SENATE—*Thursday, October 1, 1987*

(Legislative day of Friday, September 25, 1987)

The Senate met at 8:10 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3:5-6.

Father in Heaven, in the wisdom of Solomon, we are reminded that You are willing and able to give us inerrant direction if we meet the simple conditions of trusting in You and acknowledging You. God of infinite wisdom, You alone know what the future holds for the Senators and their families—for the Nation and the world. You know the human propensity for thinking business as usual when a situation demands decisive action and the will is weak. Help us to remember Pearl Harbor as we struggle with international relations. Help us to remember the awful days of the Great Depression. Lest some unexpected event explodes into worldwide conflagration or precipitates unprecedented financial crisis. Holy Father, in these dangerously critical days, help the Senators to take you seriously and infuse them with the will to confront the issues squarely, dedicated to principle rather than expediency, whatever personal or political risk is involved. For the sake of truth and justice and peace, in His name in Whom they were incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF SENATOR PROXMIRE

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

AMERICA'S CRUSHING DEBT—THE WORST SOLUTION

Mr. PROXMIRE. Mr. President, by every relevant comparison, debt in America has become the heaviest ever. It constitutes a threat that now seems almost certain to wreck our country's marvelous economy. Is it really this bad? Consider that in 6 short years, the Federal Government debt has zoomed from less than $1 trillion to nearly $2½ trillion. What is so Earth shaking about that? First, it means that you and I and other American taxpayers have to pay between $150 and $200 billion every year in interest on this monstrous debt. That interest now constitutes the single, most rapidly increasing cost of Government. It rises far faster than military spending. It grows much more rapidly than any social program. Indeed, it grows more rapidly than all social programs combined. It possesses a peculiar quality that makes it far more dangerous than other Federal expenditures. Why is it so dangerous? It is this: We cannot control it. Think of it. We can cut spending for housing or for education or for environmental protection. We can slash any military program. These cuts may or may not be wise. But if we are determined to reduce foreign aid spending or highway spending or community development spending or aircraft procurement, we can simply refuse to appropriate the money. But we cannot cut out interest payments on our debt.

So how do we reduce that charge we have to meet for interest on the national debt? Of course, we could simply repudiate it. We could renounce our solemn promise. But think of the consequences. Our credit would be ruined. We could not borrow in the future without paying higher interest than ever before as a risk premium against another repudiation. Also, an increasing proportion of our debt is now owed to foreigners. A failure of the U.S. Government to pay its legal debts to foreign nations would constitute a killing blow to our leadership of the free world and to the free world itself. So here is an expenditure rising faster than any or all others combined and with the best will in the world we cannot reduce it.

But why is this huge national debt so dangerous? It is dangerous because there is one insidious yet very tempting way to ease its immense burden. Over the next few years we will be sorely tempted to pursue it. It is a way that other nations have regularly followed when their debt exploded out of control. They ease their debt burden by engaging in a wholesale depreciation of their currency. Then they may pay it off in the far cheaper currency. Here is the policy we might pursue. Our national debt is well on its way to $3 trillion. Suppose the Federal Reserve Board, under pressure from the President and Congress, decides to deliberately flood the country with money. Overnight, it doubles or triples the supply of credit. With this influx of money chasing a finite supply of goods, prices rise. They rise very sharply. As in Argentina in 1985, they might rise by 1,000 percent; as in Germany after World War I, they might rise by 100,000 percent. What would a 1,000-percent inflation do to our national debt? It automatically and promptly would cut the $3 trillion material debt down, in real terms, to $300 billion. Overnight, without any painful cut in spending, without any increase in taxes, that huge burdensome loan on the backs of American taxpayers would be lifted.

Sounds dandy? What is wrong with it? What is wrong is that the 1,000-percent inflation would not only wipe out 90 percent of the liquid savings of thrifty American households and business; it is far worse. That 1,000-percent inflation would give us 1,000-percent-plus interest rates which would paralyze much of the economy. Housing sales would virtually stop. Automobile sales would slow to a trickle. The economy would collapse into a depression that would make the 1930's seem like easy times. No lender in his right mind will lend a nickel if he believes he will be repaid in currency that is worth only one-tenth of the value of the currency he loaned. He will insist that he be repaid with interest rates that fully reflect the expected inflation. That means the cost of servicing the national debt will be at least as high, in real terms, after superinflation as before. Oh, yes, the principal—the $3 trillion

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

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debt—could be fully paid off in a far cheaper currency—for 10 cents on the dollar. But the future credit of the United States would carry an enormous interest cost reflecting the fear of a future repudiation.

The inflation solution is tempting. It is the most traveled road for indebted nations. But it brings wide-spread economic chaos and no real solutions for the Federal Government.

SEPTEMBER GOLDEN FLEECE GOES TO NATIONAL SCIENCE FOUNDATION

Mr. PROXMIRE. Mr. President, my Golden Fleece of the month for September goes to the National Science Foundation [NSF] for spending $9,992 on a study of "Bullfights and Ideology of the Nation in Spain." By supporting a trip to Spain and a year-long series of visits to bullfights around that nation, the NSF has given the American taxpayer a bum steer.

The summary of the project states:

> This research proposes to examine the dialectical relationship between the categories "nation" and "region" in Spain as these are manifested through the polemical spectacles known as the national fiesta, the Spanish bullfights in their several formats. * * * The research will entail ethnographic descriptions and comparisons of the local vs. national bullfighting formats, and intensive interviews with informants to record their identification with, or rejection of, the various forms of bullfights, as well as other specific socio-political categories of Spain.

While the proposed budget includes $500 for a camera and accessories, the assumed daily expenses are relatively modest. The researcher will probably not be staying in very many five star hotels during visits to the bullfights in Seville, Madrid, Valencia, and other exciting Spanish cities.

The project is being undertaken by an obviously highly qualified researcher who speaks Spanish fluently having lived and worked in Spain.

I have no objection as such to a study of bullfighting as a cultural manifestation of the Spanish regional and national character; although I suspect that a few hours spent with Ernest Hemingway's writing would be better reading and would probably give just as much understanding of the Spanish culture.

What I do object to is, given the giant Federal budget deficit and the needs of other Government programs, the decision by the NSF to fund this study. Clearly it is time for the NSF to grab the bull by the horns and get its priorities straight.

The bullfight study is a part of the NSF's anthropological science program whose budget the Foundation has purposed to increase by $640,000 to $8,220,000 next year.

I first raised questions about this and several other studies in the Appropriations Subcommittee hearings on the NSF budget. The NSF argued in favor of the studies and later provided me with additional information on them.

After examining the complete record, I continue to doubt the value of spending taxpayers money on two other studies but see the NSF's argument of some possible worth to the studies.

The first project involved spending $23,279 to study the cultural and social context of astronomical knowledge by two native groups in Indonesia. One group used the stars to do impressive feats of open seas navigation and the other studied the sky to predict the changing seasons for their primitive agricultural society.

The second project devoted $28,578 to study the role of nonmarriage in rural Irish family systems. Irish society has one of the highest rates of late and nonmarriage. A study of how these single adults fit into their families and culture might help us understand similar situations in our own Nation.

Funding these studies once again raises the question of priorities. The taxpayers cannot afford to fund every study on every subject everywhere in the world. To the question, Is this trip necessary? The NSF should more frequently answer with a resounding: No.

Mr. President, I thank my good friend, the leader, for reserving time for me this morning. I yield the floor.

RECOGNITION OF SENATOR PRYOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas is recognized for not to exceed 10 minutes.

NOMINATION OF JUDGE BORK

Mr. PRYOR. Mr. President, in article 2, section 2, clause 2, of the Constitution, the Members of this body were granted a unique and sacred responsibility—to advise and consent in nominations made by the President. Some scholars would argue this role to be a great and awesome power, or maybe even a stick to be held over the Executive.

I would argue it to be an obligation to our citizens. It is a time when we, as their elected voice, are given a responsibility to check an Executive decision by exercising legislative balance.

Today we reach one of those rare moments in our democratic process when the advise and consent role of the Senate becomes of ultimate importance. We are asked to consent to a lifetime appointment to our highest court.

Mr. President, as to the nomination of Robert Bork to the Supreme Court, I must state now that I cannot consent. I will vote against the nomination of Mr. Bork to become a Justice of the Supreme Court.

I will leave to the great legal scholars of our time the interpretation and translation of Judge Bork's opinions, writings, and speeches. I have no doubt as to his scholarly abilities or his general reputation as a brilliant legal mind.

No, I do not perceive him to be bad or evil. If he has an ultimate or hidden agenda, I do not know it. But I strongly believe that any lifetime appointment to a position that will affect the lives of every citizen of this land—and for generations to come—should have an additional qualification. It is something that seems to me to be absent from the makeup of Robert Bork. And that is "judicial temperament."

Robert Bork's nomination to the Supreme Court has divided not only the Senate but this Nation as well. This nomination has polarized America. It has divided groups and races. Where a Supreme Court nominee should—and must—trigger respect and admiration, his nomination has triggered passion and emotion.

Judge Bork is the most divisive nominee to have his name before the Senate in modern times. Mr. President, we do not need someone to divide us. We need someone to bring us together.

After writing mountains of opinions—and following a distinguished career in the law—Robert Bork is still an unknown. We ask ourselves on a daily basis in this Chamber, Who is Robert Bork? A shroud of uncertainty permeates his thinking. In fact, the more I read and hear of Mr. Bork, the less I know about him. If we named him today to our highest court, we could be embarking on a voyage into the unknown.

There is also something sad about the whole issue of Judge Bork's nomination. Here is a brilliant scholar, going through the agony of public hearings and public scrutiny. And yet we do not know him any better now than we did months ago. I would even submit the respectful opinion, Mr. President, that he does not know himself.

Having gone from extreme positions in his youth to unexplainable positions in later life, Robert Bork continues to wrestle with what he believes. Today he remains an unknown man with unknown beliefs.

Mr. President, I supported Justices O'Connor and Scalia, as well as Chief Justice Rehnquist. But the question of Robert Bork is not an issue of a person being conservative or liberal, Republican or Democrat. It is a larger question of temperament and understanding. It is like a large picture, with minute perimeters, that we are trying to bring into sharper focus.

Much of this exercise should be unnecessary. There are certainly good, qualified people throughout the country who could fill the requirements of this position, and they would and will command our respect and support for this nomination.

The hearings before the Judiciary Committee have just concluded. They have given our Nation a great education in the 200th year of our Constitution.

This public process has also afforded Judge Bork an opportunity to discuss his concept of what America is, and our citizen's individual relationship to its Government. He has made us think deeply and clearly about the purposes of the Constitution. And he has prompted us to examine the role of the Supreme Court in interpreting that Constitution.

In observing this process and watching the hearings unfold, my apprehensions have grown. At first, I could not overlook his great legal expertise. I then began to wonder if his presence on the Court would be an extension of our executive branch into the judicial arena.

I grew concerned as we heard the public response from those advocating "single issues." And it struck me that the great middle American voice was not coming through. But really, what is Judge Bork's principal basis for reaching decisions? Where does he stand on individual liberties? Where is he on individual privacy? Where does he really come down in interpreting that sensitive and delicate balance between rights of man and the limits of government?

I am from a Southern State that for 30 years has struggled to heal the ugly wounds of racial strife. Can I vote to take a chance or a gamble with a man we do not know? The questions are many, Mr. President, and the answers are few.

We vote on many issues in this body during the course of our service. But there will be no more critical vote than on the issue of Robert Bork.

Mr. President, I hope there will be a good debate when his nomination reaches the floor. At that time we should afford our President the opportunity to have his nominee voted on, up, or down. I will take part in no filibuster regarding this nominee. And I pray that this body reaches a decision that is right and just—not only for our generation, but for those to come.

Mr. President, whatever time I have remaining I yield back to the distinguished Senator from North Carolina. [Mr. SANFORD].

I yield the floor.

RECOGNITION OF SENATOR SANFORD

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina, [Mr. SANFORD], is recognized for not to exceed 15 minutes, plus the time yielded to him by the Senator from Arkansas.

IS JUDGE BORK A RELIABLE SCHOLAR?

Mr. SANFORD. Mr. President, like a diamond, a Supreme Court Justice is forever. He or she ought to be flawless. The position of Justice demands scholarship of the utmost integrity. This quality is the best guarantee we have of a Justice's performance. All other attributes fall in comparison.

I have carefully read or listened to the testimony. I have read many of Judge Bork's articles, interviews, speeches, and opinions, searching for the reliability of his scholarship.

Scholarship is definable and recognizable. Intellectual integrity is its essence. Scholarship is the relentless, uncompromising search for truth. Like a laser beam reaching for the unknown in the fine structure of atoms, the scholar reaches sharply through the maze of facts, fiction, propositions, and prejudices, always probing for the ultimate truth, eschewing half-truths and false conclusions. Scholarship is far more than academic skills acquired; it is a frame of mind, a way of life.

Thus, we must examine Judge Bork's credentials as a scholar, not just in name and profession, but measured against his performance as a scholar among scholars, a scholar of impeccable intellectual integrity, a scholar inflexibly dedicated to the search for truth, a scholar worthy of the Supreme Court. This is the test on which I have finally based my decision on how to vote—not his politics or his ideology, not the pressure from groups either pleased or displeased by his nomination, but a clear, stark question: Does he possess the qualities of pure scholarship that should identify a Justice of our Supreme Court?

Our Constitution was written in a society in which women were given second rate citizenship, generally only property owners voted, poll taxes had not been invented, and slavery was an accepted, if disputed, institution. Yet the drafters of the Constitution drew a document with the stated intention that it could encompass the perfecting of the democratic principles of the new republic. Chief Justice John Marshall set the course for the Supreme Court, and the United States has done a pretty good job of perfecting itself since the beginning. That this is always to be an unfinished job is symbolized by the unfinished pyramid on our national seal.

Some insist that such flexibility for growth and change is not contemplated by the Constitution. This is and has always been a legitimate position in jurisprudence. Judge Bork has many times espoused this judicial philosophy.

In cases involving individual rights, Judge Bork has repeatedly urged a "strict construction" of the Constitution and a narrow role for judges in interpreting it. He expressed these views with clarity in his Indiana Law Review article in 1971, where he argued that the Constitution should protect the will of the majority unless there is explicit protection for the minority provided in the Constitution. The elected legislative bodies decide the majority view, and if that is at the expense of individual rights, so be it, unless there is something in the Constitution specifically protecting the individual. (Bork, "Neutral Principles and Some First Amendment Problems," 147 Indiana L.J. 1 (1971)).

In keeping with this philosophy, Judge Bork has declared the Court was wrong when it struck down Virginia's poll tax—Harper versus Virginia—wrong when it denied States the power to enforce racially restrictive covenants—Shelley versus Kraemer—wrong when it banned literacy tests for voters—Katzenbach versus Morgan—wrong when it decreed one-person-one-vote—Reynolds versus Simms. Judge Bork also has declared there is no constitutional right to privacy.

The decisions by the Court, in these and similar cases, Judge Bork has contended, "Could not have been reached through interpretation" (Catholic University Speech, Mar. 31, 1982). In other words, the Justices just made up this law because that is what they wanted it to be. There was nothing in the Constitution to justify such decisions. He may be right.

My problem with Judge Bork is that he does not stick with his views.

Over and over I get the impression that he follows his narrow interpretation only when it leads to the result he wishes it to lead to.

Over and over I get the impression that Judge Bork already knows where he wants to go and then selects the path that will get him there.

That is not consistent scholarship.

Judge Bork applies his majoritarian, the-legislature-is-right views only when this posture furthers the goals he wishes to achieve. For example, he has consistently been opposed to accepting the majority will as expressed by Congress in conflicts between the legislative and executive branches of Government.

Where it suits his purposes, he has been willing to brush aside his majoritarian philosophy, and to overlook fairly explicit constitutional authority, for example, dealing with congressional military powers. Judge Bork has written that it would have been unconstitutional for Congress, during the

Vietnam war, to limit President Nixon's right to send troops from Vietnam into Cambodia, on the theory that the President retained full discretion over the deployment of military forces once Congress has authorized military action in the area (Bork, "Comments on the Legality of U.S. Action in Cambodia." 1971, 65 Am. Jur. of Int. Law, 79-81). He may or may not be right, but he is not consistent.

Again, ignoring the majoritarian voice of Congress, he has testified that the special prosecutor statute is, in his view, clearly unconstitutional, arguing that once Congress passes substantive laws, full prosecutorial discretion as to their enforcement rests exclusively with the President ("The Hearings Before the Senate Committee on the Judiciary: The Special Prosecutor," 93d Cong., 1st sess. (1973)). He may or may not be right, but he is not consistent.

Again taking a different view from that which he used to limit individual rights, Judge Bork, in the 1985 case of Barnes versus Kline, which was brought by the U.S. Senate and other individual representatives, dessented. He wrote: "We ought to renounce the whole notion of congressional standing." The will of the majority does not fit what Judge Bork wants in this situation. He denies Congress the means to exercise even a modest rein on the Presidency in situations where the executive branch has overstepped its bounds.

Judge Bork's advocacy of judicial activism in antitrust matters, his primary field of scholarship, is similarly inconsistent with this theory of judicial restraint. He is a proponent of a movement to reinterpret radically the antitrust laws to conform to the Chicago school of free-market economics, disregarding the intent of Congress. He rationalizes his actions by arguing that the true purpose of the antitrust laws is not to control monopolies, but to protect, to use his expression, the "consumer welfare," a term not found anywhere in the antitrust legislation and certainly not in the Constitution. His peculiar economic theory can be served only if he abandons his majoritarian views, and more. So he does, charging that Congress is "institutionally incapable of * * * fashioning a rational antitrust policy" (Bork, "The Antitrust Paradox," 412-413 (1978)). Apparently he will leave only the simple matters to Congress and to the people.

In perhaps his most vulnerable writing, a 1963 article published in the New Republic ("Civil Rights—A Challenge," the New Republic, Aug. 31, 1963), which he has since in large part retracted, Judge Bork passionately condemned the Public Accommodations Act. Rationalization of his untenable opposition prompted him to disparage "Southern politicians," who are not to be trusted to enforce the law, letting it "become an unenforceable symbol of hypocritical righteousness." This is shoddy scholarship—or worse.

He did not, in drawing up his assault, first define the ill that was being confronted by the new legislation. That would have been a scholar's first step. Open access is wrong, he begins, because we place a "very high priority" on freedom. Indeed we do. It was individual freedom, denied because of discrimination, that was the problem. He missed that point. To him, this lack of access by blacks was merely an "insult"—that is his word—and what weight ought to be accorded a mere insult when measured against the freedom of lunch counter operators to conduct their activities unfettered by laws designed only to satisfy, in his words, a "gratification" by "coercing * * * other private individuals?"

These people, "barbers" and "chiropodists" and lunch counter operators, cannot be perceived to "hold themselves out to serve the public," he argues, because it is clear that they do not hold themselves out as wanting to serve the part of the public that is, in his word, "Negro." The best evidence that they do not, he says, is the proposed law. There is nothing scholarly about that argument. Furthermore, and I have seen this time and time again, his inflammatory inclusion of "barbers" and "chiropodists" is a recognizable racist trick, and is hardly scholarly.

Finally, Judge Bork's concluding words were, "a question of personal freedom is inescapably involved * * *." Indeed it was. But his faulty scholarship never led him to discover which freedom it was.

At the Senate hearings on his confirmation as Solicitor General, he retracted his article on open accommodations. His reason: "It seems to me the statute has worked very well." It may have been the politics of the situation that forced him to change his mind, but it is the lack of scholarship in this article that still condemns him.

