[ms-0494.009.005.005]

RESOLUTION: INTERSTATE MINING COMPACT COMMISSION

Be it resolved by the Interstate Mining Compact Commission (IMCC):

Whereas, due to the delay in adoption of the federal regulations prescribing the substance of State Programs, the states stand to lose 50 percent of the abandoned mine reclamation fund collected within their borders since the adoption of Public Law 95–87;

And be it further resolved that: the Secretary of Interior must assure to the states the availability of their full share of abandoned mine land reclamation fund, upon approval of State Programs, and that failure of such assurance would result in deprivation of many millions of dollars collected in individual states by federal coal severance taxes and unintended by Congress to be available to the individual states.

RESOLUTION: INTERSTATE MINING COMPACT COMMISSION

Be it resolved by the Interstate Mining Compact Commission (IMCC):

That the federal domination and control over state and local land use and coal resource development, as contained in the "Surface Mining Control and Reclamation Act of 1977" (Public Law 95–87), and regulations thereunder, must be corrected by the Congress, and this authority must be restored to the states and local governments;

And be it further resolved that: the intrusion of federal power into this area of state responsibility is a threat to representative government and state sovereignty.

Mr. WARNER. In summary, this amendment is consistent with and makes no substantive changes to the act. It is consistent with and makes timely revisions to the provisions of S. 1403 which passed the Senate by an overwhelming 69-to-28 vote in September 1979. The amendment is essential to the Secretary so that he may have sufficient time to properly discharge his responsibilities—keeping in mind the Secretary's ability to measure State compliance with the statute by interpretation of the statutory provisions through the new regulations he must develop pursuant to court order. It is also essential to the States so that they may adequately fashion their programs in accordance with the statute. Finally, the amendment is essential to the public, which deserves to know once and for all the rules by which surface coal mining can be conducted under the law of the land.

I urge adoption of the amendment.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on tomorrow that have been entered?

The PRESIDING OFFICER. There are none.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate convene tomorrow at 11 a.m. rather than 10 a.m. This will accommodate both the proponents and the opponents of the measure, some of whom have committee hearings to chair and

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

Mr. ROBERT C. BYRD. Mr. President, unanimous consent is not needed to assure that the Senate will resume action on the pending measure once the standing order for the recognition of the two leaders has been consummated; am I correct?

The PRESIDING OFFICER. If the Senate recesses this evening, the Senator is correct.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 5 minutes for the purpose only of considering the nominations beginning under U.S. Postal Service on page 2, going through the nominations on page 3, with the exception of Calendar Orders Nos. 255 and 257, and going through Department of State Calendar Order No. 264.

Mr. BAKER. Mr. President, reserving the right to object, and I will not, the purpose of the reservation is to provide an opportunity for me to advise the majority leader that all of the items identified by him on the Executive Calendar are cleared on our calendar as well, and we have no objection to the confirmations.

I might inquire of the majority leader if he intends to proceed with the consideration at a later date of Calendar Order No. 255, the nomination of the judge for the U.S. District Court for the Southern District of California.

Mr. ROBERT C. BYRD. I would like to do that within the next few minutes when Mr. CRANSTON arrives.

Mr. CRANSTON, who has been pressing for the confirmation of that nomination, is here. I will yield the floor to Mr. CRANSTON immediately upon the confirmation of the other nominees.

Mr. BAKER. Mr. President, I thank the majority leader. We have no objection to the request as he has stated it.

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

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

Mr. President, I ask unanimous consent that the aforementioned nominees be confirmed en bloc, that the President be notified of their confirmation, and that the motion to reconsider en bloc be laid on the table.

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

The nominations considered and confirmed en bloc are as follows:

U.S. POSTAL SERVICE

Timothy L. Jenkins, of the District of Columbia, to be a Governor of the U.S. Postal Service.

Paula D. Hughes, of New York, to be a Governor of the U.S. Postal Service.

David E. Babcock, of Arizona, to be a Governor of the U.S. Postal Service.

COUNCIL OF ECONOMIC ADVISORS

Stephen M. Goldfeld, of New Jersey, to be a member of the Council of Economic Advisors.

DEPARTMENT OF EDUCATION

James Bert Thomas, Jr., of Virginia, to be Inspector General, Department of Education.

ENERGY-EXPO 82

Charles E. Fraser, of South Carolina, to be Commissioner General of the U.S. Government for Energy-Expo 82.

DEPARTMENT OF STATE

Lyle Franklin Lane, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Barbara M. Watson, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished majority whip.

NOMINATION OF EARL BEN GILLIAM, OF CALIFORNIA, TO BE A U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Mr. CRANSTON. Mr. President, I call up Calendar Order No. 255.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The nomination of Earl Ben Gilliam, of California, to be a U.S. District Judge for the Southern District of California.

Mr. CRANSTON. Mr. President, I am delighted to have this opportunity to call up the nomination and speak for the nomination of Earl Gilliam.

A word about him. He is 49 years old, a native of the Southwest, born in Clovis, N. Mex., and educated in California. He received his law degree from Hastings College of the Law in 1957 and joined the San Diego County DA's office that year. He practiced law from 1961 to 1963 and was then appointed by Gov. Pat Brown to the San Degio Municipal Court at the age of 32. In 1975, he was namel Superior Court Judge for San Diego County.

In 1964 he was named "Young Man of the Year" by the San Diego Jaycees. He now heads the trial practice division at Western State College of the Law in San Diego, where he has taught for several years. When confirmed, he will be the first black to serve on the Southern District Court bench.

