Japanese agent. MITI also provided for U.S. representation on the Japanese Electrical Association (JEA) committees that formulate and revise standards—a process which hitherto had been closed to foreign companies, and thus had allowed Japanese manufacturers a greater lead time than foreign competitors to anticipate and prepare for new standards. Finally, MITI began to prepare an official translation into English of all of Japan’s electrical standards. In May 1979, a U.S. government-industry team held discussions with MITI in Tokyo to clarify the new Japanese procedures and to indicate the need for continuing progress toward the ultimate goal of reciprocity. These measures represent meaningful progress in revising product approved procedures in the area of electrical standards. U.S. firms that do not have a representative office in Japan and market in Japan through a local import agent or distributor, however, will still need the services of a local representative to deal with the approving agency and the testing laboratory. The solution sought by U.S. industry, therefore, is Japanese acceptance of UL standards where they are equivalent to those required in Japan, or acceptance of tests conducted in the U.S. that conform to Japanese standards.

Cases submitted to the TFC thus demonstrate that significant trade-restrictive impacts result from the Japanese product approval standards and process. These barriers stem both from the design-oriented nature of the standards and from specific procedural requirements of the approved process. Furthermore, it is likely that similar difficulties exist in industries other than those identified by the particular TFC cases brought thus far. As in the area of customs procedures, it would be far more helpful for Japan to reevaluate and revamp product approved standards and procedures as a whole rather than to wait for individual complaints to be brought before the TFC.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

Mr. ROBERT C. BYRD. Does the convenor order provide for a 10 o’clock meeting tomorrow?

The PRESIDING OFFICER. The Senator is correct.

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

DEFENSE Appropriations Bill

Mr. ROBERT C. BYRD. Mr. President, the Senate will take up the Defense appropriations bill tomorrow, and I anticipate several amendments thereto with rollcall votes.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. If there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 o’clock tomorrow morning.

The motion was agreed to; and at 6:05 p.m. the Senate recessed until Friday, November 21, 1980, at 10 a.m.