In the course of these hearings, and in his confirmation hearings for both Solicitor General and the Circuit Court of Appeals, Judge Bork has changed his positions on several matters. He reversed himself on civil rights. He reversed himself on the protection afforded by the first amendment. He reversed himself on the protection of women against discriminatory legislation.

On several occasions Judge Bork stated he is "about where the Supreme Court is" on issues where he has repeatedly attacked its decisions. In other instances, he stated for the first time that he agreed with the result in particular cases but disagreed with the reasoning. Perhaps, he offered, he could find some other theory under which to justify the result.

Judge Bork preaches "judicial restraint," and "original intent" and "neutral principles." But there is a crucial question demanded by his frequent conversions. Was he adhering to his professed philosophy the first time around, or the second?

Bruce Fein of the Heritage Foundation is quoted in the New York Times—September 27, 1987—as having said:

> The week has been a magnifice*** BAD MAG TAPE ***nt triumph for the liberals," Fein said after Bork testified. "The basic message sent by the hearings so far is that the courts are about where they should be, that no great changes are needed. Bork is bending his views to improve his confirmation chances, and it's a shame.
>
> His ambition perhaps exceeds his intellectual devotion. * * *

At the turn of the century, the story goes, an eager young man had applied for a schoolmaster's job and had ridden half a day, a long distance by buggy, to be interviewed by the local school board. The old chairman squinted at him through his rimless glasses and asked, "Young man, do you believe the Earth is round or flat?" This young man, who wanted this job so badly, quickly replied, "I can teach it round or flat—however you want it!"

In the course of his public life Robert Bork has been a socialist, a libertarian, a conservative, and now, most recently, a moderate. There is no way to predict what he will be as a member of the Supreme Court. I certainly agree that rigidity of thought is generally an undesirable characteristic, that some flexibility is a good thing, and that changing one's views is a sign of intellectual development. But thinking should evolve, and scholarship should remain constant, with a dedication to the integrity of the pursuit of truth.

I have always been inclined to adhere to the John Marshall approach. Under well-established precedent of the Senate's role in Supreme Court confirmations, I could vote against Judge Bork because his views are so far different from what I believe is right. But I will not vote against Judge Bork for that reason.

I said in July:

> I am going to vote on my general impression, once I have carefully followed the hearings. The Constitution requires me, as a Senator, to 'consent' to Supreme Court appointments. I take that duty seriously. I will consent or not to nominees as I judge their competence and their open-minded sense of fairness and justice, and their vision and concept of this nation.

I am convinced that Judge Bork, as measured by the consistency and quality of his scholarship, fails on all these criteria.

As 1 of 100 charged by the Constitution with shaping our Supreme Court,

I have satisfied myself as to my responsibility. I cannot be a part of placing Judge Bork on the Supreme Court of the United States.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the next order?

The ACTING PRESIDENT pro tempore. The Senator from Texas is to be recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may control the time of the Senator from Texas.

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

HAPPY NEW YEAR

Mr. BYRD. Mr. President, I would like to take this opportunity to wish my colleagues a happy new—fiscal—year. Today marks the beginning of fiscal year 1988. In and of itself that is hardly newsworthy. But this year something newsworthy has happened. The new fiscal year has begun without the threats of Government shutdown that had become all too common at this time of year in the recent past.

I need not remind my colleagues of the long nights and occasional round-the-clock sessions that have marked many a continuing resolution in the past. This year, the Congress completed action on a short-term continuing resolution a week before the start of the new fiscal year. That is well ahead of many past schedules.

Of course, reliance on a short-term continuing resolution is not the ideal. Funding for the normal operations of Government should be accomplished through the regular appropriations bills. That is my goal this year.

Already the Senate has passed four appropriations bills. More are on the calendar. I expect that the Appropriations Committee will shortly report the remaining bills it has received from the House. With good fortune, and the continued cooperation of my colleagues, the President will receive all or most of the regular bills before the expiration of the current continuing resolution on November 10. That is my goal for this year.

Mr. President, there are other fiscal issues that we must face this year. Most important will be enactment of a reconciliation bill and other deficit reduction measures that will avoid the prospect of automatic, across-the-board spending cuts under the new Gramm-Rudman law.

In that regard, I was disappointed by the remarks of the President in his radio address last Saturday and again at the White House on Tuesday. Deficit reduction will only be achieved through cooperation, not confrontation. Unfortunately, I saw no sign of cooperation in the President's statements.

Mr. President, this Nation desperately needs to keep reducing the deficit. I know that most Members of this body, on both sides of the aisle, believe that. I hope that a similar sentiment will eventually prevail at the White House. Without the cooperation of both Congress and the President, the deficit will start rising again and the mountain of debt will become even steeper for our children and grandchildren to climb.

So, while I wish my colleagues a happy new—fiscal—year, I do so with the knowledge that much work lies ahead before we can call fiscal year 1988 a happy year.

SENATOR BIDEN AND THE 1988 CAMPAIGN

Mr. BYRD. Mr. President, a few days ago, our colleague from Delaware, Senator BIDEN, announced the end of his Presidential campaign efforts. He continues as the chairman of the Senate Judiciary Committee and the junior Senator from Delaware. His credibility, as I said before, remains good with me and I am sure with the people of Delaware.

The Presidential campaign continues and as it does, we ought to be aware of how it affects our political process and the American people's sense of trust in their political leadership.

The recent decision of Congresswoman PAT SCHROEDER not to run—her frustration at the "isolation" of the process—highlights concerns that the process of choosing our nominee is more complicated and demanding than ever before. Clearly, it has changed.

For a great many years the process of choosing a Presidential candidate was very much an "in-house" affair of each political party. But running for President is no longer an "in-house" affair. Over the years the process of choosing a candidate has become more open, more involved, and more demanding.

In this upcoming election the demand for certainty and trust is even more pressing. This election is the first election in over 20 years when no incumbent President is running for office. Candidate "x," for most Americans, a candidate of unknown quality, will be the next President of the United States.

And, underneath the surface tranquility of public sentiment there is an increasing anxiety, a hidden anxiety, about our Nation's future. The American people have no clear sense of the future. They know a price must be paid for today's tranquility. They do not know how or who will solve the mounting problems of the Nation that they see on the horizon.

This hidden anxiety has been compounded by the mistrust created by the Iran hostage deal. President Reagan's decision to betray the American people's trust, by selling arms to Iran for hostages has only made Americans even more cynical and demanding. The people want to know who they can trust and how the candidates will measure up.

The intensity of the media's scrutiny of the candidates is not just good journalism. It reflects a deeper anxiety, people's uncertainty about America's future, and their demand that when they elect their next President, their trust not be betrayed again.

Presidential campaigns are now defined by a great many variables—the candidates, the state of our economy, the Nation's security, complicated spending limits, the size and shape of the press corps, even by the latest advances in technology. With the use of satellites, airplanes, and television videos, candidates are always under scrutiny.

What is said on the west coast is back east in a flash.

Living in a fishbowl is not the easiest of lives, as every Member of the body knows, but it is a requirement that the founder of the Democratic Party, Thomas Jefferson, well understood. Jefferson, writing to one of his many correspondents in 1807, wrote, "When a man assumes a public trust, he should consider himself public property." The candidates are public property.

Hundreds of members of the press now follow the campaign with the zeal of football fans. Thousands of concerned Democrats are even now making judgments about supporting the candidates; hundreds of thousands. And, a great many of our fellow Americans will watch with interest, as we begin the process of choosing our nominee.

As this campaign heat up, it is important for all the candidates, of both political parties, their staffs, and their consultants to remember that one test of character is whether they treat each other with respect and decency.

As the excitement mounts and each campaign strives to win, there is always a tendency to overreach. But overreaching, doing anything possible to win, often violates the American people's sense of fair play.

My point should be clear. Regardless of who our party nominee is in Atlanta, the individual candidates now campaigning collectively set a tone about the character of our political party and the larger political process as well.

As JOE BIDEN said last Wednesday, "What's going to happen when the white, hot, heat turns on?" When the "White, hot, heat, turns on" all the Democratic candidates must set a tone that is positive, enlarging, and inclusive—reaching out to all Americans.

The primary process is only the first part of a two-part play. It is the first act. But, it sets a tone about how the American people view both political parties in the general election. We are early in the campaign. The American people will not turn their full attention to Presidential politics for several months. They have their own good sense of timing.

But it may be time, even though the campaign is only in its early stages, for Democrats to have our own 11th commandment. Do not run a campaign that would embarrass your mother. Do not run a campaign that violates the American people's sense of fair play. We will never get in the front door of the White House by fighting in the gullies of the back alley.

All the candidates and their supporters should reaffirm their commitment to campaigns of integrity—campaigns with a positive message. The candidates have their differences and have an obligation to make those distinctions known to the voters. But in my opinion, an avalanche of constant negative campaign advertising, of "attack videos," will only bury the Democratic Party.

The candidates must demonstrate their ability to run positive campaigns while emphasizing their differences. I have every hope that their sense of fair play will prevail and dominate as the campaigns heat up. This sense of integrity and fair play will go a long way to shaping and defining how the American people feel about the Democratic Party.

The candidates know they are public property. But how they are treated as individuals and as candidates depends to a large extent on the good faith efforts of the journalists who cover the campaigns. The rules of journalism, of how a campaign should be covered and with what degree of intensity, are clearly evolving and under scrutiny, particularly within the journalistic community.

Clearly, the role of journalists and the media as a whole have changed, and changed dramatically. The smoke-filled room of political bosses has given way to the "white, hot, heat" of the television camera. The media has become part of the process, evolving to such an extent that journalists believe they have a responsibility to be "character cops."

Members of the media have an obligation to question the character of every candidate running for President. But if the spotlight shines consistently and too narrowly only on the faults and warts of the candidates, we have the equal danger of denying candidates a fair and objective portrait of their full character and their campaigns.

The entirety of a candidate's record and character should not be overwhelmed by one mistake on the campaign trail that may be captured on video. Shakespeare gave us a measure of common sense:

> They say best men are molded out of faults, and, for the most, become much more the better for being a little bit bad. (Measure for Measure, act V, l. 440.)

We are not electing a saint for President. We are electing an individual to one of the most difficult jobs in the world. The Presidency requires not just honesty, integrity, and a certainty of direction but also a strength and willingness to use the great power of this country, however difficult the options.

Running for the Presidency is a great, brutal test of character, judgment, political skill, and each candidate's sense of the future. It is a rough and ready system of judging a future leader that places the burden of proof on the candidates.

In this early stage of campaigning, the influence and power rests with political insiders and members of the the media. But, ultimately, the "politics of disclosure" must give way to the authority of the voters who have the final say about who will lead them. It is their democracy.

For all the complaints that small States like Iowa and New Hampshire get undue emphasis let us remember that in the general election it is the big States, with the votes in the electoral college that ultimately decide who wins the Presidency. Our current process of choosing a President is a roughly constructed—jerry-rigged system of "checks and balances" that the framers of the Constitution would at least recognize.

In this city there is always a tendency to believe that what we do here reflects the true measure of the greatness that is our country. But too often the Washington political community gets caught up in the politics of the moment—the fragments and side shows of what constitutes the politically current—and when this happens there is a loss of perspective.

Objectivity gives way to cynicism and jadedness. A sense of mistrust corrupts the original idealistic intent that brought many people to Washington in the first place. We forget we are part of the great flow of American history. We fail to see the natural exuberance, individuality, and idealism of the American people. It is a danger that we should avoid. The Democratic party, the party founded by Thomas Jefferson, a true renaissance man, will not serve itself well if we forget his breadth of vision.

As my democratic colleagues know the Democratic candidate for President will not be the only candidate running for election. A great many Democratic Senators will be up for reelection next year. So I urge my democratic colleagues to use their good offices to insure that the integrity of the process of choosing our Presidential nominee, remains at a high level. And, I urge my colleagues, whose States will hold primaries, to play instructive and constructive roles in enlarging the political debate in order to give all the voters a broader sense of the depth and breadth of the Democratic Party.

RESERVATION OF THE MINORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the Republican leeder's time be reserved.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. BYRD. Mr. President, I ask that the unfinished business be placed before the Senate.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1174. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Weicker-Hatfield Amendment No. 712, to require compliance with the provisions of the War Powers Resolution.

(2) Byrd modified Amendment No. 732 (to Amendment No. 712), of a perfecting nature, to express the support of Congress for (1) continued U.S. presence in the Persian Gulf and the right of all nonbelligerent shipping to free passage in the Gulf; (2) continued work with the countries in the region and with our Allies to bring about a deescalation of the conflicts in the region, and to bring a halt to those activities which threaten the freedom of navigation in international waters in this region; and (3) diplomatic efforts underway in the United Nations and elsewhere to bring about an early resolution of the conflict between Iran and Iraq, identify the actions which led to the current conflict and contribute to its continuation, achieve a cease-fire as called for by the United Nations Security Council Resolution 598, and take early actions toward imposing sanctions on any party which refuses to accept a cease-fire. (By 1 yea to 99 nays (Vote No. 292), Senate failed to table the amendment.)

CALL OF THE ROLL

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered

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the Chamber and answered to their names:

[Quorum No. 25]

Breaux	Conrad	Fowler
Byrd	Cranston	Kasten

The PRESIDING OFFICER (Mr. BREAUX). A quorum is not present. The clerk will read the names of absent Senators.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, 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 West Virginia. The yeas and nays have ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from Massachusetts [Mr. KENNEDY] are necessarily absent.

Mr. BYRD. Regular order, Mr. President.

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—89

Adams	Fowler	Mikulski
Armstrong	Garn	Mitchell
Baucus	Glenn	Nunn
Bentsen	Graham	Packwood
Biden	Gramm	Pell
Bingaman	Grassley	Pressler
Boren	Harkin	Proxmire
Boschwitz	Hatch	Pryor
Bradley	Hatfield	Reid
Breaux	Hecht	Riegle
Bumpers	Heflin	Rockefeller
Burdick	Heinz	Roth
Byrd	Hollings	Rudman
Chafee	Humphrey	Sanford
Chiles	Inouye	Sarbanes
Cochran	Johnston	Sasser
Cohen	Karnes	Shelby
Conrad	Kassebaum	Simon
Cranston	Kasten	Simpson
D'Amato	Kerry	Specter
Danforth	Lautenberg	Stafford
Daschle	Leahy	Stennis
DeConcini	Levin	Stevens
Dixon	Lugar	Symms
Dodd	Matsunaga	Thurmond
Dole	McCain	Trible
Domenici	McClure	Warner
Durenberger	McConnell	Wilson
Exon	Melcher	Wirth
Ford	Metzenbaum	

NAYS—9

Bond	Moynihan	Quayle
Evans	Murkowski	Wallop
Helms	Nickles	Weicker

NOT VOTING—2

Gore	Kennedy

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD. Mr. President, I hope that the Senate can find a way to dispose of some of the matters today that are troubling us in connection with the DOD authorization bill.

I am wondering if the distinguished Republican leader would be willing to vote on the cloture motion on the war powers amendment today, and I would hope that we might have an opportunity to discuss that with him.

I also would hope that I could get consent to go to the catastrophic illness legislation after we dispose of this DOD bill, and then the State Department authorization bill, which would clear the way for the State-Justice-Commerce appropriation bill. Then I want to get to the airline legislation.

I will shortly yield the floor, and I hope that I might have an opportunity to have this discussion with the Republican leader. I would also hope that we could get a time agreement on the Verity nomination.

I now yield the floor. The distinguished Senator from Virginia, the ranking manager, is here, and Mr. NUNN is in the area, and other Senators are here to discuss the matter before the Senate.

Mr. WARNER. Mr. President, the Republican leader will be consulted on the offers by the distinguished majority leader, and it is hoped that very shortly we will have a course of action planned for the day. This side is perfectly prepared to resume the very important debate on the pending matter.

Mr. President, I understand that the pending matter is the amendment by the Senator from West Virginia. Is that correct?

The PRESIDING OFFICER. The Senator from Virginia is correct.

Mr. WARNER. This side is prepared to address that important amendment.

Mr. EXON. Mr. President, I am wondering if my friend from Virginia would enter into a brief colloquy with the Senator from Nebraska.

I have been in on many of the negotiations with regard to the War Powers Act. I cannot and am not authorized to speak for the chairman of the Armed Services Committee, but we have dealt together on this particular matter. It seems to me that the suggestion just made by the majority leader is an excellent one. The facts as I see them are these, and I wonder if the Senator from Virginia agrees:

No. 1, the War Powers Act has been debated to some extent. We may wish to debate it somewhat more. I suspect that the die is cast one way or the other. Basically, I think that what we must have is an expression of the Senate on this matter.

The Senator from Virginia has led the effort very ably, I might say, and there are legitimate differences of opinion on what we should do on the problem of the War Powers Act. I happen to see it one way; the Senator from Virginia sees it another.

As he knows full well, the Senator from Nebraska simply feels that we should be on board with the decision-making, that we should be deciding our responsibilities as defined in the War Powers Act. Even if there were not a War Powers Act, I remind everyone that the Constitution of the United States says that Congress is the only one who can declare war. I worry very much about the fact that there are shades of areas on this, but one shade that this Senator does not agree with is that the U.S. Senate should duck its responsibilities.

I might add that I have said that I would vote as of today to sustain the present activities in the gulf because I do think we have a role to play there, whether we want to play it or not. Circumstances dictate that.

My basic thought is—I would like the comment of the Senator from Virginia on this—that he and his side have very skillfully used the procedures, threatened to filibuster such an amendment on the defense authorization bill. It seems to me that the only way to dispose of this is to go to a cloture vote, an expedited cloture vote, and put the matter behind us. If cloture cannot be obtained on the War Powers Act, then I think it is only reasonable to assume that it is a dead issue so far as the present situation is concerned.

I feel that my friend from Virginia now realizes that we do want to move this bill ahead as promptly as we can, after all the delay. The request of the majority leader, as I understood it, was simply to ask whether we could get unanimous consent, in the opinion of the Senator from Virginia, to have an expedited cloture vote some time today and let that resolve the matter so far as the present time is concerned.

Mr. WARNER. Mr. President, I respectfully take difference with my good friend from Nebraska, a fellow member of the Armed Services Committee. There is not debate in the nature of a filibuster on the War Powers Act.

The distinguished Senator from Connecticut put his amendment at the desk and brought it up. The distinguished Senator from West Virginia amended that, and the Senate has been engaged for several days in what I think is a profitable and sincere debate.

At one point during the course of the debate yesterday, the Senator from West Virginia moved to table—in other words, to cut off the debate on the issue of the War Powers Act—and the whole Senate said, "No, we are not going to table this." All Senators joined and said, "It is significant and, in our judgment, we should continue the debate."

So, No. 1, I do not think there has been a filibuster, as that term is generally understood.

Today we are prepared to continue the debate on the underlying as well as an amendment in the second

degree. The leadership is present here on the floor now and possibly discussing procedures by which that debate will be conducted.

Mr. EXON. Let me respond, if I might, Mr. President, and I am not sure that my friend from Virginia has correctly stated the result of the tabling motion by the majority leader yesterday.

I think the Senator from Virginia knows full well that there were some games being played on both sides of the aisle with regard to that tabling motion yesterday, and I think that tabling motion did not indicate exactly what the Senator from Virginia believes it did, but I might be wrong.

If there is no filibuster, then is it time to allow for an up or down vote on the Weicker amendment as amended by the Senator from West Virginia? Could we come to some kind of agreement on that today and get that behind us? I think further debate is not going to change any significant number of votes one way or another.

Mr. WARNER. Mr. President, this is but one Senator. It requires unanimous consent which involves all Senators before we can determine whether or not a matter is ready for a vote.

I have sent to the desk and had printed an amendment which indicates my feelings on the issue which are very strong. The War Powers Act is the law of the land. My amendment recognizes that. But it strikes from the War Powers Act those provisions which I believe are unconstitutional.

