

would provide that the established price for an individual producer for the 1978 crop of wheat shall be at a level related to the set-aside such producer voluntarily makes pursuant to the act. If he sets aside, say, 20 percent, then the established price shall be \$3 a bushel; if it is 35 percent, the established price shall be \$4 a bushel; and if it is 50 percent, the established price shall be \$5 a bushel. In that way, you keep production down.

It would not be 100 percent of parity on as much as he wants to produce, but he would have to set aside a certain percentage in order to get that parity.

In that way, this would appear to be about the most reasonable and practical bill that I think has been conceived so far. We do the same thing with corn and the same with cotton. They would have to make a set-a-side. They would have to reduce acreage if they are going to get any parity. They would only get a price in proportion to the proportion of set-aside they make.

For example, in cotton, if they set aside 20 percent, the established price would be 54 cents; but if they set aside one-half of that cotton, 50 percent, then the established price would be 84 cents.

We think this would overcome the point that has been raised by the distinguished Senator from Arizona and would accomplish the objective because of the reduction in the amount that would be produced because of a set-aside.

CONSIDERATION OF MEASURE ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 572, which has been cleared on both sides of the aisle, as in legislative session.

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

ABSAROKA-BEARTOOTH WILDERNESS

The Senate proceeded to consider the bill (S. 1671) to designate the Absaroka-Beartooth Wilderness, Custer and Gallatin National Forests, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 1, line 7, strike "date June 1977" and insert "dated January 1978";

On page 2, line 3, strike "thirteen thousand five hundred" and insert "and seven thousand two hundred";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 890), the area classified as the Beartooth and Absaroka Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Absaroka-Beartooth Wilderness," dated January 1978, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Absaroka-Beartooth Wilder-

ness," within and as part of the Custer and Gallatin National Forests, comprising an area of approximately nine hundred and seven thousand two hundred acres.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Absaroka-Beartooth Wilderness with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, However,* That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The Absaroka-Beartooth Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 4. Nothing in this Act shall be construed as affecting in any manner or to any extent any claim by Park County, Montana, and Sweet Grass County, Montana, to a right-of-way from Cooke City, Montana, to Boulder, or to affect in any manner or to any extent the relative rights and liabilities between the parties in connection with Cause numbered 76-125-BLG, Park County, Montana, and Sweet Grass County, Montana, versus United States of America, et al., filed in the United States District Court for the District of Montana, Billings Division, on October 4, 1976. Nothing in this Act shall be construed as abating such cause or as amending or otherwise affecting or modifying the provision of law pursuant to which such cause was filed.

Sec. 5. The previous classification of the Beartooth and Absaroka Primitive Areas is hereby abolished.

Mr. MATSUNAGA. Mr. President, S. 1671 was favorably reported from the Energy and Natural Resources Committee on January 31, 1978. As reported by the committee, S. 1671 would designate approximately 907,200 acres within the Custer and Gallatin National Forests in the State of Montana as wilderness.

The bill was introduced by the late Senator Lee Metcalf on June 10, 1977. Field hearings on the proposal were conducted in Billings, Mont., last summer and a hearing here in Washington was conducted this fall before the Parks and Recreation Subcommittee. Testimony at both hearings was overwhelmingly favorable.

During the consideration of S. 1671, the committee agreed to make various minor boundary adjustments in an effort to avoid several resource conflicts. These adjustments were agreed to by Senator Metcalf prior to his death.

I urge my colleagues to join with me in paying tribute to Senator Metcalf's memory by approving this measure.

Mr. PAUL G. HATFIELD. Mr. President, I am pleased to reiterate my support for S. 1671, the Absaroka-Beartooth Wilderness Act, and to endorse the minor boundary change which has been offered by my senior colleague from Montana.

I understand that the boundary adjustment meets with the approval of all parties involved, and that it simply brings the Senate bill into line with what the House Interior Committee has already done.

I urge prompt consideration of the bill by the Senate.

UP AMENDMENT NO. 1213

Mr. MELCHER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. PAUL G. HATFIELD, proposes an unprinted amendment numbered 1213.

1. On page 1, lines 7 and 8, strike "January" and insert in lieu thereof "February".

2. On page 2, line 2, strike "and seven thousand two hundred" and insert in lieu thereof "and four thousand five hundred".

The PRESIDING OFFICER. The amendment is not in order at this time, being broader than the committee amendment.

Mr. MELCHER. Mr. President, I ask unanimous consent that the amendment just stated may be in order at this point.

The PRESIDING OFFICER. The Chair suggests that the committee amendments be considered en bloc and agreed to as original text. Then the Senator's amendment would be in order.

Mr. MATHIAS. Mr. President, I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc as original text.

Mr. MELCHER. Mr. President, on behalf of myself and my colleague Senator PAUL HATFIELD, I have an amendment to the committee amendment to S. 1671, the Absaroka-Beartooth Wilderness bill.

I want to thank the distinguished gentleman from Hawaii, the vice chairman of the subcommittee.

Mr. President, the effect of my amendment will be to put the valley of the West Fork of the Stillwater River and the land up to the 7,000-foot elevation into the area proposed for the Absaroka-Beartooth Wilderness by S. 1671.

The committee had incorporated several amendments which changed the boundary and thus the acreage from the original bill proposed by Senator Metcalf from 913,500 acres to 907,200 acres. The effect of this proposed amendment would be to reduce the acreage to about 904,500 acres. The reduction would come about by excluding approximately 2,700 acres that comprise the AMAX and Anacoda claims in a heavily mineralized belt. These claims are roaded on both sides of the river but not into the West Fork Stillwater River valley itself. There is a road that comes down from the north along the river but it stops just short of the wilderness boundary.