Judge Gilliam has strong and widespread community support and is well-respected among his peers in southern California. He is intelligent, compassionate and fair-minded. Supporters list his "impeccable integrity," his fairness. "It is my honest feeling that Judge Gilliam has the respect and admiration of the community he serves so well," one said.

Mr. President, when I nominated him to President Carter after a great deal of research into his qualifications after he had been recommended by the Commission on Judicial Selection created by the two Senators from California and the State bar, I learned many very fine things about Judge Gilliam. He has served very well on the bench. He is highly respected in the community. He understands the law. He is a man of compassion, a man who believes, of course, that the law must be enforced in his court and in our country.

I had many communications from San Diego that evidenced the great support and respect that he has earned in that community. I am, therefore, delighted to recommend his approval to my colleagues in the Senate.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BAKER. Mr. President, I can vouch for the fact that Judge Gilliam has many friends, because, as his nomination was transmitted to the Judiciary Committee and then subsequently reported to the Executive Calendar, there were a great number of contacts from California, indeed, from other parts of the country on his behalf.

As the distinguished assistant majority leader would understand, a great number of those receive special attention from us when the good Republican friends of Judge Gilliam vouched for his abilities and vouched for his reputation.

Both Senators from California have joined in support of this judge. This nomination comes as close to being a genuinely supported bipartisan nomination as I have seen a long time. I congratulate both California Senators and congratulate Judge Gilliam. I am pleased that we have arrived at this point when the confirmation, I believe, is about to occur.

Mr. CRANSTON. I thank the distinguished minority leader for his good words and cooperation in this nomination. I also thank the distinguished majority leader for his cooperation in expediting the consideration of the nomination in the Senate. I thank the Judiciary Committee for its support and cooperation of the nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

LEGISLATIVE SESSION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business for not to exceed 15 minutes, and that Senators may speak therein.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

MESSAGES FROM THE HOUSE

At 2:48 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1863. An act to authorize the Secretary of Commerce to charter the nuclear ship *Savannah* to Patriots Point Development Authority, an agency of the State of South Carolina.

The message also announced that the House has passed the following bills, in which it requests the conconcurrence of the Senate:

H.R. 4231. An act to designate the "John D. Larkins, Jr., Federal Building";

H.R. 5546. An act to amend the United States Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transfered into such export elevators without official weighing, and for other purposes;

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Texas, as the "O. C. Fisher Federal Building";

H.R. 6531. An act to name a certain Federal building in Indianapolis, Indiana, the Minton-Capehart Federal Building;

H.R. 6550. An act to amend Public Law 90-553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; and

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State.

The message further announced that the House has agreed to the resolution (H. Res. 761) relating to the death of the Honorable Harold Runnels, a Representative from the State of New Mexico.

At 4:40 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following bills, without amendment:

S. 659. An act for the relief of the Black Hills Area Council of the Boy Scouts of America;

S. 1626. An act for the relief of H. F. Hulholland and the estate of John Oakason, and

S. 1730. An act to declare that title to certain lands in the State of New Mexico are held in trust by the United States for the Ramah Band of the Navajo Tribe.

The message also announced that the House has passed the following bill, with an amendment in which it requests the concurrence of the Senate:

S. 2055. An act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6089. An act to amend the Tariff Schedules of the United States to provide for a temporary change in the duty on unwrought lead, and for other purposes;

H.R. 7309. An act to designate the Federal Building in Portland, Oregon, the "Edith Green Federal Building";

H.R. 7414. An act to designate the building known as the Federal Building and United States Courthouse in Amarillo, Texas, as the "J. Marvin Jones Federal Building";

H.R. 7450. An act to designate the United States Court House and the United States Post Office Federal Building in Waterbury, Connecticut, as the "John S. Monagan Federal Building".

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 4231. An act to designate the "John D. Larkins, Jr., Federal Building"; to the Committee on Environment and Public Works.

H.R. 5546. An act to amend the U.S. Grain Standards Act to permit grain delivered to export elevators by any means of conveyance other than barge to be transferred into such export elevators without official weighing, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5732. An act to designate the Federal Building located at 33 West Twohig, San Angelo, Tex., as the "O. C. Fisher Federal Building"; to the Committee on Environment and Public Works.

H.R. 6089. An act to amend the Tariff Schedules of the United States to provide for a temporary change in the duty on unwrought lead, and for other purposes; to the Committee on Finance.

H.R. 6531. An act to name a certain Federal building in Indianapolis, Ind., the Minton-Capehart Federal Building; to the Committee on Environment and Public Works.

H.R. 6550. An act to amend Public Law 90-553, to authorize the transfer, conveyance, lease, and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 7309. An act to designate the Federal Building in Portland, Oreg., the "Edith Green Federal Building"; to the Committee on Environment and Public Works.

H.R. 7414. An act to designate the building known as the Federal Building and U.S. Courthouse in Amarillo, Tex., as the "J. Marvin Jones Federal Building"; to the Committee on Environment and Public Works.

H.R. 7450. An act to designate the U.S. Court House and the U.S. Post Office Federal Building in Waterbury, Conn., as the "John S. Monagan Federal Building"; to the Committee on Environment and Public Works.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read by title and placed on the calendar:

H.R. 6816. An act to provide for the exchange of certain Federal coal leases in the State of New Mexico for other Federal coal leases in that State.