My amendment very carefully preserves the obligation on the President to send forth a report to the Congress within 48 hours after injecting troops into situations of hostility. My amendment requires prompt action by the Congress, not 60 or 90 days, but action within 21 days so that if we are going to inject ourselves into the decision-making process respecting the utilization of troops to implement our foreign policy, let us do it promptly.

My amendment further says that the Congress of the United States shall provide the President with a joint resolution of disapproval if we have in our judgment a viewpoint that differs from that of the President.

Those are three affirmative acts: one, by the President sending up the report; two, action within 20 days by this body; and then this body, if it disapproves with the President's policy, must say so, rather than being given the option as now existing under the War Powers Act of inaction which could trigger the requirement of the President to withdraw troops.

So, Mr. President, I am of a clear conscience. This Senator has tried the best he knows how to constructively address this important issue of the War Powers Act and the obligations of this body.

Mr. EXON. Let me ask this question of the Senator. It may well be——

Mr. WARNER. Mr. President, I see the majority leader about to seek recognition. I wonder if the Senator will yield.

Mr. EXON. I am glad to yield to the majority leader if he seeks recognition.

Mr. BYRD. Mr. President, I thank both Senators.

I have had discussions with the Republican leader and he is presently making calls to determine what we might do at this point.

My desire is to get on with this bill. It goes without saying I am ready to vote now on the Byrd-Nunn amendment, obviously. I guess that will not occur right now. But, as I said to the Republican leader and here, if we could have a cloture vote today rather than tomorrow on the Byrd-Nunn amendment I think that cloture vote will pretty much tell the tale as to where we are going on that amendment on this bill and at this time.

The DOD authorization bill does need to get on to the conference session.

Now, the remaining amendment, if the Byrd amendment could be disposed of, could be the Weicker-Hatfield amendment, and then the SALT amendment.

There has been a great deal of debate already on the war powers amendment. I think most everybody in here would know how they would vote if they vote on it. I think everybody knows how he or she would vote on the cloture motion. But there has not been debate on the SALT amendment. I hope we could reach an agreement of time on that today. We could have the cloture motion voted on war powers and have an agreement on SALT so we can dispose of it today and then we can vote on the bill today.

I would hope then to be able to go to catastrophic illness tomorrow, or State authorization, or both, and the Verity nomination. I hope to do the Verity nomination today or tomorrow.

We do not want to break into this bill too much. But that is about the way I see it, and I just feel encouraged to believe that this can be done today and we can dispose of this bill today.

Mr. WARNER. I will work, as I have, diligently, with our distinguished majority leader to see what we can do to address this bill and dispose of it.

I thank all Senators for the opportunity to speak.

Mr. BYRD. I thank the Senator.

Mr. EXON. I thank the Senator from Virginia and the majority leader.

I think the message is now very clear that we would like to dispose one way or the other of the defense authorization bill today so we can move ahead with the House of Representatives and work out a very lengthy conference that I am very fearful we are going to have on some very important matters affecting the national security of the United States.

Mr. BYRD. Yes.

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. The Senator yields the floor.

Mr. BYRD. Mr. President, I do not want to break the flow of the debate on war powers. If we start on the road doing morning business speeches, we are going to lose any momentum whatsoever we might hope for on the defense authorization bill.

Mr. President, I ask unanimous consent that the distinguished Senator from Delaware [Mr. ROTH] may speak for 10 to 15 minutes out of order and if he wishes to introduce legislation or petitions of any kind, that he may proceed with morning business during that period.

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

The Senator from Delaware, Senator ROTH, is recognized.

Mr. ROTH. I thank the distinguished majority leader. He is always most gracious in trying to accommodate our requests.

GROWTH DAY

Mr. ROTH. Mr. President, in this morning's New York Times, there is a headline, "Economic Expansion in U.S. Continues into 59th Month."

This article begins with the sentence:

> The United States enters its 59th consecutive month of economic growth on Thursday, making the third longest expansion of the economy since monthly records were first kept in 1854.

The article goes on to say:

> The duration of the current expansion has confounded liberal skeptics, surprised some conservative ideologues and handed Republican candidates a political issue they can use to advantage in elections for the White House and Congress next year.

Mr. President, this is indeed good news for America. It is good news, because it shows that in contrast to what was said in the seventies, that our best days are ahead of us.

With all economic indicators pointing to continued growth, October will set a new record for economic prosperity. With this month the current expansion will become the longest peacetime upswing in over 130 years.

This expansion has gone on so long that it is easy to forget what things were like in the late 1970's and early 1980's. The failed policies of the Carter years—the policies which produced accelerating inflation, sky-high interest rates, higher taxes, and a slowdown in economic growth—had given rise to a new expression, stagflation.

Stagflation led to falling living standards and a general feeling of anxiety described by President Carter

himself as malaise. In 1980, the American people voted to replace the policy of despair with one of growth and opportunity. Though it took several years to clean up the mess and restore economic growth, the American people rose to the occasion.

Under the Reagan administration with the Roth-Kemp tax cuts, tax rates were reduced, inflation collapsed, and interest rates declined. The Economy Recovery Tax Act of 1981, based on the Roth-Kemp bill, was the centerpiece of the administration's economic strategy. This measure improved incentives for workers, small businessmen, and farmers by sharply reducing the burden of taxation. This tax bill laid the groundwork for the record-breaking expansion that was to follow.

The economic improvement has been startling. According to new Commerce Department data, real economic growth over the last 4 calendar years has averaged 4.1 percent annually. The civilian unemployment rate now stands at 6 percent, the lowest since the end of 1979.

During this expansion, we have created 14 million new jobs—14 million. More Americans are working now than ever before.

And I might point out that during this same period, Western Europe has created virtually no jobs. What a contrast. And I think it should be pointed out that a higher proportion of the American population—61.8 percent—is employed today than ever before in our history. And despite the disinformation, most of the new jobs have been in average or well-paid occupations.

The disinformation has claimed improperly that the majority of these are low-paying jobs when in fact 47 percent of them are average pay and 47 percent are above average. A pretty good result.

And I might also point out that because of this, the American standard of living has risen. Real family income—that means real family income after being adjusted for inflation—has increased in the last 4 years. In 1986 alone, it was up 4.2 percent. Since 1982, real median family income has gained 10.7 percent. Moreover, none of these economic gains have been made by boosting the inflation rate, as has been true in other postwar upswings. Instead, inflation has declined from the double digit levels of 1979 and 1980 to 1.1 percent in 1986.

Now, does this mean that there are no remaining economic problems? Of course not. We continue to have problems. It is important to note that both interest rates and inflation continue to be matters of concern. The Congress in still spending too much money, and American competitiveness needs to be further improved.

Nonetheless, we have made enormous progress since 1981. The declines in income and living standards have been reversed, and turned into gains. Economic growth has been restored. Both interest rates and inflation have declined to more reasonable levels. As a result of this progress, the economic malaise of the seventies is only a fading memory. While some have been glooming and dooming, the economy has been booming. The average American knows that he or she is far better off now than mired in the stagflation and malaise of the late seventies.

The Congress should view the continuation of growth as the keystone of economic policy. Antigrowth measures such as tax increases, excessive regulation, and runaway Federal spending should be avoided. Every piece of financial or business legislation should be judged primarily on the basis of its effects on economic growth.

Mr. President, I think we as Americans can take satisfaction that come next month we will have had 5 years of economic growth.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 and 1989

The Senate resumed consideration of the bill.

AMENDMENT NO. 823

Mr. MELCHER. Mr. President, I intend to offer an amendment to the Department of Defense authorization bill that will amend the War Powers Act; a very short amendment. I have it printed in the RECORD. It is amendment No. 823. I will briefly describe it this morning.

The amendment to the War Powers Act would provide that the President would enter into negotiations with the government of any country benefiting from introduction of U.S. forces in order to establish a pro rata sharing of costs involved in such introduction and use of U.S. Armed Forces.

Further, the amendment would require a report from the President on assessment of cost and a plan for the pro rata sharing of such cost.

Mr. President, I fully understand that many of us here in the Senate believe that there is some question on the constitutionality of the War Powers Act. I personally believe that the act is good. I personally have supported the act and believe it is a proper role for Congress.

However, for those who doubt its constitutionality, I believe that all of us would agree that the thrust of my amendment is directed at a constitutional responsibility of Congress itself; and that is the responsibility of determining how much of U.S. Treasury funds should be spent, including for such actions in which we are engaged right now in the Persian Gulf.

In the Persian Gulf, our actions there benefit principally other countries, because we are protecting the oil traffic of countries dependent upon such oil. Japan and European countries that are the principal beneficiaries should pay to the United States a pro rata share for the protection of their commercial interests.

The U.S. taxpayers are picking up the whole tab, paying the whole bill, for the protection that U.S. Armed Forces, specifically the Navy, is providing for that oil traffic in the Persian Gulf. I do not believe that is right, and I do not believe the U.S. taxpayers think it is right either. I think the American public is convinced that even though we are the greatest power probably on the face of the Earth, that we continually are dipping into our Treasury on borrowed money, mind you, borrowing money so we have something to pay these costs and that the beneficiaries of it, such as in this case Japan and European countries, should be participating in paying those costs. So this amendment, I think, is entirely proper and entirely beneficial for taxpayers.

Now on the question of just how much teeth does the amendment have, the amendment goes as far as we can under the Constitution. It states that the President should enter into negotiations under the Constitution. Part of the plenary powers of the President is negotiating with other countries. So the amendment only goes, to that extent, to state that Congress believes the President should enter into negotiations to find out just what should be the cost sharing of countries benefiting from the actions such as we have in the Persian Gulf at present. Requiring a plan to be developed by the President for such pro rata sharing of costs is a part of the amendment. I believe that is entirely proper under the Constitution, that we direct the President to do that much. And then, further, to inform the Congress just what the plan is, what the costs are, how the negotiations are coming.

So I believe that the amendment that I seek to offer is entirely constitutional, is entirely the proper role of the Senate and Congress itself, and I hope my colleagues can support it.

When I can seek recognition for the offering of this amendment, I shall do so, and I hope at that time my colleagues will give it very serious consideration and support.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANFORD). The Senator from West Virginia.

Mr. BYRD. Mr. President, efforts are going foward in the interests of getting a time agreement on the SALT amendment, by Mr. BUMPERS, and I think those efforts are progressing. I should know in a very, very short time

as to whether or not they might be able to reach an agreement. I know that the distinguished manager of the bill on the other side of the aisle is making contacts and discussing such agreements on his side. Mr. BUMPERS is here and is willing to enter an agreement such as we have discussed. So, momentarily, I would hope to be able to announce an agreement, or to enter into such an agreement.

FIVE-MINUTE RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 10:04 a.m., recessed until 10:09 a.m.; whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

The PRESIDING OFFICER. The majority leader.

ORDER TO PROCEED TO CONSIDERATION OF S. 1394

Mr. BYRD. Mr. President, I ask unanimous consent that the majority leader, after consultation with the minority leader, may proceed at any time to the consideration of the State Department authorization bill, S. 1394.

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

Mr. BYRD. I thank the distinguished Republican leader.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued with the consideration of the bill.

TIME LIMITATION AGREEMENT—AMENDMENT NO. 825

Mr. BYRD. As I understand it, the agreement has been discussed with respect to a SALT amendment by Mr. BUMPERS. Perhaps a time limitation can be obtained. Mr. BUMPERS is here.

I ask unanimous consent that the time on the Bumpers amendment be limited to not to exceed 5 hours, and that within that 5 hours Mr. HOLLINGS have not to exceed 1 hour, and the time of Mr. HOLLINGS to be equally divided between the two managers to come out of their time, the time remaining being divided between Mr. BUMPERS, the offeror of the amendment and Mr. WARNER, the ranking member.

I further ask unanimous consent that a vote on a motion to table the Bumpers amendment occur——

Mr. WARNER. At not later than 3 o'clock. There would be a slight inconsistency, if you look at the clock.

I think we could say we would engage now in debate on Mr. BUMPERS for a period of time not to exceed the hour of 3 o'clock, at which time the Chair would recognize the Senator from Virginia for the purpose of making a tabling motion, and that the time to be allocated to the Senator from South Carolina not to exceed 1 hour would be equally divided between the two managers.

Mr. BYRD. Yes. That is already provided for in the request.

I have one further proviso. That is, if the motion to table fails, then debate is not curtailed on the amendment.

Mr. WARNER. Mr. President, my understanding is if the motion to table fails, we would then be back on the amendment.

Mr. BYRD. That is true. Therefore, it does not mean that there would be an immediate vote up or down on the Bumpers amendment.

Mr. WARNER. That is correct. And, Mr. President, the matter of second-degree amendment was not addressed by the majority leader.

Mr. BYRD. Mr. President, my request would have a provision; namely, that the Bumpers amendment would not be amended unless he sees fit to put a second-degree amendment on it.

Mr. DOLE. That is fine.

Mr. BYRD. So it is Mr. BUMPERS' amendment or amendments that we are talking about. I would hope that he could have it all in one amendment, a first-degree amendment, with no amendments in order thereto until after the tabling motion. If the tabling motion fails, it is understood that his amendment then would be open to amendment.

Mr. DOLE. Reserving the right to object, as I understand, we will have 5 hours of debate on the Bumpers amendment with no amendments thereto, a motion to table and if the motion to table fails, everything is back where it was on the amendment. In the meantime, we are hopeful that we can figure out something else with the majority leader. We have no objection.

Mr. LEAHY. Reserving the right to object, I understand if the motion to table were to fail, if, for example, it was decided to make a meaningless motion to table, to have 100 Senators vote against tabling, for example, we could be back, technically, until cloture was filed and voted on. We could be ad infinitum on the Bumpers-Leahy-Chafee-Heinz amendment. I ask the distinguished majority leader if that is correct.

Mr. BYRD. If the motion to table fails, we are back on the Bumpers amendment. At that moment, however, we would be back on the war powers amendment by BYRD, NUNN, and others. But if the motion to table fails, insofar as the Bumpers amendment is concerned, it is open to amendment and further debate.

Mr. LEAHY. Mr. President, at least in this unanimous-consent agreement that would be absent any time certain for either a vote on Bumpers-Leahy-Chafee-Heinz either as it now stands or as it may be amended.

Mr. BYRD. That is correct.

Mr. LEAHY. With the exception of knowing that we cannot have a tabling vote before the expiration of 5 hours, and knowing that during that 5 hours 1 hour is reserved for the use of the Senator from South Carolina, we are basically in the position we would be had the amendment just come up absent the time agreement.

Mr. BYRD. Mr. President, the vote will occur no later than 3 o'clock and the time is not to exceed 5 hours.

Mr. LEAHY. But that does not bring a closure to this amendment.

Mr. BYRD. Not unless it is tabled.

Mr. LEAHY. I thank the majority leader.

Mr. EXON. Reserving the right to object, and I will not object, I would like to reserve 7 minutes not related to the matter at hand, and I am prepared to go forward with that at this moment, if it is agreeable.

Mr. BYRD. Mr. President, I lack 7 minutes and the half hour has already expired.

Mr. WARNER. Mr. President, I fully anticipate that during the course of this debate, which will continue in all likelihood until 3 o'clock, that there will occur a hiatus at which time the managers of the bill will find time to recognize the Senator from Nebraska.

Mr. EXON. With that understanding, I have no objection.

Mr. BYRD. Mr. President, so that the Chair may be clear, I ask unanimous consent that the Byrd-Nunn war powers amendment be temporarily laid aside until after the vote on the tabling motion.

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

Mr. BYRD. Mr. President, I thank all Senators.

The PRESIDING OFFICER. The request of the majority leader has been agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 825

(Purpose: To limit the operational deployment of certain strategic offensive nuclear weapons systems and launchers)

Mr. BUMPERS. Mr. President, I ask that my amendment at the desk be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. ADAMS, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BOREN, Mr. BURDICK, Mr. BYRD, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr.

LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr. SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. WIRTH, Mr. HATFIELD, Mr. SPECTER, Mr. STAFFORD, and Mr. WEICKER, proposes an amendment numbered 825.

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

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

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF CERTAIN STRATEGIC NUCLEAR WEAPONS.

(a) SHORT TITLE.—This section may be cited as the "Strategic Nuclear Weapons Interim Restraint Act."

(b) LIMITATION ON OBLIGATION OF FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), none of the funds appropriated pursuant to this or any other Act to or for the use of any department or agency of the Federal Government may be obligated or expended before September 30, 1988, to overhaul, maintain, operate or deploy more than—

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(c) EXCEPTIONS.—(1) The limitation on the obligation and expenditure of funds in subsection (b) shall not apply if at any time more than 29 days after the date of enactment of this act the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a). If the President makes such a determination, he shall submit to Congress a report that includes the information on which such determination was based. Such report shall be submitted in both classified and unclassified form.

(2) If at any time more than 29 days after the date of the enactment of this Act the President notifies Congress in writing that, based on the best agreed intelligence Community assessments, he is unable to make a certification under paragraph (1) or to make a certification that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a), the limitation on the obligation and expenditure of funds in subsection (a) shall not apply for a period of 29 days after the date on which the notification is received by Congress.

(d) NOTIFICATION OF PLANS FOR COMPLIANCE.—Not more than 29 days after the date on which the President determines that funds are prohibited from being obligated or expended for the overhaul, maintenance, operation, or deployment of strategic offensive nuclear weapons in excess of the numbers specified in subsection (b), the President shall notify Congress of his plans for actions to comply with the limitations specified in subsection (b).

(e) NEW AGREEMENT.—If a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988, the restriction on the obligation and expenditure of funds in subsection (b) shall cease to apply.

(f) DEFINITIONS.—For purposes of this section:

(1) The terms "launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles" and "submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles" mean launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles.

(2) The term "air launched cruise missiles" means unmanned, self propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight paths and which are flight tested from or deployed on aircraft.

Mr. BUMPERS. Mr. President, this has often been referred to as the Bumpers amendment. That is regrettable. It really is the work of four Senators. It is the Bumpers-Leahy-Chafee-Heinz amendment. The list of cosponsors is: Senators ADAMS, BAUCUS, BIDEN, BINGAMAN, BOREN, BURDICK, BYRD, CONRAD, CRANSTON, DASCHLE, DIXON, DODD, EXON, FORD, FOWLER, GLENN, GORE, HARKIN, INOUYE, JOHNSTON, KENNEDY, KERRY, LAUTENBERG, LEAHY, LEVIN, MATSUNAGA, MELCHER, METZENBAUM, MIKULSKI, MITCHELL, MOYNIHAN, PELL, PROXMIRE, PRYOR, REID, RIEGLE, ROCKEFELLER, SANFORD, SARBANES, SASSER, SIMON, WIRTH, CHAFEE, HATFIELD, HEINZ, SPECTER, STAFFORD, and WEICKER.

Now, Mr. President, let me just say at the outset, there is one thing that always troubles me a lot more on my amendments than it does on others—and others feel their amendments are just as important—but it always troubles me, when you are starting off on an amendment that has the importance at least to this Senator that this one does and that you work hard to present in a sensible way, to know that Senators are in committee and are not going to be able to either hear or participate in the debate. But I guess we have always overcome that and so I will proceed.

This morning I picked up a Washington Post and I found two stories, one saying that the depletion of the ozone layer is proceeding at a much faster pace than anybody dreamed because of the use of what we call chlorofluorocarbons. You see that mostly as freon in refrigeration units and aerosol from hair and other spray-type cans.

It is an interesting thing to me because 13 years ago when I came to the Senate I was put on the Space Committee, and I did not have anything else much to do, but I had read where a couple scientists at the University of California at Irvine had discovered that these little innocent spray cans that women and men spray their hair with every morning contained what they called chlorofluorocarbons and over 10 to 20 years those chlorofluorocarbons were slowly but surely working their way into the atmosphere and destroying the ozone.