The companies, while not wanting to lose any of their potential mineral properties, have indicated that they would like to save as much of their investment as is possible. The areas we are talking about have been roaded and rather heavily explored. This amendment would save the valley floor for the wilderness and keep the mineral activities above the 7,000-foot level. I have been in contact with some of the most knowledgeable people on this area in Montana and have

been told that the mineral activities are, in fact, all above the 7,000-foot level with wilderness proponents concerned with the area in the valley below that level. I have also been informed that the valley is an excellent access point to one of the best areas of the proposed wilderness, with a trailhead road running right to the wilderness boundary.

So the intent of my amendment is to modify the boundary line of the committee's version of S. 1671. I have described the amendment on a map dated February 1978, on file in the Office of the Chief, Forest Service, USDA. The movement of the boundary would be to drop it to the south side of the AMAX mining claims approximately in section 13, township 5 south, range 14 east, sections (projected) 18, 19, 20, 21, 28 to the 7,000 foot contour on the north side of the west fork of the Stillwater River, then north along this contour to a point in the SW¹/₄ of section 14 (projected), across the west fork of the Stillwater River to the 7,000 foot contour on the south side of the river and then south along the contour to a point approximately in the SW¹/₄ of section 22 (projected) on the south boundary of the Anaconda claims and then east along the south boundary through sections (projected) 22, 23, 24, and 25 to the point where the claim lines intersect the boundary of the wilderness indicated on the map referred to in S. 1671, as amended by the committee.

While this explanation is intended as the description of what I intend this amendment to accomplish, it is not intended as a hard and fast legal description. The Forest Service drafted this language and the map for me so I feel confident they will understand the intent of the amendment. It makes clear the river valley floor up to 7,000 feet will remain in the wilderness, but the roads and the mining claims will be removed from the wilderness. For example, the amendment removes the graded road in section 23 that actually goes approximately 600 to 800 feet below the mining claim boundary through an agreement with the Forest Service. The map I have referenced accounts for this factor.

I appreciate that committee's acceptance of this amendment at this late date, but I was not really made aware of the problem earlier. I was under the belief the Stillwater complex was to be left out of the wilderness.

I told the committee that I appreciated their prompt consideration of the bill, that such action was a positive step forward. The Absaroka-Beartooth area is the only wilderness area close to the eastern plains of Montana. It will make an excellent addition to the wilderness preservation system.

Mr. MATSUNAGA. Mr. President, the amendment proposed by the Senator from Montana (Mr. MELCHER) is acceptable to me. It is my understanding that this amendment, which has the effect of deleting approximately 2,700 acres from the proposed wilderness, has been agreed to by the House Interior Indian Affairs and Public Lands Subcommittee. We are asking that the Senate adopt the amendment now rather than wait for House action so that we can insure more expeditious enactment of this measure.

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

The amendment was agreed to.

Mr. HANSEN. Mr. President, if I may make just one very brief observation, I should like to join with my two distinguished colleagues from Montana in noting that this particular bill is in large measure the result of the dedicated efforts of our late and cherished friend, Lee Metcalf. I am very pleased, indeed, to be here with them and to note the vitally important contribution that Senator Metcalf made.

Mr. MELCHER. Will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. MELCHER. I thank our distinguished colleague from Wyoming for those fine remarks concerning our late colleague, Senator Metcalf, our esteemed friend and our mentor in Montana. It is with that in mind that Senator HATFIELD and I are delighted that the Senate has seen fit to take up this bill this morning and have it passed as a tribute to Lee Metcalf.

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

The bill was ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (70 Stat. 890), the area classified as the Beartooth and Absaroka Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Absaroka-Beartooth Wilderness", dated February 1978, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Absaroka-Beartooth Wilderness", within and as part of the Custer and Gallatin National Forests, comprising an area of approximately nine hundred and four thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Absaroka-Beartooth Wilderness with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act. *Provided, however, That correction of clerical and typographical errors in such legal description and map may be made.*

SEC. 3. The Absaroka-Beartooth Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act shall be construed as affecting in any manner or to any extent any claim by Park County, Montana, and Sweet Grass County, Montana, to a right-of-way from Cooke City, Montana; to Boulder, or to affect in any manner or to any extent the relative rights and liabilities between the parties in connection with Cause numbered 76-126-BLG, Park County,

Montana, and Sweet Grass County, Montana, versus United States of America, et al., filed in the United States District Court of the District of Montana, Billings Division, on October 4, 1976. Nothing in this Act shall be construed as abating such cause or as amending or otherwise affecting or modifying the provision of law pursuant to which such cause was filed.

SEC. 5. The previous classification of the Beartooth and Absaroka Primitive Areas is hereby abolished.

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

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

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, as in legislative session.

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

(Routine morning business transacted and additional statements submitted will be printed later in today's Record.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will now resume consideration of Executive N, 95th Congress, 1st session, which the clerk will report. Debate thereon is not to extend beyond 5 p.m. today.

The legislative clerk read as follows:

Executive N, 95th Congress, First Session, Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, on yesterday I spoke at some length in support of the treaties. I desisted from completing my speech yesterday in deference to other Senators who had been waiting. As a courtesy to the minority leader and other Senators who wanted to speak, I withheld the completion of my speech. At this time I shall continue on that speech, but I want first to yield to the distinguished Senator from Arizona (Mr. GOLDWATER) who very patiently awaited yesterday a turn at which he could deliver his own remarks in connection with the treaties.

So, Mr. President, without yielding my rights to the floor at this time, I yield to the distinguished Senator from Arizona (Mr. GOLDWATER) for such comments as he wishes to make.