Until I came to the Senate I thought ozone was a little town in Johnson County, AR. It turns out the ozone is a layer of gas about 60,000 feet in the atmosphere that protects human beings from the worst parts of the ultraviolet rays of the Sun. And so Senator DOMENICI, who had not been here much longer than I, and I began to hold some hearings with the consent of the chairman of the committee, Ted Moss. We held nine hearings and we had the best atmospheric scientists in the United States appear before our committee, and every single one of them testified that the theory was eminently correct and that they had no doubt that in fact the roughly 2 billion tons of chlorofluorocarbons that were being emitted into the atmosphere would ultimately increase the incidence of skin cancer exponentially and affect plant life exponentially.

So we offered an amendment on the floor of the Senate to ban their use over a period of time. The opposition said, "Well, we need to study it some more. We need to have the National Academy of Science do a study." We lost on the floor of the Senate, and the lobby right outside that door was so full of lobbyists from the chemical industry you could not count them. So once again we could not counter the chemical industry. And so, 13 years after the Senate was worried about the politics of that issue and the effect it was going to have on our committee and the chemical industry, the ozone depletion is much greater than the National Academy of Sciences later predicted.

Story two from the Washington Post, the greenhouse theory, on the warming of the Earth, which scientists say will someday melt the polar caps and flood every major city in America. That was a theory just in its embryonic stages 13 years ago when I came to the Senate. Story two in the Post this morning is that the emission of nitrous oxides and their gravitating sort of initially into the stratosphere is also much worse than scientists originally predicted.

There are two stories in the Post this morning, neither one of which were on the front page, saying to the American people and to the world you have a couple problems that are going to cause unbelievable human tragedy and trauma. The reason we could not

deal with them was because everybody in the U.S. Senate was worried about the politics of the issue. How many times have I heard that in the cloakroom and in the marble room about the Persian Gulf, the politics are not with us. That is to say the American people agree with the President that we have a right to be there. Nobody is arguing that, incidentally.

Then I think about the AIDS epidemic spreading exponentially and all the best doctors in the world saying that this has the potential of literally wiping out the human race. And now about 25 percent of American scientists say we will never develop a vaccine to prevent AIDS because it is a moving target; you can pray that it will mutate itself out of existence.

Now we are down to the politics of nuclear war, and whether or not we are going to incinerate every living thing on Earth, including my children. I do not want to be cynical saying I am not so concerned about your children, it is mine that I am worried about. But I am worried about yours, too. You can stand on ceremony today and you can make the legalistic arguments about how those Russians cheat and you can say your constituents do not trust the Russians either, and you can continue to make those legalistic arguments until all humanity stands as a little white blotch of powder on the ground.

I am pleased that the mainline churches at least in this country, the Catholic bishops and the Methodist bishops and the Episcopalians, have finally come to the conclusion that if God expects any kind of stewardship from them it is to preserve the planet. Therefore, they have come down very hard on the nuclear issue, saying we must bring sanity to this arms race.

I heard the minority leader yesterday—and I do not like to mention anybody when they are not on the floor, and I do not mean this disrespectfully, but I heard the minority leader yesterday say, on the Persian Gulf, the problem with you people is you just want to say that "if things go wrong there don't blame me." In other words, you are cleansing your skirts and absolving yourself of any liability or responsibility if things go wrong in the Persian Gulf.

I want to tell you how I feel about this amendment. The reason I feel so emotionally and so passionately about it is that I want the responsibility of bringing this nuclear arms race under control, because I do not want to face my Maker and say I did nothing, and I cannot imagine anybody else. When I face my Maker and he says, "Dale, what were you doing down there when they were getting ready to blow the planet apart?" I do not want to have to say, "Well, I was worrying about how my constituents felt about that. They didn't trust the Russians because they cheat."

Somehow or other, I do not think that would sell. I do not think that would register very well.

So, No. 1, to my colleagues, I plead with you. Look at the issue for what it means and not the politics of it. We have differences in ths body, legitimate differences, and on the nuclear issue, we have fears that are different. There is a fear among those who will vote against this amendment that the Russians are going to have more missiles and more warheads than we do; a fear that numerically we are going to get behind. You know what my fear is? That both the Soviets and the United States have too many. I do not know what the correct number is. And nobody else in this body knows. Maybe none. But I can tell you one thing: At the rate we are going, you will not have to worry about it.

The SALT II Treaty says that both sides may have 1,320 MIRVed launchers. For the record, a MIRVed missile is one with more than one warhead. A bomber with cruise missiles on board counts as a MIRVed launcher. A submarine with 24 missiles counts as 24 MIRVed launchers, if those missiles have more than one warhead.

So article V of the SALT II Treaty says either side may have 1,320 of them. The SALT II Treaty also said that both sides can have 2,400 launchers. So if you have a launcher like a Midgetman, which we are now in the process of developing, with one warhead, it counts against the 2,400 limit, but not the 1,320. We are talking about multiple warheads on a launcher.

Is that enough? On 1,320 MIRVed launchers and 2,400 launchers of all kinds, we have 13,000 to 14,000 warheads, every one of which makes the bomb we dropped on Hiroshima look like a popgun. Is that enough? 13,000 warheads? And if it is not, how much is enough? If 1,320 MIRVed launchers is not enough, you tell me how much is enough. If 2,400 launchers of all kinds is not enough, how much is enough?

If you take comfort in the fact that we have 13,000 nuclear warheads and the Soviet Union only has 12,500, if that makes you sleep better, that is just "jaky" with me. We may be approaching 14,000 warheads and the Soviets only have 13,000, and if that is the way you think that somehow or other we are superior to the Soviet Union because we have 14,000 and they only have 13,000, when you and I both know 100 on each side is enough to do the trick, sleep well. How can anybody take comfort in such nonsense?

I have said on this floor before but it bears repeating. After the first nuclear bomb exploded Albert Einstein said, "Now everything has changed except man's way of thinking". Surely to God that is what he was talking about, because for centuries man believed if he had more guns, tanks and planes than his ememy, he was superior. Now the very reverse is true. The more both sides have, the less secure both sides are.

Our defense posture is now based on paranoia, instead of common sense. The President says he wants a START Treaty and he wants to reduce the number of nuclear weapons by 50 percent. When he became President, that would ahve been 50 percent of 10,000. Today it is more likely 50 percent of 13,000. And at the rate we are going, 50 percent in 1995 will be about 10,000 which is where we started from.

We have added between 2,000 and 3,000 warheads since Ronald Reagan became President. The Soviets have not added quite that many but they have added their share. At this very moment we are adding about 400 warheads every 12 weeks, less than 3 months. You know what is paradoxical and absurd about this great INF Treaty which everybody seems to be getting euphoric about? That will cause the United States to remove 364 warheads from Europe. I do not know why it took so many years to negotiate the treaty. We are removing 364 warheads and the Soviet Union is removing 1,550. It would not take me very long to cut a deal like that. But my point is this: Everybody is excited about us removing 364 warheads from Western Europe and yet we are adding more than that to our strategic arsenal every 12 weeks.

If that is progress, this country boy does not understand progress.

I favor the INF agreement. I cannot imagine right now me not voting for it. But the chairman of the Armed Services Committee over in the House said earlier this week that he was inclined not to favor it, though they will not get a vote on it in the House. It is up to the U.S. Senate to ratify that treaty. But he said he would not favor it unless we tie it to a cap on other strategic warheads. That will never happen in this body, and I am not going to worry about it. I know what is doable and what is not around here. I am not going to worry about it. But that is a good idea.

You know, the day before yesterday, the President said over at the White House something that I found almost offensive—almost offensive certainly for a President to carry on that way. Here are a bunch of people standing behind the President when he signed the budget bill, which he said he would never sign. He says, "If Congress raises taxes, it's nuts." His words. "It's nuts." And if they cut defense, "It's nuts."

What he did not say but should have followed on by saying is, "And if the

American people think I give a damn about deficits, they are nuts." I remember in 1981 when the President said, "If you don't think I can cut taxes by 25 percent and double defense spending and balance the budget, you're nuts." Now I ask you and the American people after a whopping $1.3 trillion increase in the Federal deficit, who do you think is nuts?

And today if anybody thinks that we can continue adding thousands of nuclear warheads to our arsenal and the U.S.S.R. adds thousands of nuclear warheads to their arsenal, and not incinerate every living thing, animal, and vegetable, you are nuts.

There is one big difference. Some of us who voted against that nonsense back in 1981, and politicians are notorious for saying "I told you so," there is nothing that gives me as much satisfaction as being able to say I told you so when I was right and you were wrong.

Oh, my God, how wonderful that is!

The difference in this issue is that there is not going to be anybody around to say, "I told you so."

One time, in my little church in my hometown, population 1,750—we may have 2,000 people now; I do not know. I have never worried about it. I did not want my town to get that big. I do not live there anymore. Anyway, I am a Methodist. There is always a Methodist lay speaker, with Sunday school, and all those things. This Senator even directed the choir for years. The only thing I miss in the Senate is that I do not get to sing anymore. I get to sing at this desk. But not really.

I was home 3 or 4 years ago, and I went to my church where I always go, and the preacher was preaching on the nuclear issue. He was saying that we have an obligation, as stewards of God, to protect this planet.

A young married woman, whom I remember from the day she was born—she was about 30 years old, with a couple of little children—grabbed her two children and walked out. She waited until after church, and I heard somebody ask her, "Why did you leave?"

She said: "The preacher ought to be preaching the Bible. He's got no business talking about nuclear issues."

I was not part of the conversation, so I did not engage myself in it.

I can tell you that the religion of the U.S. Congress is politics, and we do what politics dictates and what is popular at any given moment.

Walter Lippman said, in a great publication, at one time—I forget the name of it—"The key to survival in politics is not being right before it is popular." Everybody here understands that.

Now, down to the amendment. The amendment at the desk says that we will limit MIRV launchers to 1,320 as long as the Soviet Union does. That is article V.

You can get up here, as some Senators will do in opposition to this amendment, and say: "The SALT II Treaty was never ratified. How dare you come here and try to ask us to ratify the SALT II Treaty." I am not asking you to. I am saying that there is one little provision in the 19 articles of SALT II, which is article V, that says you may have 1,320 MIRV launchers, 1,200 MIRV launchers on both submarines and land-based, and within that, you may have up to 820 that are land-based.

We have chosen a different mix in our strategic forces. Fully half of our nculear warheads are on submarines, and I am very pleased about that, because the submarine is the least vulnerable to Soviet attack. You can mix it up within those numbers, but the important number is 1,320.

That treaty was signed in June 1979. It never was ratified—President Carter never submitted it to us. I guess he did submit it. We did not take it up because the Soviets invaded Afghanistan.

President Reagan ran against the SALT II Treaty as being fatally flawed. Well, now, as it turns out, the treaty would have expired, by its own terms, by December 31, 1985. So the President was not right about it being fatally flawed, was he? We did not ratify it. But we lived with it; and in 1982 he said as long as the Soviet Union does not undercut this treaty, we will not, either.

We effectively lived with SALT II, and until last November, we were still alive. So it was not fatally flawed. It might have had some flaws in it.

Mr. LEAHY. Mr. President, will the Senator yield for a question at that point?

Mr. BUMPERS. I yield.

Mr. LEAHY. The Senator mentions that we have lived with it, in compliance, and the Senator has had numerous briefings on the subject, as have I. Would not it be safe to say that in the briefings we received, whether from the military or the State Department, the intelligence agencies, or anything else, one thing has been very clear throughout—that our security was in no way endangered, diminished, or anything else, except that we had the security of the nuclear weapons by living within those limits? Is that not a fact?

Mr. BUMPERS. Not only is the Senator correct, but also, in this Senator's opinion, our security was enhanced by the Presidential decision. While I denigrated, ever so slightly, President Reagan a moment ago, as I said, he ran against the treaty in 1980 when he ran for President and said it was fatally flawed; and in 1982 when he said, "Well, we're going to continue to abide by it as long as the Soviets do," I applauded.

Mr. LEAHY. If the Senator will yield further, I join him in that applause, and did on the floor of the Senate at the time, and have continued to do so.

However, is it not also a fact, again referring to all the information that both of us have been able to receive, that abiding by the SALT II limits in no way inhibited our ability—did not stop us—to do anything significant in the strategic nuclear area that we had planned to do?

Mr. BUMPERS. The Senator is absolutely right. As the Senator will recall, we had started modernization of our strategic forces, and the SALT II Treaty did absolutely nothing to inhibit or impede that modernization.

Mr. President, if it is going to trouble anybody because we refer to this as the SALT II Treaty, then do not vote to table the amendment, and I will quit referring to it as the SALT II amendment. Then we will let the opposition to the amendment amend the amendment to put whatever they think is the right number of launchers in it, and we will forget about keying it to SALT II. You want 1,350? You want 1,300? 1,200? 2,000? 1,320 is the figure that was agreed to in Vienna in 1979. I think it is probably too high.

If the argument that we are effectively ratifying the SALT II Treaty is a problem for anybody, you just insert the figure you want. But if it is going to take this body another 8 years to get a START Treaty, then when we get the START Treaty and we cut warheads by 50 pecent, we will be about where we were 5 or 6 years ago.

As always comes up, Mr. President: "What about them Russkies? What about the Russians?" Have you ever in your life gotten into an argument about almost anything, when somebody has not said, "How about those lying, cheating, conniving Russians"? Sometimes I wish I could indulge myself in the luxury of not having to think and saying, "You just can't trust those Russians"; that we never have to worry about the arms race or even trying to get the Soviets to the bargaining table, or all those arguments that are made around here about you have to have MX, otherwise the Russians will not bargain, but you have to have SDI to get them back to the bargaining table, and it is always if we had not done this, that, or the other, we would never have gotten the Russians to the bargaining table.

Yet you tell me one thing we have ever bargained away. The President wanted MX as a bargaining chip. He wants SDI as a bargaining chip. I invite the opponents on this amendment to tell me what we have bargained away.

We have a START Treaty today that reduces the number of warheads to 5,000. What are you going to destroy? You are going to take out these new B-1's, the ones that the birds do not get? You are going to take those, our brandnew, $300 million a copy? You are going to eliminate the Stealth which is not even off the assembly line yet? You are going to eliminate the Midgetman which is in last stages of development or the rail mobile MX?

Mr. WARNER. Mr. President, will the Senator yield for one question for 1 minute?

Mr. BUMPERS. I am happy to yield.

Mr. WARNER. I say to my good friend what this amendment would bargain away is compliance. The reason that the President departed from the voluntary compliance with the SALT II is because the Soviets blatantly have violated this treaty and if we were to adopt this amendment, it would say to the Soviets now negotiating in Geneva, "Do not worry about the complicance provision; the United States just looks the other way."

Mr. BUMPERS. While the Senator is on his feet, would he mind answering a question for me?

Mr. WARNER. I will be pleased to.

Mr. BUMPERS. Will the Senator agree with me that the Soviets are out of compliance with the Anti-Ballistic Missile Treaty?

Mr. WARNER. The Senator is correct.

Mr. BUMPERS. Why do we not trash that treaty?

Mr. WARNER. We have done our very best. We are doing our very best to comply with that treaty, the SALT II Treaty, all treaties.

Mr. BUMPERS. I will come back to that in just a moment. Why is the argument not on all fours: If the Soviets are in violation of the ABM Treaty let us trash it.

Mr. WARNER. Mr. President, there are some in this Chamber who would agree with that position.

Mr. BUMPERS. Let me ask the Senator another question. Does he agree with me that the Threshold Test Ban Treaty that was never ratified, that both sides signed but was never ratified, said, both sides will agree not to test a device bigger than 150 kilotons?

Mr. WARNER. That is correct.

Mr. BUMPERS. That treaty was never ratified, was it.

Mr. WARNER. That is correct.

Mr. BUMPERS. Why have we continued to live with it—because the Russians cheat.

Mr. WARNER. Mr. President, it was in the spirt of trying to make it work.

Will the Senator from Arkansas agree with me that the Soviets have in fact violated this treaty, the SALT III Treaty?

Mr. BUMPERS. I have to agree with the Senator, but how have they violated it? They have violated it by encrypting their tests.

Mr. WARNER. That is correct.

Mr. BUMPERS. And they may be in violation not by violating the sublimits. Is that Senator from Virginia on the Intelligence Committee?

Mr. WARNER. Mr. President, I am, but I never discuss in any way the matters brought before that committee, so I ask the Senator not to bring it up. But the violations under SALT II are threefold.

Mr. BUMPERS. What are they?

Mr. WARNER. First, devise the new system. The truckmobile, the 25. Does the Senator agree that is a violation?

Mr. BUMPERS. I agree it is. They are starting to deploy it, and I admit that is a violation.

Mr. WARNER. Fine.

Mr. BUMPERS. Precisely the same kind of violation we are going to be in when we deploy the Midgetman.

Mr. WARNER. Then let us turn to the provision dealing with the nuclear delivery vehicle, the limit 2,504. Have they not violated that limit?

Mr. BUMPERS. They were in violation of that the day we signed the SALT II Treaty and they are in violation of that because of a bunch of old abandoned bombers that could not fly halfway across the ocean if they had to.

Mr. WARNER. Mr. President, there are three clear areas of SALT II that the Senator from Arkansas indicates in which they are in clear violation.

Mr. President, I have made my point. Adoption of this amendment clearly confirms a policy of worry not about compliance provisions; the United States in due course will look the other way.

Mr. BUMPERS. Mr. President, I will just make one additional comment on this, and I am not going to allude to any Intelligence Committee or any intelligence agency, but I am going to tell the Senator this and I think he knows it: The Soviets have stayed in scrupulous compliance with the sublimits provided for in article V, and that is all this amendment does. It says as long as they do we do the same thing.

Mr. LEAHY. Mr. President, will the Senator yield just for a question on that point?

Mr. BUMPERS. I yield.

Mr. LEAHY. Does not the Bumpers-Leahy-Chafee-Heinz amendment make very clear that this is compliance for compliance; that is, if the Soviets are out of compliance, then the President, even in the binding language, does not have to keep within these limits, the three limits? Is it not very clearly written that we are not saying by this amendment that the President of the United States must comply no matter what the Soviets do, but rather are we not saying within the three limits that it is compliance for compliance? Is that not really what the amendment says?

Mr. BUMPERS. The Senator is precisely correct.

Mr. LEAHY. I mention that, Mr. President, because I think it addresses the concerns raised by the distinguished senior Senator from Virginia, who we all respect and admire, but we are not asking the President of the United States, neither this President nor any subsequent President, to put himself in a position of doing something that the Soviet Union would not be willing to do.

I thank the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator from Vermont.

Mr. President, I can tell you that the Soviets are deploying SS-24's, which is a multiple warhead missile, and they are destroying SS-17's. I invite anybody in this body to check with any intelligence agency or anybody else to check that out. They are getting ready to deploy SS-25's, and they are destroying SS-11's.

We are placing MX missiles in silos. We are putting cruise missiles on B-52 bombers. We are violating that treaty twice a month. We are way out of compliance on the number of launchers today. We have about 1,340. We are 20 ahead. The Soviets have restrained themselves, but they are not going to forever.

And the arms race is really going to take off. It is insanity. It is a curious thing to me. Everybody talks about how the Soviets cheat, yet for years especially from that side of the aisle you heard that we cannot sign a treaty because they will not let us do onsite inspections and for years the Soviets steadfastly refused onsite inspections to verify compliance with the treaties, and about 3 months ago we threw this out at them again to try to keep them entering into agreement, and the Soviets all of a sudden said: "OK, let us do onsite inspection."

And all I have seen is the rear end of the administration since they have been running as hard as they can run. They were not about to let them come to this country and do onsite inspection.

Gorbachev, the first breath of fresh air in 70 years in the Soviet Union—you do not have to be naive about him—did not get to where he is by being a novitiate. He came up through the tough ladder of the Soviet hierarchy. But he did say one way to bring the arms race under control is to stop testing. He said we are going to quit testing and we invite you to join us.

Jack Kennedy in 1963 said, "We are not going to test in the atmosphere any more, we are going to do it on our own, and we hope you will join us."

And the Soviet Union fired off one more atmospheric test and quit because Jack Kennedy had enough faith

to at least try it and we all knew atmospheric testing was poisoning the milk and the food chain of the world.

So after about 500 days, over a year and a half of the Soviet Union not testing during that period, in 1985 and 1986 we showed them our sincerity by firing off 26 tests in Nevada.

I am talking about common sense. As I said earlier, if you want to say the Soviets cheat, and that is a grounds for voting against this amendment, then let us scrap the Threshold Test Ban Treaty. Scrap the ABM Treaty. I admit they are violating the ABM Treaty with that facility at Krasnoyarsk. No, we do not want to do that because we do not want the wrath of the world down on our heads.

You know who favors this amendment? Six of the last seven Secretaries of Defense. Six of the last seven Secretaries of Defense favor this amendment. General Chain said it is stupid to continue failing to deal with the arms race because the Soviets cheat. Brent Scowcroft, who the President appointed to head up a commission came in and said, "Yes, we need the MX missile," even though we decided 4 years later we did not. Brent Scowcroft said it is in our national security interest to adopt this amendment.

Mr. President, the real issue is, is it in our interest, is it in theirs, to put a cap on MIRV launchers?

Or is it in our interest just to continue to pile unneeded nuclear warhead on top of unneeded nuclear warhead?

I can tell you with all the things we have got coming on stream—the B-1, the Stealth bomber, MX rail mobile, the Midgetman, the follow-on submarines, the Trident, the D-5 missile—Lord, all that stuff we have got coming on, if we do not get it under control now we will deploy every bit of it. There is not anybody in this body, hawk, dove, or somewhere in between, that does not believe that we are going to blow this planet up if we continue on our present course.

You ask the President which of those is he willing to give up. Happily, he will not be around when that decision has to be made because he would not give up any of it.

I have heard—to inject a little humor into this argument—that the Soviet Union, instead of a $150 billion air defense system around their country to defend against the B-1's and Stealth, have decided just to raise blackbirds. Birds took down a B-1 the day before yesterday. If we have to fly those planes 200 feet off the ground, just release those birds. Why spend $150 billion on rockets and missiles?

I can tell you that if you vote for this amendment, you are saying, "I don't want 20,000 warheads on each side. I don't even want 15,000. I think 13,000 to 14,000 is plenty. Start negotiating from that point."

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. BUMPERS. I yield the floor. I do not want any more time charged to me.

Mr. WARNER. I believe the Chair recognized the minority manager of the bill, which is the protocol.

I will just take a minute, because I see our distinguished colleague from Vermont is anxious to get into the debate.

Before the Senator departs the floor, the thrust of his remarks today, I think, is a common concern of every Senator and, indeed, every citizen of this Nation; and indeed, every citizen of the world. What can we do to contain the growth of what appears to be an ever-increasing arsenal of the nuclear weapon?

I say to my good friend that our President, through his negotiators in Geneva, today is making every effort not to just have a treaty like SALT II which grappled with launchers and allowed warheads to proliferate in numbers, but to have a series of agreements that actually, for the first time in history, brings down the inventory of the warheads themselves.

So I say to my good friend: Place yourself in the position of being a negotiator in Geneva today, and more specifically, Ambassador Ron Lehman, who is working on the START agreement, that agreement that deals with the intercontinental missiles, that agreement that hopefully will follow behind an INF agreement.

As we are here this morning, he is in Geneva. As we debate, he is negotiating. And across the ocean comes a message that the U.S. Senate is considering an amendment which would have the effect of separating the SALT II Treaty and taking out but one part—the other parts having been violated by the Soviet Union, as acknowledged by my good friend from Arkansas—but taking out one part and having this body require this President to continue as a matter of law with compliance but with one part of a treaty which has expired.

I ask a question of my good friend: Does that not undercut what our negotiator is endeavoring to do in the effort, which is toward the goal that you have stated, to bring down the inventory? Does that not undercut him at the very moment that he may be reaching some common ground to establish a reduction of inventories? What benefit do we, the United States, derive from complying with one part of an expired treaty?

Conceding for a moment that, give or take a few missiles here or there, the Soviets may have complied with this one section, what benefit do we derive in the negotiations in Geneva? That is my question. You are the negotiator. How do you look at your Soviet negotiators and say: The Senate has adopted an amendment which says the United States will continue to comply with an expired treaty, part 1, so to speak? What is the benefit to that negotiator?

Mr. BUMPERS. If I may just respond, and I do not want to use up a lot of your time.

Mr. WARNER. Mr. President, he can use that time, because that is the heart of this debate, as far as this Senator is concerned.

Mr. BUMPERS. I appreciate the Senator's question, and I think it is a relevant question.

What do we lose?

Mr. WARNER. I put the question: What do we gain? You answer the question of what we gain.

Mr. BUMPERS. You gain not allowing this arms race just to continue apace, not only from a military standpoint but from an economic standpoint. You think of the $1½ trillion we have spent in the last 7 years on defense. You think if we capped 1,320 MIRV launchers and the Soviets do the same.

These weapons, after you get past a couple of hundred, make no sense. How many does the Senator think is the right number? Forget the SALT Treaty. I made that as crystal clear in my presentation as I could. Forget the SALT Treaty, forget 1,320. You tell us. What is a legitimate cap? What do we gain by going to 2,000 or what do we lose?

Mr. WARNER. Mr. President, we will go adrift in the sea if we sit here and try to argue how many are necessary.

Mr. BUMPERS. Is that not a legitimate question, Senator? How much is enough?

Mr. WARNER. I remember President Carter saying one submarine is sufficient.

Mr. BUMPERS. That is true, is it not? That is true, one submarine can destroy the planet.

Mr. WARNER. Fine. Are we not in Geneva trying to bring down the number? Is that not the goal, to bring down that number?

Mr. BUMPERS. The Senator is absolutely correct. And why not bring it down to 1,320 instead of 2,000?

Mr. WARNER. Mr. President, if that is the common goal, why do we want to undercut the negotiator? I come back to the question. What is the advantage to the negotiator today working on bringing down the total number or warheads to have the Senate adopt this amendment? What is the advantage? What is it that the Soviets hand across the table to that negotiator representing the United States and saying: "The Senate did this. Now we, the Soviet Union, give you that."

What is it the Soviet Union gives us in return?

Mr. BUMPERS. Senator, is it not true that the Soviet Union has agreed conceptually to a 50-percent reduction? Would it not be better, if we are going to reduce the number of weapons by 50 percent, to reduce it to 1,300 rather than 2,000?

Mr. WARNER. Mr. President, I come back. What is it that we get in return for this action?

Mr. BUMPERS. You get just a little bit better night's sleep. You can look your children in the face and say: "I have done a little bit of something to try to save the planet."

Mr. WARNER. Mr. President, I thank the distinguished Senator. I rest on the answer. I will get a better night's sleep from the Soviet Union when we defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I ask the Senator for such time as I may need.

Mr. BUMPERS. How much time does the Senator need? Twenty minutes?

Mr. LEAHY. Make it 25.

Mr. BUMPERS. I yield 25 minutes to the Senator from Vermont.

Mr. EXON. Will the Senator yield me 1 minute on this point preceding the statement by the Senator from Vermont?

Mr. BUMPERS. I am happy to.

Mr. EXON. Does the Senator from Vermont have any objection to that?

Mr. LEAHY. I have no objection.

Mr. EXON. Mr. President, I think the answer to the question, legitimate question, that has just been asked, is, we are trying to strengthen the hand, stengthen the hand of our negotiators with the Soviet Union. If the United States goes on record, as I suspect it will, to maintain the limits of SALT II or something like it, as the Senator from Arkansas has said, that will strengthen the position of the negotiators to help stop this maddening arms race, because the Senate will be on record.

I suggest, Mr. President, that the amendment offered by the Senator from Arkansas will help our negotiators, rather than hurt them.

I thank the Senator from Arkansas.

Mr. BUMPERS. I thank the Senator.

Mr. President, if the Senator from Vermont will indulge me without charging him any time for this, I also want to make one additional point and that is that you say: What do we get out of it? This amendment says we only do this as long as the Soviet Union does it. If you do not adopt this amendment and we just keep building more launchers, nobody here believes the Soviet Union is going to sit on 1,320 forever. They are in the process, Senator, of dismantling SS-17's, a very heavy ICBM.

I ask the Senator this question: Does he think the United States security interest is served by the Soviets, instead of dismantling SS-17's as they deploy SS-24's, does he think we are better off by not dismantling those and then just continuing to add more lethal warheads on top of lethal warheads? Is our security interest served when they have 50 more launchers just like we have?

Mr. WARNER. Mr. President, my response to that is that under our Constitution it is not the U.S. Senate that negotiates a treaty; it is the chief executive officer of this country for external affairs, and that is our President. Our President is there now. Our President has negotiators working. Our President, and the General Secretary Gorbachev, have decided on a common goal to reduce by 50 percent the inventories. Progress is being made and I cannot find in the Senator's debate, in his amendment, or the debate of others, any advantage to this body, today, sending a signal such as called for by the amendment of the Senator from Arkansas. What do we get in response? What do we get in response? A good night's sleep? I think as the debate continues along that line, I may start that now.

Mr. BUMPERS. Who has the floor, Mr. President?

Mr. WARNER. Let me finish my reply and then I will be glad to yield the floor.

Mr. BUMPERS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. I believe I have the floor, Mr. President. I am willing to yield to the Senator from Virginia on his time, if he wants. But at some point I would like to make a few remarks myself, but I will yield to the Senator from Virginia on his time if he wishes.

Mr. WARNER. Of course, Mr. President. It is on my time. And then I think in fairness, my colleague might want to go back on the "good night sleep" for a moment.

I ask him: Has he had the opportunity to read today's Washington Times in which there is an article describing how the Soviet Union is testing new ballistic missiles and one landed, while the people of Hawaii were sleeping, not more than a thousand miles distant?

I would suggest that he——

Mr. BUMPERS. Senator, if that does not make the point of this debate, I do not know what does. That is the very point I am trying to make. What if that thing had had a nuclear warhead on it and it went awry?

Mr. WARNER. Mr. President, is the suggestion of the Senator from Arkansas that his amendment would cease and desist testing of this type?

Mr. LEAHY. Mr. President, there have been a number of points made here. Let us get a few things clarified.

One, this is not a vote on the SALT II Treaty. In fact, should somebody bring up the SALT II Treaty and seek the two-thirds vote for the advice and consent of the Senate, I would vote against the advice and consent to the President to allow the President to ratify SALT II. That is not the issue.

Most of SALT II is obsolete. It is not relevant to what is going on here.

The distinguished Senator from Virginia has said, and quite rightly, that we all ought to be looking for an attempt to lower the number of warheads. He has quite appropriately praised President Reagan for taking steps for an INF Treaty to lower the number of warheads. And I concur totally with the Senator from Virginia in saying that that is a praiseworthy step on the part of the President.

But let us not lose sight of what is happening while we are talking about that INF agreement. Because we are observing no limits in SALT II or anything else, we are adding 130 to 135 new strategic warheads a month.

We are not lowering the numbers of warheads.

(Mr. SHELBY assumed the chair.)

Mr. LEAHY. It has been said here that we ought to be seeking that goal. I could not agree more. But, with the general feeling of good will about the upcoming summit between the President of the United States and the General Secretary of the Soviet Union, Mr. Gorbachev, let us not lose sight in this euphoric attitude that they are talking about an agreement to cut only 3 to 4 percent of nuclear warheads; and let us not lose sight of the fact that starting in November when the President of the United States decided not to adhere to the SALT II limits, we were adding 130 to 135 new strategic warheads a month. In fact, during this year we will add many times more U.S. strategic warheads than will be cut from the U.S. arsenal in Europe in a Reagan-Gorbachev INF agreement. And the Soviets will add more, too.

So to those who stand up and say: Thank God, after 6 or 7 years we are finally having arms control—I say, we are having a little bit of arms control.

So I would hope that our willingness in the United States to break out of the subceilings of SALT II would not be lost in this debate. That the action to break out of SALT, the exact action which could be taken as an Executive decision by the President—and was done so last November—has allowed the United States to add many more strategic warheads, several times more strategic nuclear warheads, than will be removed in an INF arms control agreement.

Lastly, I would point out that the distinguished Senator from Virginia very rightly brings up the question of what do we get back from the Soviet Union if we do this? What do our negotiators in Geneva say when they look across the table and say: The Senate has taken this action. What do we get in return? It is written in the amendment. It is very clear in the Bumpers-Leahy-Chafee-Heinz amendment. Unless we get something, they get nothing. We are not unilaterally telling the President of the United States: Stick to those sublimits regardless of what the Soviets do. We are saying: We will do it only if they do it.

In fact, let me just show a chart, Mr. President. These are the operational nuclear forces dismantled to comply with SALT between 1973 and 1986.

In red are what the Soviet Union had to do to comply. Remember, this is in SALT II, an unratified treaty. The President never ratified it, the Senate never gave him advice and consent to do that. But President Reagan, to his credit, from the time he took office up until November of last year, complied with the limits, and look what it required.

The Soviet Union, in red, had to dismantle 556 launchers. The United States dismantled 48 launchers. We can assume both sides first got rid of those that were getting old and getting obsolete.

The question has to be asked: Was this really to our disadvantage, to follow this? I think not. And what would we have to do, I ask my colleagues, if we were to stick with Bumpers-Leahy-Chafee-Heinz, if we were to stick with the sublimits, again, only if the Soviets do?

Look at the future dismantling required by SALT through 1987 on this chart.

The United States, 32 launchers, even less than we did before; the Soviet Union 129 launchers.

Let us put the two together, Mr. President, and take the numbers from 1973 to 1987. The Soviet Union: 556 launchers plus 120; the United States: 48 launchers, plus 32.

Back in the days when I practiced law in Vermont and we were looking at contracts, we would say that the good guys won on that agreement and that we would end up with better numbers.

So, Mr. President, it is with a special pride that I join my distinguished colleagues, Senators BUMPERS, CHAFEE, and HEINZ, in offering the Strategic Nuclear Weapons Interim Restraint Act of 1987 to the defense authorization bill. Bumpers-Leahy-Chafee-Heinz really brings some control in the spread of nuclear weapons and the increase in strategic weapons.

It is also a bipartisan coalition worked out by the four of us over 3 years. In 1984 and in 1985 the Senate voted overwhelmingly for our amendment declaring the policy of observing certain limits in the unratified SALT II Treaty is in the national security interest of the United States.

The thing that we should not lose sight of is that by adhering to these numbers, not only has the Soviet Union been required to dismantle far more than we have; we have not been estopped from doing anything that we would have done without SALT II. We have been able to do every single thing in our strategic posture that we wanted to do.

The Senate has repeatedly urged the President not to abandon these fragile limits on our missiles and bombers.

Again, what are we talking about? These are not just the simple numbers. The charts, I think, are impressive, but it is more than that. It is the destruction power that we talk about. It is what kind of legacy we leave to the next generation. I have said in many contexts, in many different speeches, that my children will live most of their lives in the next century, so will the grandchildren of many of us and the grandchildren of many others. This speaks to that legacy. This speaks to what kind of a world we leave them or whether we leave them a world at all.

We have pleaded for a mutual restraint based on the agreed SALT ceiling until the superpowers could negotiate a new agreement. If I had the power to negotiate, I would want numbers much different than this. President Reagan himself has said he would like to see numbers much, much lower. But until that agreement comes, this is all the restraint that we have.

We have fought for this amendment for several years. I noticed the press once referred to us as the "Gang of Four." Well, I accept that label because it says that four of us, two Democrats and two Republicans, each representing very different States in size and population, economic interests, I might say, and political outlook, join together in a cause which transcends these differences.

Let us see what the amendment is. It derives from S. 415, a bill the four of us introduced earlier this year; 46 Senators joined us on S. 415 for a total of 50 cosponsors, four of us plus 46 more. That is one-half of the Senate, Republicans and Democrats alike. I congratulate them for standing up and having the courage to be counted. It is one of those rare times where being counted really makes a difference.

So that my colleagues who are about to vote on this today will understand, let me just go over very briefly the five-key elements in our amendment.

One, it prohibits expenditures of funds through September 30, 1987, to overhaul, maintain, operate or deploy any weapon system which could cause the United States to exceed 820 launchers and MIRVed ICBM's, 1,200 launchers of MIRVed ICBM's plus MIRVed SLBM's, submarine launched, or 1,320 launchers of MIRVed ICBM's and SLBM's plus heavy bombers equipped with long-range air-launched cruise missiles.

Two, the funding restriction does not take effect if, not earlier than 30 days after this act becomes law, the President notifies Congress that Soviet deployments are in excess of these numbers.

Let me emphasize that point because the distinguished Senator from Virginia raises a very valid point: What do we get in return? This says it very clearly. This restriction does not take effect if, not earlier than 30 days after this act becomes law, the President notifies Congress that the Soviets are in excess of these numbers. The President of the United States gives up absolutely nothing under this.

Three, if the President is unable to make this certification, he has an additional 30 days to make the certification or the funding restriction goes into effect. The President then can only prevent the funding restriction from taking effect either by certifying the Soviets exceed these numbers or by reporting to the Congress he still cannot certify that the Soviets are at or below or exceed these numbers. He then has to report again within another 30-day period, and so on, until he can either certify the Soviets are either exceeding these numbers or are at or below them. Each time he reports to Congress he has to base his determination on the "best agreed intelligence community assessment."

In other words, it is a situation where we do not give up anything unless the Soviets give up something. We do not agree unless they agree.

Four, it requires the President to inform Congress within 30 days of enactment of this act of his plans for complying with the provisions of the amendment.

Five, the funding restrictions are automatically terminated if a new agreement between the United States and the Soviet Union on strategic offensive forces enters into force before September 30, 1988.

It should be clear that our amendment gives the President sufficient time to determine U.S. forces below the 1,300 limit. This is the ceiling on the total of multiple warhead missiles and heavy bombers armed with long-range cruise misiles. We are now some 15 ALCM-armed B-52's above the 1,320 limit and adding more at the rate of about 2 per month.

In fact, let me give you an clearer idea of what we do each month. Here is what the United States does every month: We add two B-52's, each with 12 air-launched cruise missiles, each month, 24 warheads. We add two MX's

a month, a net increase of 14 warheads a month.

The reason it does not come out to 20 is that when we add those, these new MX's that are supposed to be so invulnerable, we put them in the old vulnerable Minuteman III launching silos.

We add four B-1's with 20 warheads a month for 80 net. We add two Trident II launcher tubes average per month for a net increase of 16 warheads.

What can the President do to keep within the limits?

He can order the launch tubes on two old Poseidon missile submarines to be dismantled. Because of their age, he not only would improve our security but he also would help out the Treasury considerably.

He can order dismantling of a sufficient number of MIRV'd ICBM silos.

He can order the excess air-launch cruise-missile armed B-52's rendered inoperable and cease new conversions.

Or a combination of any of these. It is left up to the President, what works best within our security interests.

Eliminating some Minuteman III silos might be the most sensible. They are an open invitation to the Soviet Union for a preemptive strike and they are vulnerable. But the two Poseidon submarines are very old. We are going to have to replace their nuclear plants if we want to use them. That is a cost of over $150 million to give us just a few more years' use out of them. It seems not worth it when they can be dismantled for $20 million.

I suspect the Navy would be delighted to get rid of them, save that money and put it into something usable, like perhaps minesweepers. That might be a lot more worthwhile to the United States than a couple of old Poseidon submarines.

I am not going to go into a lot of detail, but let me talk briefly about some of the arguments I have heard when we have debated this in the past.

Mr. WARNER. Mr. President, at some point would my distinguished colleague entertain a question, whenever he is prepared to accept a question?

Mr. LEAHY. Go ahead.

Mr. WARNER. Then I will just cross the Chamber.

Mr. President, I would like to once again portray the chart that my distinguished colleague has prepared. It accurately reflects that under SALT II there has been reduction in the launchers, but I ask my good friend, as the Soviets have junked—and I refer to this chart as a junkyard launch chart—as they have junked these launchers what has been the growth in the warheads? After all, it is not the launcher that damages the world; it is the warhead. What is the growth in the warheads?

Mr. LEAHY. I am glad my friend from Virginia asked that question. I just happen to have a chart on that.

Mr. WARNER. I think this chart, if you look through it, indicates that in this period that they have junked the old launchers in the scrap yard, the Soviets have increased the warheads—and that is the thing that causes the damage—from somewhere between 4,000 and 11,000. They are up to around 11,000 now.

Mr. LEAHY. Let us take a look at where we will go. Let us see where we are going to be on this. Under this, current forces stand with the Soviets at 10,500, the United States at 11,800. By 1994, following SALT, 14,800 warheads for the Soviets; 12,100 for the United States. I suspect that either one of us could quickly drop 3,000 or 4,000 of those and still do a pretty good job destroying the planet. And without SALT by 1994, which is only 7 years away, 31,900 for them, 23,800 for us—rounded off, call it 32,000 and 24,000. The facts are, and I think we both would agree, this is too many on either side.

Mr. WARNER. Mr. President, I am glad he has brought this chart out because this is precisely what we are trying to do in Geneva today. The Geneva negotiations are to reach out and capture the number of warheads, to bring them down by 50 percent. The fishnet that we are looking for is the warhead fishnet, not the fishnet that just relegates the old planes and the old launchers to the junkyard. I say to my good friend if we adopt this amendment, we undermine in Geneva the very effort now underway to try to stop this from happening.

Mr. LEAHY. Mr. President, I would say also to my friend from Virginia, my good friend from Virginia, I might say—I mean it very seriously; we go beyond just the normal senatorial courtesy, when I say how much I respect and like him. But when he speaks of Geneva as being the place where we must negotiate, what he is saying in effect is let us go to Geneva with no limits whatsoever and we start renegotiating, reinventing the wheel—unfortunately, a nuclear wheel—when we go back to Geneva. We take what we have already agreed, throw that out, say there are no limits, and now we want to go to Geneva and cut back down to 50 percent of no limits. That is an open brief to both the Soviet Union and the United States. We say that we will go to Geneva in this era of good feeling because we are going to have an INF agreement that will cut down the number of nuclear weapons in the world when every several months we are adding more than all the weapons we will take out in the INF agreement.

Mr. President, I do not want to have to see us start all over again in Geneva. It does little good for speeches to be made, no matter how good they sound, that we want to go to 50 percent of the nuclear warheads when nobody can tell you how high those nuclear warheads are in the first place and nobody can tell you where the restraints are. Fifty percent of what? I agree with the distinguished Senator from Virginia that we should be at Geneva negotiating. I cannot believe that anybody with sanity would say we should have a wide open arms race in nuclear weapons.

What we are saying in the Bumpers-Leahy-Chafee-Heinz amendment is here are some sublimits that will exist only if both the United States and the Soviet Union are complying. The United States does not have to comply with them if the Soviet Union does not, but we will at least start out from that. We say to our negotiators in Geneva, "All right, if you are serious, on both sides, that you want to cut back, you are not going to cut back 50 percent from some ethereal number; you are going to cut back 50 percent from numbers that we know exist."

We hear the argument that we are going to tie our hands in Geneva. I have been in the Senate now for 13 years. In fact, when I ran for the Senate the very first time, I was back in Vermont, at that time a 33-year-old county prosecutor, somebody asked me why I was running for the Senate.

I said I was running for the Senate because of my concern about arms control. That concern has not been diminished one which but I keep hearing that if we do something in the Senate, to slow the arms race, we are going to interfere in the Geneva negotiations.

Well, what have we slowed down in Geneva? Has there ever been a time that we derailed or wrecked Geneva by doing something here, by saying could we have a little rationality, by the Senate giving voice to the concerns of our constituents, Republican and Democrat alike, who say to us constantly, "Do something about arms control." There are 250 million Americans in this country. I daresay we can go into any State in this Union and ask the people, "Do you want arms control?" And we will hear from all of them, "Yes, we do." And yet of those 240 to 250 million Americans, if there is indeed an arms control treaty, only 100 Americans ever get to vote on that arms control treaty, the 100 men and women of this body. We also, because of that, have a special interest in arms control, and if by taking this step we can move forward the progress of arms control so that someday we could actually have a treaty that we can give our advice and consent to, so the President can ratify it, are we not really doing what we are supposed to be doing in the Senate?

Mr. WARNER. Will the Senator yield?

Mr. LEAHY. In a moment, of course, I will yield. This does not tie the President's hands. It simply returns the United States to a position President Reagan, without consultation from Congress, has been following since 1981. For his own reasons, he unilaterally chose to abandon that last year. Keep in mind, the President in 1981 said, again without consultation of the Congress, "I am going to abide by SALT II," and then last year chose to abandon it.

The majority of the Senate does not agree with the President's unilateral decision, and just before I yield, Mr. President, I ask unanimous consent that a letter of last December to the President signed by 57 Members of this Senate supporting U.S. observance of the SALT numerical ceilings be inserted in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 15, 1986.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our serious concern over your decision to put the United States in violation of the SALT II limit of 1320 multiple warhead systems when the 131st B-52 equipped with cruise missiles left its conversion facility in Texas late last month. This action is an open invitation to the Soviets to exceed several numerical sublimits of SALT I and SALT II, actions which they have not as yet taken and are exceedingly well positioned to do in the very near future. U.S. violation of a central sublimit of SALT II may well result in a greater Soviet nuclear threat than would otherwise be the case, and it will have a chilling effect on the prospects for following up on the progress you made at Reykjavik.

As the Soviets soon begin to deploy their new MIRVed SS-24 ICBM, SALT II will force them almost immediately to begin dismantling existing silo-based MIRVed ICBMs, which you have rightly and repeatedly called the most destibilizing strategic weapons of all. Given the Soviets' past dismantling record and their ongoing strategic modernization program, U.S. violation of the key SALT sublimit is an open invitation to the Soviets to exceed those same limits, which to date they have respected. This situation will likely increase the Soviet nuclear threat to the U.S. in an especially destabilizing way, add a major new strain to the NATO Alliance, and aggravate the atmosphere necessary to reach the kind of new arms control agreement that we all want.

As you know, the House passed by a significant margin binding language proposed by Congressman Dicks dealing with the SALT sublimits. In the conference on the FY 1987 Defense Authorization bill, this language was dropped, despite strong House sentiments, in order not to tie your hands at Reykjavik. In its place, Congress stated that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits. This remains our view. In addition, in view of the progress you made at Reykjavik, it is especially damaging to U.S. security interests and the prospects for a new arms agreement for the U.S. to be the first to breach a central sublimit to SALT II.

Accordingly, we urge you to take the steps necessary to put the United States back into compliance with the SALT II numerical sublimits as long as the Soviets continue to remain within those sublimits. We also encourage you to raise with the Soviets possible approaches to strengthen the interim restraint framework to ensure that some restraints on offensive forces remain in place until a new arms agreement is reached. At the same time, we should continue to pursue our concerns about Soviet compliance with some aspects of existing agreements.

We look forward to working with you to forge a strong and durable bipartisan consensus on this and other security issues in the months to come.

Sincerely,

John H. Chafee, Dale Bumpers, Patrick Leahy, John Heinz, William S. Cohen, Sam Nunn, Mark O. Hatfield, Claiborne Pell, Edward M. Kennedy, J. Bennett Johnston, Joseph R. Biden, Daniel P. Moynihan, Albert Gore, Jr., Lawton Chiles, George J. Mitchell, Carl M. Levin, Wendell H. Ford, David Pryor, James R. Sasser, Bob Packwood, William Proxmire, Howard M. Metzenbaum, David Durenberger, Paul S. Sarbanes, John F. Kerry, Donald W. Riegle, Jr.

Jeff Bingaman, Robert T. Stafford, Max Baucus, Frank R. Lautenberg, John Melcher, Daniel K. Inouye, Quentin N. Burdick, Daniel J. Evans, Tom Harkin, Arlen Specter, J. James Exon, Alan J. Dixon, Christopher J. Dodd, Lowell P. Weicker, Jr., Spark M. Matsunaga, Alan Cranston, Paul Simon, John D. Rockefeller, Lloyd Bentsen, Kent Conrad, Barbara A. Mikulski, John B. Breaux, Brock Adams, Timothy E. Wirth, Harry Reid, Thomas A. Daschle, David L. Boren, Bill Bradley, Wyche Fowler, Jr., John Glenn, Terry Sanford.

LIST OF 57 SALT LETTER COSIGNERS

DEMOCRATS (47)

Adams, Baucus, Bentsen, Biden, Bingaman, Boren, Bradley, Breaux, Bumpers, Burdick, Chiles, Conrad, Cranston, Daschle, Dixon, Dodd, Exon, Ford, Fowler, Glenn, Gore, Harkin, Inouye.

Johnston, Kennedy, Lautenberg, Leahy, Levin, Matsunaga, Melcher, Metzenbaum, Mikulski, Mitchell, Moynihan, Nunn, Pell, Proxmire, Pryor, Reid, Riegle, Rockefeller, Sanford, Sarbanes, Sasser, Simon, Wirth.

REPUBLICANS (10)

Chafee, Cohen, Durenberger, Evans, Hatfield, Heinz, Packwood, Specter, Stafford, Weicker.

Mr. WARNER. Mr. President, just one question to my colleague.

Mr. LEAHY. I yield on the Senator's time.

Mr. WARNER. The Senator has all the time he needs to answer this question because it is a key question. It is a question the American people can understand. Perhaps in deference to them as they may be watching this debate, they are saying, well, now these charts are rather interesting and some of the arguments are interesting. The Senator is talking about the duty of this body, the U.S. Senate, under the Constitution to ratify treaties.

Mr. LEAHY. No. I said we advise and consent. The President ratifies treaties. I said that several times.

Mr. WARNER. That is fine. The Senator is correct. We advise and consent, and the President ratifies. I ask my good friend if this is such a red hot idea, why is it not up here for ratification? Why did the President of the United States at that time, one James Carter, decide to bring this treaty back? Why is it that this body, if this is such a red hot idea, has not ratified the treaty of which this is a part?

Mr. LEAHY. Mr. President, the Senate, of course, does not ratify treaties. Only the President ratifies treaties. We advise and consent to treaties and I do not think that the Senate is going to be too eager to go through the exercise of advising and consenting unless we have a President who says he then wants to ratify the treaty.

Mr. WARNER. Mr. President, do not leave this debate on a technicality. In my enthusiasm, I should have used the words "advise and consent." I know it as well as the other Senators here. I ask to rephrase the question.

Why is it that President Carter decided that he would not push this U.S. Senate to give its advice and consent on the SALT II Treaty? That is the question I pose to my good friend.

Mr. LEAHY. I have not discussed this with President Carter, Mr. President, but my understanding is that President Carter withdrew or asked the Senate to withdraw from consideration SALT II because of the Soviet invasion of Afghanistan. He knew full well that in that era with the reaction, very strong reaction, and very justifiably strong reaction here in the United States, we were never going to get two-thirds of the vote here.

President Reagan campaigned against SALT, calling it fatally flawed and never asked us to give advice and consent.

If, in fact, the SALT II Treaty could be brought up for ratification today for advice and consent, as I said several times on the floor today, I would vote against it because parts of it are obsolete. But I would note one thing: the President of the United States, President Reagan, who had campaigned against SALT II as being fatally flawed, made the unilateral decision without consultation with the Congress to abide by the subceilings in it until last November. And that was not legally enforceable. Nobody can force the President to do that or not do it. If he decided to do it or did not

decide to do it, there was nothing the Soviets could do about it or not do about it. That was entirely up to him.

What we are saying in effect is let us continue to do what the President was doing until last November. We will make it binding that we keep to those numbers, but only if the Soviets are as well. We give about as great a flexibility as any President has ever had to say whether they are or not abiding by the ceilings.

We ask for certification from him and Congress will have no way of disagreeing with his certification.

Mr. WARNER. Mr. President, I thank my good friend. He answered the question. The President of the United States sent the treaty to the Senate under the advice and consent procedure. Then the treaty was not pushed by that President. It has not been brought back again for the very reason—that it has been violated over and over again.

I bring to the attention of my distinguished colleague that the Armed Services Committee, when it saw the SALT II Treaty, had many, many reservations about this treaty. And the President knew full well at that time that he was going to encounter a major battle in the United States Senate on SALT II irrespective of the tragedy of Afghanistan.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, the Senator from Virginia talks about noncompliance by the Soviet Union. Nobody is more concerned about that than I. But he also begs the question when he says that. The fact is under this, if the Soviet Union is not complying with the sublimits, all the President of the United States has to do is state that fact to Congress. At that point he is not bound to anything. What is so frightening about this amendment? Why do so many people who oppose it get concerned? Listen to what it says.

It says that there should be some sublimits on multiple warhead nuclear missiles and bombers. Even within that limit, there is a sufficient numbers to destroy this plant 20, 30, 40 times over. We are saying that is just more than enough. We are saying let us at least stop at that point at 20 or 30 or 40 times extinction, take a breath and see whether maybe we can cut back the numbers.

And further, it says that if the Soviet Union will not join us in this, then we will not do it. If they do join us in this road toward sanity, then we will march together. What could be more rational or more sensible? If both superpowers will march on the road to sanity, they march together. If they do not want to, then they do not march at all. But I would say, Mr. President, to all my colleagues they ought to listen to what their constituents are saying, they ought to listen to what the people of this country are saying. They are saying they are very frightened as they see the escalation of nuclear weapons, and they see the lack of the political will of the leaders of this country to do something about stopping that increase in nuclear weapons. That is what we are saying here.

At least 100 people in this country who get to vote on an arms control treaty can prior to that vote stand up, be counted, and say are they willing to take at least a little step down the road toward sanity or, they can say they are willing to put this off for another year, another year, and perhaps yet another year until that nuclear genie is so far out of the bottle that nobody will ever put it back in again.

Mr. President, adoption of this simple amendment would do little enough to hold the arms control process together. But it would provide a foundation for another agreement deeply reducing from SALT II levels. It would encourage the American people to believe that the arms race has not gone totally insane. Our amendment gives the Senate an opportunity I have sought ever since we failed to act on the SALT Treaty in 1979. It provides the Senate, which ought to be the conscience of our great Nation, a chance to act for arms control.

So let us join the House which did have the courage to pass similar legislation, and pass the Bumpers-Leahy-Chafee-Heinz amendment overwhelmingly.

Mr. President, I reserve the remainder of the time on this side, and I yield the floor.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. In behalf of the manager, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. QUAYLE. Mr. President, it is difficult to try to pinpoint where to start in this debate. A lot of things have been said. Some I think are misleading, and some on the wrong point. But let me try to describe what I think this amendment is.

I believe that this amendment is a Rip Van Winkle amendment. I believe that this amendment is an amendment that leaps and grabs for the past, like Rip Van Winkle who slept, and dreamt for 20 years. I think this amendment yearns for the past; it celebrates it saying, boy, the past was really great. SALT I, SALT II—let's not let go of those. Well, as Rip Van Winkle did, the Senate will have to wake up. I was looking at all of the charts that the Senator from Vermont put up, and all of those charts talk about launchers—launchers, Mr. President.

The assumption is that what we ought to be concerned about is launchers.

Let me just state once again for the record—I think most people know this; if they do not, they should—that the problem we have today is ballistic missile warheads. The problem is not launchers.

Ballistic missile warheads, that's what is so destablizing. Those are the warheads we have absolutely no defenses against.

As we look to the dismantlement of ballistic missile warheads under SALT I and SALT II, let us not be misled by launcher dismantlement; let us look at warhead dismantlement. Under SALT I and II, the United States has dismantled 608 warheads, the Soviet Union 208. That's a 3-to-1 dismantlement of warheads.

If you look into the future, complying with the so-called sublimits will continue to cost us more than the Soviets in terms of warheads.

As a matter of fact, it is estimated that by 1994, warhead reduction under the sublimits proposed by this amendment would be 3,135 for the United States and 1,364 for the Soviet Union. So, obviously, the warhead count matters more than launchers.

Now let us look at what we are trying to do. This administration has been trying to go forward with deploying more cruise missiles on E-52's—second-strike weapons.

I have heard many people say that we ought to get away from some of the first-strike weapons, and I think we should. What the administration is doing is moving toward more second-strike weapons, which are more survivable, and useful as a retaliatory force. Now all of a sudden we are saying, "No, we don't want to do that." No, we want to cling to the past and make sure prompt mutually assured destruction is our only theme.

I have a whole litany of statements I could put into the RECORD by people who once said mutually assured destruction was the only way to preserve the peace.

But I think we ought to get into the future, and do better.

Let us look at some of the other things this amendment would do.

This amendment would basically say: "Well, we're going to take SALT II, even though it wasn't ratified, and we're just going to take the elements that the Soviet Union wants to comply with, and we're going to say, 'Well, the United States ought to comply with it.'" In other words, the Soviet Union has an absolutely free hand to violate whatever part of SALT II they do not like, but to comply with the parts of it they think may favor them, and then hope that the United States will follow them and comply with things that are unfavorable to them.

Mr. LEAHY. Mr. President, will the Senator yield on that point?

Mr. QUAYLE. I will yield only for a question.

Mr. LEAHY. I ask the Senator from Indiana, is it his contention that there has been anything under SALT II that the United States wants to do that it has not been able to do? Is it his contention that the administration has never testified other than to say that their modernization programs, their expansion of warheads program, in all those things, they have not been restrained to date by SALT II?

Mr. QUAYLE. Mr. President, in answer to that question, they have absolutely been constrained in one of the most important areas that the United States has a competitive advantage, and that is the long-range cruise missiles; because we have been prohibited by SALT II from going ahead with the cruise missiles on B-52's because that puts us in the position of taking out subs or Minutemen. As a matter of fact, there has been a negative impact on long-range cruise missiles. I point out to the Senator from Vermont, because he has raised questions in the past about destabilization and first-strike capacity, that these are second-strike weapons. These are weapons that are going to survive and will be used on a retaliatory basis. Yes, these restraints have had a very negative impact—a very negative impact on our developing and deploying long-range air-launched cruise missiles.

What we are going to do, Mr. President, is to basically allow the Soviet Union to determine what parts of the treaty they want to comply with and what parts they do not. That is one heck of a contract. That is one heck of an understanding.

What is interesting in this is that the authors of this amendment talk about sublimits. They had the sublimits in for the ICBM's and the SLBM's. They have the total MIRV systems, including the bombers, 1320. Do you know what they leave out? They leave out a very important other limit on strategic nuclear delivery vehicles, the SNDV's.

The Soviet Union violates that limit. The Soviet Union, when we signed the treaty, had 2,504, and they were supposed to come down to 2,250. Do you know what has happened since that? They were supposed to go from 2,504 to 2,250. They have gone up. They are now about 2,530. They have completely violated that agreement or sublimit of the SALT Treaty. It is interesting that that is not in this amendment.

Why is it not in the amendment, because the Soviets violate it? and, by golly, let us not try to put anything in this amendment that the Soviets do not like. Let us not put anything in this amendment that the Soviets violate. God forbid.

Let us just put in things there that the Soviets are willing to go along with and if they are willing to go along with it it is obvious they think it is in their best interests; otherwise, they will not go along with it, Mr. President.

They do not want to go along with the verification, giving us the data and the telemetry. No, they encrypt that. They do not want to go along with new missiles. They have already deployed the SS-24. They are going to get on another new type, the SS-25. The Soviets just tested an ICBM just north of Hawaii. We do not know. It's probably a new heavy ICBM that violates the SALT Treaty as well.

They go ahead and they violate that. They violate the SNDV limit.

And yet, for some reason, what we want to do is to put these constraints on ourselves. I presume that many of the authors of this amendment, perhaps now or at least when the administration was contemplating not observing the limits of SALT II of an unratified treaty, thought that the administration was not serious about arms control, that this would have a negative effect on arms control.

As a matter of fact, there was a statement recently at the Arms Control Association press conference. Senator LEAHY said essentially the same thing. I will just read from the statement:

> We are taking this step to demonstrate to the President the strong feeling in the Senate that scrapping the no undercut policy would not serve the U.S. national security interest, would damage relations with NATO allies and probably destroy any chances for arms control for the rest of his administration.

Some thought that—I do not think they think that now—but they thought that this administration was not serious about arms control and they made statements to that effect.

They said, "Boy, if you go out of the SALT II sublimits, arms control for this administration is gone," a goner, Mr. President.

Well, I just say that about the opposite has happened. We have an agreement in principle on the INF Treaty. The Secretary of State and others have indicated there is good progress being made on the SALT II Treaty.

Mr. President, let me just underscore that these violations of the SALT II Treaty, which was never ratified by the Senate, are serious and they were serious at the time.

Let me just read what former President Jimmy Carter said:

> It is the SALT II agreement itself which forbids concealment measures, many of them for the first time, forbids interference with our monitoring and forbids the encryption or encoding of crucial missile test information. A violation of this part of the agreement which would quickly detect would be just as serious as a violation of the limits on strategic weapons themselves.

I want everybody to listen to that and have it soak in. That is what former President Carter said, who negotiated this treaty, who submitted it to the Senate, and then because they did not have the votes in the U.S. Senate to get it ratified, withdrew it. But the negotiator of this treaty said that the encrypting would be as serious a violation as the limits on strategic weapons themselves.

That is not what this amendment does. This amendment basically ignores what former President Carter said and what a lot of others said at that time about how serious telemetry is to verification, how important verification is to the SALT Treaty.

Now, Mr. President, there is no doubt in my mind that the Soviets would like for us to comply, keep within the sublimits. Certainly they feel that it is in their best interests because what will it force us to do? Let us think about it. If this amendment would actually pass and become law—I do not think it will: there is not too much of a chance. I do not know where the votes are on this. I think it is going to be quite close and some are probably even making up their minds right now, but there is absolutely no way that this amendment will survive the scrutiny of the President. It will be vetoed and the veto will certainly be sustained. So it is not going to become law. We know that.

But let us assume for a minute that if it did become law then the President is forced with the decision. He can take out some more Poseidon boats, but I know the Senator from New Jersey has an amendment to that saying, "Oh, don't do that. I am not so sure that is a good idea."

If he does not take the Poseidon boats, then he is only left with another option. That is to take out the Minuteman III. Why would the Soviets want us to dismantle the Minuteman III? The Soviets would like for us to dismantle the Minuteman III because it does in fact threaten their missile silos on a prompt basis. It is something they do not like and they would enjoy seeing us having to get rid of Minuteman III.

That is not a very good decision to make, particularly when we are only going to go ahead and deploy 50 MX's, unless you want to go ahead and disregard the Dyad and I think there are reasonable men and women who say we disagree on that. Some say we ought to move to Dyad. Some do—and I am not there—but they eloquently argue to have a Dyad and that is certainly not what the military, the Department of Defense, this administration, or I think even the majority in the Senate wants to see, a Dyad. I think there is still an attachment for military, political, and strategic reasons that we have a Dyad.

So we would be forced to take out the Minuteman III.

What else would this amendment do and have an effect on? This amendment would have an effect of perhaps not going forward with our deployment of cruise missiles, on the B-52, even nonnuclear long-range cruise missiles. Mr. President, I submit, and it will not be contested here, I submit that with the long-range cruise missiles the United States of America, in the long term, has a competitive advantage of superior technology.

Now, obviously the Soviets would like to see that program constrained in any way. As a matter of fact, that was one of the big arguments that they had in the INF talks and one of the criticisms I have with the so-called agreement principle of the INF Treaty is that we are going to give—listen to this—we are going to give up ground-launched conventional nonnuclear cruise missiles that have ranges over 300 miles. We are going to give up nonnuclear conventional cruise missiles.

Why is that so important to the Soviet Union, because they know of our comparative advantage in this field.

Mr. President, let me just conclude in a couple quick minutes and my friend from California wants to speak.

Let me conclude by saying this: First, I believe that this is a Rip Van Winkle amendment. It is a leap to the past that is not to our benefit.

Second, the Joint Chiefs of Staff have said that these sublimits do not make any difference. With or without SALT the Soviet Union is not going to unleash—we received a letter to that effect—they are not going to unleash more weapons. The reason why is that the Soviets already have more than enough warheads to target the United States, NATO, and China.

Third, I think we are offering the House an invitation to get involved in the approval of treaties. President Carter thought long and hard about sending up an executive order that would require 51 percent. He did not do that. This is in fact imposing what he would have called for, a 51 percent vote in each House.

I daresay the U.S. Senate is beginning to abdicate its constitutional responsibilities as far as treaties are concerned. The advice and consent rests in this body, not in the House of Representatives, and we are doing this on all sorts of things and I think we will regret that day.

Finally, Mr. President, if we are serious about moving forward in arms control, we ought not to be tied down by these Rip Van Winkle amendments that keeps us in the past. We have to go forward. We have to go forward and let the President have flexibility and negotiate.

I know some say he is not serious about arms control. They cannot say that anymore. He is the Commander in Chief. He is negotiating. Certainly, we ought to be able to learn some lessons from INF. The reason we got an INF Treaty is because we had patience. We were willing to build up and look the Soviet Union, in the eye, saying "This is what we are going to do in our best interests and when you come to the table you are going to get a treaty that is in both of our best interests."

And I would say that we best leave the President to negotiate, to negotiate, the treaty in a free way, and he will move in that direction.

Mr. President, on behalf of the manager of the bill, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California, Mr. WILSON, is recognized for 10 minutes.

Mr. WILSON. Thank you, Mr. President.

I thank my distinguished friend from Indiana.

First, I commend him for his statement.

Mr. President, relevant to the discussion underway is an event that has just recently taken place, an event that I will describe as outrageous, an effort at intimidation, a very dangerous effort in terms of the potential for harm to citizens of the United States, and the most provocative kind of action that I think we have yet seen in the entire annals, the entire history of testing of nuclear devices and their launchers and reentry vehicles by the two superpowers.

I refer, Mr. President, to the fact that the Soviet Union has yesterday completed two tests. The tests themselves involve violations of the SALT II Treaty. And I will specify the violations.

In the first place, they violate that restriction having to do with new types and also those having to do with heavy ICBM's. What was tested was the follow-on vehicle to the SS-18 Soviet missile. In a moment, my colleague from Wyoming, when he takes the floor, will demonstrate graphically, by means of visual aids, this follow-on missile. But it is the largest, most dangerous, most destabilizing in the Soviet inventory. And the Soviets have just completed a test, Mr. President, I repeat, of an absolutely outrageous character.

Why? Was it simply because of the stated violations of the SALT II Treaty? No. Was it because it also continues to violate the provisions of that treaty having to do with the encryption telemetry, the very provision that prompted President Carter to threaten our withdrawal were they ever violated?

No, Mr. President, this test was conducted in a way that physically endangered the residents of a State of the United States, the State of Hawaii, because the announced impact points for the reentry vehicles in these tests fell as close as 200 miles northwest and southeast of the State of Hawaii.

Mr. President, no superpower has ever conducted a test of this kind. And I might state that when he takes the floor the Senator from Wyoming will also, through a visual aid, indicate just how near these reentry vehicles fell to the State of Hawaii. They fell as near as is New York to Montpelier, VT; as near as Washington, DC, is to Charleston, WV; as near as St. Louis to Little Rock.

Mr. President, this was a dangerous test. It was dangerous because, if there had been the slightest miscalculation, if this test had misfired by only fractions of a second, then this Soviet ballistic missile test warhead could have landed on a center of population in the Hawaiian Islands. This action cannot be explained or excused as anything less than a deliberate provocation of the United States and a direct threat to our national security. It is clear that it is an effort to intimidate.

I must say that I think it is especially outrageous, falling as it does immediately upon the conclusion of joint actions by the United States and the Soviet Union taken to reduce the risk of nuclear accident. This was no accident, Mr. President. But if, indeed, an accident had occurred, if there had been the slightest miscalculation, indeed a terrible accident could have occurred. There is no excuse for this conduct.

As a result, Mr. President, I think it is incumbent upon the Congress of the United States to not only demand an explanation—and there can be no good explanation for this deliberate act—but we are required, we are obliged on behalf of our constituents, not just those in Hawaii, but those in Little Rock and in San Diego and in Montpelier to demand that the Soviet Union never, ever undertake anything like this again. The Senate should condemn this action for what it is—intimidation, a provocation of the worst kind, the most dangerous kind.

And I might point out, Mr. President, that because the United States has absolutely no antiballistic missile defense, this test reemphasizes the vulnerability of our people to this kind of attack. If this had, in fact, not been a test but indeed the real thing and if there had been not a careful calculation but one carefully calculated to land at Pearl Harbor, which was not very far from the actual impact point, then we would have had a repetition of history, Mr. President, and one against which this Nation should hasten to defend itself so that we do not see a tragic repetition of history.

So later in the day, the distinguished Senator from Wyoming will offer, on behalf of himself and on my behalf

and on behalf of other Senators, a resolution condemning the Soviet Union for this absolutely irresponsible, dangerous, provocative act of intimidation. That resolution will demand that they pledge not to ever again undertake this kind of conduct. It will ask that the President report to the Congress in 10 days, in both classified and unclassified forms, the details of the test, any Soviet response to any diplomatic initiatives that we have made by protest, and what steps the United States will take in the future to ensure that such a test will not again endanger citizens of the United States.

Specifically, it will ask what effect the first phase of the strategic defense initiative system could have against a missile launched in a similar proximity to U.S. territory.

Mr. President, I will not take more time. I will instead yield to my friend from Wyoming so that he can at greater leisure take the Members of the Senate through the graphic aids that will I think make unmistakably clear exactly how outrageous and dangerous, how irresponsible this action on the part of the Soviet Union has been.

But the fact that I am not taking more time in no way should be taken as demeaning or belittling the significance of this action. To the contrary, it is outrageous, but it can be stated quickly.

I thank the Chair.

I yield the remainder of my time to the Senator from Wyoming.

The PRESIDING OFFICER. The time of the Senator from California has expired.

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I do appreciate the courtesy of the Chair. What we have seen is an attempt to move the Presiding Officer down to the floor.

Mr. President, concerning the SALT II Treaty, we have heard this morning only a portion of the larger debate. I rise to set the record straight on several assertions regarding the SALT II Treaty which are completely inaccurate.

For example, I have listened to my distinguished colleague from Arkansas say that the treaty was not ratified because of the Soviet invasion of Afghanistan. That is pure revisionism. The truth is that SALT II failed on its merits—or, should I say, its lack of merit. We, the many Senators on the Armed Services and Foreign Relations Committees weighed the terms of the treaty with utmost care. We were greatly influenced by the Jackson amendment focusing on the balance, the equity, the verifiability of the treaty, and whether it imposed true limits and controls.

Mr. President, the Armed Services Committee, without a single dissenting Senator, voted that the SALT II Treaty was "unequal, unbalanced, destabilizing and not in the security interests of the United States." The committee would that the treaty shouldn't be ratified. So let us not rewrite history by claiming that the invasion of Afghanistan derailed SALT II. The facts are that Senators, after careful scrutiny in the course of committee ratification hearings, determined the SALT II Treaty to be "unequal, unbalanced, destabilizing and not in the national security interests of the United States."

The list of inequities written into the SALT II Treaty is a long one. Let us just consider the SS-18 and the warheads associated with it. There are supposed to be 10 warheads in the SS-18. With the heavy throw-weight missiles that the Soviets have concentrated on, it appears that those 10 very likely now total 14. The advantage granted the Soviets with heavy missiles in SALT would be locked in place by this amendment.

Warheads have increased under SALT II. In fact, when SALT I was negotiated, the Soviets had only 2,000 warheads. When SALT II was negotiated the Soviets had 6,000. Today they have nearly 17,000. And they show no sign of slowing up. That's the problem with SALT II. It does not control warheads—the real weapons.

Likewise, consider the fact that SALT II limited our B-52's, but placed no limits on the Backfire bombers. As a consequence, the Soviet Union today has no fewer than 300 Backfires.

So, as concerns those so-called sublimits in article V, bear in mind that the United States presently is in excess of the SALT II sublimit of 1,320 mirved missiles and cruise missile capable bombers, by only 15 bombers—13 B-52's and two B-1's. And while we do not now know for certain that the Backfires are equipped with cruise missiles, there is no question that they have the capability of being equipped with cruise missiles—and there are 300 of them not even being counted in the sublimits.

We were told at that time that the Backfires had no place to land if they were to attack the American mainland, and hence could not be considered intercontinental bombers. Yet we know now that the runways constructed in Cuba can accommodate the Backfire, and perhaps the runways under construction in Nicaragua can also accommodate them. So therein lies another inequity.

We were restricted to one new ABM system. They were restricted to five. They controlled our cruise missiles. Theirs were uncontrolled. We were controlled in our discourse with allies, as to how we could inform NATO nations about developments. Yet the Soviets faced no such constraints within the Warsaw Pact.

You can go right on down the catalog of inequities: the fact that SALT II was unequal; the fact that it was unverifiable, and so on. The crucial fact is that those Senators who studied the treaty most thoroughly came to the firm conclusion not only that SALT II was unequal but that it also created a dangerous and false sense of complacency and security. Because when you get to the bottom line, a close study of SALT II Treaty itself reveals that the treaty's terms did not control warheads or missiles or launchers.

Launchers were not controlled because they were not adequately defined. Secretary Harold Brown and Soviet Defense Minister Ustinov did not agree on the definition. As was reported at the time, the Soviets were talking about silos, and we were talking about cannisters. At Vandenberg Air Force Base, we put a Minuteman III at a crossmark right at the end of the tarmac, fired it off down range, and hit a target. And yet the Soviets could have a cold launch, so even if you had defined the matter of silos, you could not control it. But they very consciously did not define launchers.

I repeat, missiles were not controlled, and launchers were not controlled. And if anybody had any misgivings about warheads themselves, consider article IV, section 10, second agreed statement, which permits decoys. If you can put decoys on a missile, and if you're willing to violate the treaty by encrypting the telemetry—which is exactly what the Soviets proceeded to do—then it is impossible to tell how many true warheads are on a given missile. Therefore, warheads were uncontrollable.

We considered this flaw as thoroughly as I know how. I know there are those who resent the distinguished American, General Rowney. He was one of the few Americans at the negotiating table who could speak Russian and understand what was going on. He made his mark with Gen. George Marshall, and wrote his thesis on arms control. He is a true arms controller. But he is not consumed by buck fever, impatient to say we have got a good treaty when we do not have a good treaty.

General Rowney, the chief negotiator, realizing the flaws in SALT II, took off his stars and said: "In all due respect, Mr. President, my Commander in Chief, I cannot go along with this treaty." General Rowney did a very brave thing.

He said: "I would have to sacrifice my career, but I cannot mislead."

And it was not only General Rowney who said SALT II was fatally flawed. More importantly, President Reagan said exactly the same thing during his 1980 campaign. That stance was, in part, the reason for his landslide victory.

Regrettably, for President Reagan it was all downhill from there. What fol-

lowed was Secretary of State Haig's intimation that we might invade El Salvador or blockade Cuba. There was loose talk about the feasibility of a limited nuclear war. The next thing you know, the polls say that people are not frightened by Breshnev. They are frightened by their own President.

Unfortunately, the President then attempted to recoup credibility on arms control by making the unfortunate statement that he was going to adhere to SALT II. In other words, he reneged on what he had represented in the campaign.

Now, we were in the soup. Yet, we hear it said that the Senate did not have a chance to debate the SALT II Treaty, that it was derailed by Afghanistan. But, Mr. President, we regularly tally up vote counts in the U.S. Senate. And the fact is that an overwhelming majority of U.S. Senators indicated that they would have opposed the treaty. Supporters of the treaty lacked the necessary two-thirds majority for ratification. Indeed, I doubt they could have mustered even a simple majority.

So, what we have with SALT II is an unratified, expired treaty that has long since been a legal nullity. It has been repudiated by the President himself until he reversed himself.

Now, we must suffer a budding peace movement in the Senate that embraces arms control as an exercise in atmospherics and feel good politics.

I believe we are misleading our people. Ask the average American if an INF Treaty will permit us to decrease the defense budget, he will answer, "Yes." But that is a false expectation.

The reality is that the costs of conventional defense are far greater than the costs of nuclear.

Mr. President, we have on our hands a much more clever, smarter Soviet Premier than Brezhnev. Brezhnev was for confrontation. He was going to assert hegemony over Europe with his intermediate SS-20's. He sought to intimidate Europe.

But, to President Reagan's credit, he countered by deploying the Pershing II and the cruise missiles. The lesson of history is that conventional arms have never preserved the peace; nuclear weaponry has.

That is a bitter lesson. No one wants to have a nuclear war, just as no one wants to have a conventional war. All of this talk on the floor about in the horror of the trenches—most of this crowd has not seen a parade ground, much less a trench.

Gorbachev's strategy is far more sophisticated than Brezhnev's. Brezhnev blustered, but Gorbachev woos. He calculates, "We will denuclearize Europe. We will go first for the INF. We will go for other nuclear weaponry. We will get rid of chemical warfare. Then with our 144 divisions against their 40 divisions, we will gain hegemony over Europe with our conventional weapons."

The Soviet Premier knows what he is about. If he succeeds in making it difficult for the parliamentary and congressional bodies to vote for adequate conventional defense, he will be able to Finlandize Western Europe. The jig will be up.

So we are arguing not just article V. Do not swallow that nonsense. This amendment talks only about article V as its sublimits. It ignores the Soviet violations of overall weapons ceiling contained in article III at the second new ICBM—the SS-25—prohibited by article IV.

What is being said to the U.S. Senate is, "Forget about your advise and consent. Forget about the solemnity of the ratification process. Just write in your treaty as a rider on the appropriations bill. Put it in with a majority vote on the authorizing bill, then corrupt the constitutional process further by including both Houses."

I say that advisedly. The distinguished Members of the House of Representatives have their own perspective. Under the Constitution, if you put in, a textile bill, Mr. President, the House will say that affects revenues. You pass it in the U.S. Senate and the House will blue-slip it, protecting their particular prerogative under the Constitution to originate all revenue measures within the House. I respect that.

In a similar fashion, there must be more respect and more adherence to the formal procedures and obligations we have as Senators. If we are going to fix votes in the back rooms, and I say that advisedly, then we might as well forfeit our claim to being the most deliberative body in the world.

It is like bringing a lawyer a client charged with drunk driving. That evening the client parks his car near the bar and puts two bits in the meter. He goes in, drinks his fill, then comes out and runs down a pedestrian. He's charged with drunk driving, but his lawyer pleads that he is law-abiding. After all, he adhered to the parking rules; he put two bits in the meter.

Well, regarding Soviet flouting of SALT II, we have the equivalent of a drunk driver on our hands. They have already blatantly exceeded the overall treaty limits. Yet, as in the example of the drunk driver and his lawyer, I listen to the Senator from Arkansas assure us that the Soviets are in scrupulous compliance with SALT II sublimits. Where is this scrupulous compliance? The Soviets have long since exceeded the limits.

In 1986, 57 of our colleagues wrote a letter to the President stating "adhere to SALT." In June of 1986, there was an effort by Senator BUMPERS requiring adherence to SALT II. We saw a similar effort in June 1985 and again on April 12, 1984.

Mr. President, I ask unanimous consent that we have these efforts printed in the RECORD at this point so we can see what has been going on. All of these are mischievous attempts to ratify an expired treaty by a majority vote. now the pro-SALT crowd, the crowd that favors arms proliferation and not arms reduction—if one can believe this thrust to lock the SALT II arms growth in place—comes in with the ploy of sublimits, sublimits, sublimits. It is very deceptive and very damaging to the security interests and to real arms control, if the truth was understood.

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

AMENDMENT NO. —

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF CERTAIN STRATEGIC NUCLEAR WEAPONS.

(a) SHORT TITLE.—This section may be cited as the "Strategic Nuclear Weapons Interim Restraint Act."

(b) LIMITATION ON OBLIGATION OF FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), none of the funds appropriated pursuant to this or any other Act to or for the use of any department or agency of the Federal Government may be obligated or expended before September 30, 1988 to overhaul, maintain, operate or deploy more than—

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(c) EXCEPTIONS.—(1) The limitation on the obligation and expenditure of funds in subsection (b) shall not apply if at any time more than 30 days after the date of enactment of this act the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a). If the President makes such a determination, he shall submit to Congress a report that includes the information on which such determination was based. Such report shall be submitted in both classified and unclassified form.

(2) If at any time more than 30 days after the date of the enactment of this Act the President notifies Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to make a certification under paragraph (1) or to make a certification that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a), the limitation on the obligation and expenditure of funds in subsection (a) shall not apply for a period of 30 days after the date on which the notification is received by Congress.

(d) NOTIFICATION OF PLANS FOR COMPLIANCE.—Not more than 30 days after the date on which the President determines that

funds are prohibited from being obligated or expended for the overhaul, maintenance, operation, or deployment of strategic offensive nuclear weapons in excess of the numbers specified in subsection (b), the President shall notify Congress of his plans for actions to comply with the limitations specified in subsection (b).

(e) NEW AGREEMENT.—If a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988, the restriction on the obligation and expenditure of funds in subsection (b) shall cease to apply.

(f) DEFINITIONS.—For purposes of this section:

(1) The terms "launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles" and "submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles" mean launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles.

(2) The term "air launched cruise missiles" means unmanned, self propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

S. RES. 431

Whereas it is in the national interest of the United States to continue the policy of not undercutting existing strategic offensive arms agreements;

Whereas the Senate supports the President's recent decision to order the dismantling of older launchers as the eighth Trident submarine commenced sea trials;

Whereas the Senate also supports the President's efforts to pursue the resolution of concerns over Soviet noncompliance with strategic arms control agreements, particularly the encryption of telemetry and the deployment of the SS-25, both clear violations of SALT II provisions;

Whereas Soviet violations of existing strategic offensive arms agreements weaken the integrity of those agreements and the positive environment necessary for successful negotiation of new agreements;

Whereas the Senate believes there are appropriate, proportionate responses to Soviet violations which can be implemented without abandoning existing strategic offensive arms agreements;

Whereas the Senate is concerned about the continuing Soviet buildup in strategic nuclear warheads, which will add significantly to the number of nuclear warheads deployed by the Soviet Union;

Whereas the Senate believes that the Soviet ability to deploy substantially more nuclear warheads would be enhanced by the absence of an interim restraint framework;

Whereas the Soviet Union has to date dismantled hundreds of operational missile launchers, and would have to dismantle hundreds more over the next few years, to stay within the numerical limits of existing strategic arms agreements;

Whereas ending the United States no-undercut policy has the potential for igniting an unlimited nuclear arms race; and

Whereas the Senate also believes that both the United States and the Soviet Union should intensify their efforts at the Geneva arms negotiations to agree upon substantial and verifiable reductions in their nuclear forces: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is currently against the national security interests of the United States to abandon existing strategic offensive arms agreements by exceeding the numerical sublimits therein as long as the Soviet Union remains within these sublimits;

(2) the Soviet Union should take positive steps to resolve United States concerns about Soviet violations of existing strategic arms agreements in order to maintain the integrity of those agreements and to strengthen the positive environment necessary for the successful negotiation of a new agreement; and

(3) the Congress and the President should continue to review the policy of mutual adherence to the numerical sublimits on launchers of strategic nuclear delivery systems, how such adherence serves United States security interests, the significance of both Soviet compliance and noncompliance with existing strategic offensive arms agreements, and the advisability of taking appropriate, proportionate responses to Soviet violations.

At the end of title IX of division A of the bill, insert the following:

POLICY ON COMPLIANCE WITH EXISTING STRATEGIC OFFENSIVE ARMS AGREEMENTS

SEC. . (a) The Congress finds that—

(1) it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

(2) the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the soviet Union shows equal restraint":

(3) the President last year called this policy "helpful" and pointed out that "we have been eliminating some of the older missiles and taking out some of the submarines. We will continue on that ground";

(4) the President has also declared "that the United States is continuing to carry out its own obligations under relevant agreements";

(5) the President has reported to Congress that the soviet Union has violated certain of their political commitments with respect to the SALT II Treaty including the provisions of telemetry encryption and "new types" of ICBMs;

(6) the President has declared that "the United States will continue to press these compliance issues with the Soviet Union through diplomatic channels";

(7) the President has also declared that "the United States is continuing to carry out its own obligations under relevant agreements, subject to the Soviet Union reciprocally complying with SALT II";

(8) last month, the President stated in reference to the United States commitment to refrain from undercutting existing strategic arms agreements so long as the Soviet Union shows equal restraint that "there's considerable evidence now that that has been rather one-sided, and if it has been, then there's no need for us to continue";

(9) the President's Commission on Strategic Forces in its April 1983 report declared that a "more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles" and, consistent with this goal, recommended that the United States proceed with engineering development of a small, mobile single-warhead ICBM (SICM);

(10) Lieutenant General Brent Scowcroft, Chairman of the President's Commission on Strategic forces, has testified with respect to the SICM that "it would stand arms control on its head to say that it (the SALT II treaty) would prevent us moving in the direction clearly in the interest of arms control and stability";

(b) It is the sense of the Congress that—

(1) the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic arms control agreements and should seek corrective actions through confidential diplomatic channels, including, where appropriate, the Standing Consultative Commission and the renewed nuclear arms negotiations;

(2) the Soviet Union should take positive steps to resolve the compliance concerns of the United States about existing strategic offensive arms agreements in order to maintain the integrity of those agreements and strengthen the positive environment necessary for the successful negotiation of a new agreement;

(3) the United States should, through December 31, 1986, continue to refrain from undercuting the provisions of existing strategic offensive arms agreements to the extent that the Soviet Union refrains from undercutting those provisions, or until a new strategic offensive arms agreement is concluded; and provided, however, nothing in this section shall be construed as prohibiting the U.S. from carrying out other proportionate responses to Soviet undercutting or strategic arms provisions; and

(4) the President should carefully consider the impact of any change to this current policy regarding existing strategic offensive arms agreements on the long term security interests of the United States and its allies and should consult with Congress before making any changes in current policy.

(c) the President shall provide to the Congress on or before September 1, 1986, a report that provides:

(1) a projection and comparison, on a year-by-year basis, of United States and Soviet strategic weapons dismantlements that would be required over the next five years if the United States and the Soviet Union were to adhere to a policy of not undercutting existing strategic arms control agreements.

(2) a projection and comparison, on a year-by-year basis, of likely United States and Soviet strategic offensive force inventories over the next five years if the non-undercut policy were to lapse at the end of 1985;

(3) assesses possible Soviet political, military, and negotiating responses to the termination of the United States no-undercut policy; and

(4) makes recommendations regarding the future of United States interim restraint policy.

(d)(1) To the extent that the President finds and reports to the Congress that the Soviet Union has violated the provisions of strategic arms agreements, and that the President finds and reports to the Congress that such violations impair of threaten the security of the United States, the President may propose such measures as shall be necessary to protect the security of the United States. Nothing herein should be construed as an attempt to restrain or inhibit the Con-

stitutional powers of the President of the United States.

(2) Nothing in this section should be construed to endorse unilateral U.S. compliance with existing strategic arms agreements.

(3) Nothing in this section shall be construed as prohibiting or delaying the developing, flight testing or deployment of the SICM as authorized by Congress or as establishing a precedent to continuing the no-undercut policy beyond December 31, 1986, which should be a matter for consultation between the President and Congress and subsequent review and debate by the Congress.

S. CON. RES. 105

Whereas it is a vital security objective of the United States to limit the Soviet nuclear threat against the United States and its allies;

Whereas the President has declared that "as for existing strategic arms agreements, we will refrain from actions which undercut them so long as the Soviet Union shows equal restraint";

Whereas the United States has legitimate concerns about certain Soviet actions and behavior relevant to limitations and other provisions of existing strategic arms agreements;

Whereas the President has declared that "the United States will continue to press compliance issues with the Soviet Union through diplomatic channels, and to insist upon explanations, clarifications, and corrective actions";

Whereas the President has also declared that "the United States is continuing to carry out its obligations under relevant agreements";

Whereas it would be detrimental to the security interests of the United States and its allies, and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union;

Whereas the continuation of existing restraints on strategic nuclear arms would provide an atmosphere more conducive to achieving an agreement significantly reducing the levels of nuclear arms;

Whereas the Soviet Union has not agreed to a date for resumption of the nuclear arms talks in Geneva, and it is incumbent on the Soviet Union to return to the negotiating table;

Whereas a termination of existing restraints on strategic offensive nuclear weapons could make the resumption of negotiations more difficult;

Whereas both sides have to date abided by important numerical and other limits contained in existing strategic arms agreements, including dismantling operational missile-firing submarines and remaining within the ceilings on multiple-warhead missile launchers and other related limits; and

Whereas it is in the interest of the United States and its allies for the Soviet Union to continue to dismantle older missile-firing submarines as new ones are deployed, and to continue to remain at or below a level of eight hundred and twenty launchers of MIRV'd ICBM's, one thousand two hundred launchers of MIRV'd ICBM's and SLBM's, and one thousand three hundred and twenty launchers of MIRV'd ICBM's and SLBM's, and ALCM-equipped heavy bombers, and other related limits in existing strategic offensive arms agreements: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the United States should vigorously pursue with the Soviet Union the resolution of concerns over compliance with existing strategic and other arms control agreements through the Standing Consultative Commission and, where appropriate, other confidential diplomatic channels; and be it further

Resolved, That it is the sense of the Congress that the United States should continue to carry out its obligations and commitments under, and otherwise to observe the provisions of, existing strategic arms agreements so long as the Soviet Union continues to observe those provisions, or until a new strategic arms agreement is concluded; and be it further

Resolved, That it is the sense of the Congress that the President should carefully consider the impact of any changes to his current policy regarding existing strategic arms agreements on the long-term security interests of the United States and its allies, and should consult with the Congress before making any changes in current policy.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

Mr. HOLLINGS. Mr. President, the time must come in this body when we adhere to some kind of discipline in procedures. What we have is a total breakdown now. You can write any treaty on any authorization bill. Take the ABM Treaty, where the Senate passed the amendment reinterpreting on a unilateral basis the provision dealing with future systems.

I have addressed that issue but my words are lifted out of context. We will debate again the ABM Treaty with the distinguished Senator from Georgia. I am not inconsistent. I never stated I was for immediate deployment. What I am for is the treaty itself. I have talked about the ambiguity in the treaty, the one dealing with deployment of future systems, but the distinguished Senator from Georgia talks of his manufactured ambiguity—on land-based systems and an alleged ban on all future technologies. Ridiculous. The treaty allows future technologies. I am all for testing and developing and have said that continually during the debate.

I have always said that I liked serving in the U.S. Senate because we had the adversary proceeding. You can talk to the jury. You can make the final argument. And then, better than anything else, you could go into the jury room and vote. Now that has changed materially. You cannot talk to anybody. In fact, most speakers just look up at the camera and do not look at you during discussion. There is no real deliberation. Votes are fixed outside. So what you have is instant replay in this Chamber.

We have degenerated into instant replay. There is no floor debate and exchange of views. Many care less what the other colleague thinks. This is part and parcel of what is happening on the SALT II Treaty debate. We will nibble at ratification little by little.

We are not that naive and they ought not take us as suckers along that line. They ought to have the candor to come out here and say what they are trying to do and argue that particular point.

With respect to the sublimits, Mr. President, let us look at it right now.

The Soviets are likely in violation of the 1,320 limit on MIRV'd warheads and cruise missile capable bombers.

We are in excess of the 1,320, perhaps up to 1,345. I am not acceding that the Soviets have meticulously abided by the level. We have had their word and we know what our intelligence information states on the subject. My distinguished colleagues from Arkansas says he has met with the Soviet officials, I believe the Foreign Minister, Shevardnadze. I would remind him what Gromyko told President Kennedy about missiles in Cuba. We could not rely on that statement. I remember what Brezhnev told one congressional delegation when they were arguing some 15 years ago about the Indian Ocean being an ocean of peace and they had no missilery whatsoever down there, and the distinguished Senator from Georgia, Senator NUNN, and the former Senator from Oklahoma, Dewey Bartlett, were down in Somalia and there were the missiles behind the hangars. Meanwhile, up in Moscow at the very same time we were being told there "ain't nobody here but us chickens." Come on. Come on.

We live in the real world. When we say the Russians are coming, I don't mean they are coming into Arkansas or South Carolina. Not today anyway. Today the Soviets are moving into Yemen, into Ethiopia, into Afghanistan, into Angola, into Cuba, into Nicaragua, into Cambodia, and into the Far East. They have trebled the size of the old United States base at Camrahn Bay. They now have a navy that is bigger if not better than ours. Yet the opposition attempts to ridicule us as a bunch of paranoids crying that "them Russkies are coming."

Well, John F. Kennedy wrote about this same syndrome in his famous treatise "why England Slept." This crowd is trying to put America to sleep. England was put asleep by the same types of arguments: "Don't worry about the Germans; they are only striking macho poses to protest the Versailles Treaty." Sure, the Germans were building a lot of arms, but, it was said, they had no place to use them. We hear the same arguments today. They say we cannot defend ourselves against nuclear attack, and they are trying to make that a self-fulfilling prophesy by blocking SDI. John F. Kennedy in "why England Slept"

noted that the argument on the continent was that they could not defend themselves against a manned bomber, so why try?

Likewise, Kennedy wrote about the prevailing belief that arms caused war rather than that arms prevent war.

With all due respect to the opposition and the proponents of the SALT II Treaty, they are cut from that same cloth. They think that we are going to lay down our arms, we're not going to study war no more, and if we disarm, the Soviets will do the same. We will have peace in our time.

Well, I prefer the wisdom of the Father of our Country. In his farewell address he said the best way to preserve the peace was to prepare for war, and that is why we do it. That is why we vote billions for arms. Heavens above, this Nation has done nothing but win freedom for other nations the world around. We lost 58,000 men in Southeast Asia trying our dead-level best to give the South Vietnamese self-determination. We occupied the Philippines and gave it freedom. We occupied Cuba and gave it freedom. We occupied Europe and gave it freedom. We occupied Japan and gave it freedom. But, if you listen to this crowd caterwauling around here, you would think that America is the great threat to the world. This is a gross distortion of history.

Soon the Senate will be asked to ratify an INF Treaty. Knowing what I know now, I'd be inclined to support the INF Treaty with certain misgivings. Indeed, my main misgivings are not with the treaty itself. We give up a lesser amount of intermediate missiles for a far greater number of SS-20's. The arithmetic mandates ratification. And certainly the treaty itself does not bar a buildup in conventional capability.

No, my misgivings are with the body politic and how it will respond to an INF Treaty. We have not sold the American people on the need for defense. They do not understand the enormous expense. In World War II that B-17 cost $97,000; in contrast that B-1 that crashed earlier this week cost $350 million. People may well interpret an INF Treaty as license to cut back on defense.

We have a profound duty to educate the body politic in this land. Instead we mislead them with amendments of the kind now before the Senate. We are not dealing here with just little Article V and the various sublimits of SALT II. Likewise on SDI, it is folly to box ourselves in and talk about deals and limits. SDI is not a bargaining chip. The Armed Services chairman has done a clever job in his amendment to the defense authorization bill. He says, yes, I believe in SDI but, by the way, let us not test and let us not develop it—there are funds for that.

That reminds me, Mr. President, of my time as Governor when we were reorganizing our insurance department at the State level. This fine gentleman, the mayor of an all-American town, Mr. Lester Bates, organized Capital Life. He was looking for a slogan for the new insurance company. The winning slogan was "Capital Life would surely pay if the small print on the back didn't take it away."

Similarly, some Senators say they are for SDI, but, oh, no, no, no, then they take it away with the Nunn-Levin amendment. That threatens the security of the United States. We are building up a movement within the Armed Services Committee and within the Senate promising peace in our time. History repeats itself. We should issue each Senator an umbrella and a fedora.

We can support sound treaties. We can support, as the Senator from Arkansas said, more common sense. But common sense dictates that this particular measure be soundly defeated on all points: It should be defeated on a point of procedure for involving the House in a treaty-ratification process, and for attempting to get by with a majority vote instead of the two-thirds required for the ratification of a treaty. It should be defeated because its proponents falsely claim that the SALT II limits are being adhered to when in fact the limits are being exceeded at the present time.

People outside the Washington beltway are aghast that Senators would propose that we take an unratified treaty that has long since expired, that has been violated time and again by the Soviet Union, and unilaterally bind the United States to observing it.

Mr. President, I retain the balance of my time.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, may I say that I yield myself on behalf of the managers on the opposition side 20 minutes.

May I also say before I begin my remarks how much I hope that a press that has been unwilling to listen to the Senator with his articulate arguments on the interpretation of the ABM Treaty might just watch and pay attention to some wisdom that is contrary to their conventional acceptance of the way things go.

I salute the Senator from South Carolina for what he has told us and the American people. The press ought to pass that on had they any level of responsibility. What we see now, Mr. President, willingly or unwillingly, knowingly or unknowingly, conscientiously or unconscientiously, is the proponents of this amendment once again seeking in the face of Soviet violation, Soviet threats to American security, to restrict the actions of their own country and leave the Soviet Union unfettered.

Once again, the effect of this amendment is to give the Soviet Union total control over American behavior. It gives them the ability to select their own compliance regime, that which they want to restrict us in. They remain in compliance with those provisions which afford them significant advantages while they willingly violate those provisions which cause them pain, knowing full well that this country will not do anything about it.

So they select their own compliance pattern to restrict not their own behavior but that of the United States. Thus in three specific acts the sponsors of this Bumpers-Leahy amendment and those who support it really endanger our country, our America, and our world of freedom. First of all, they ratify Soviet violations on Soviet terms by simply saying those violations are irrelevant or not serious threats to us.

Second, they prohibit United States responses to Soviet violations except on Soviet terms. So not only do they violate on their own terms but they in effect force us to respond and restrict our behavior as well on Soviet terms.

Third, blindly, they simply undercut any negotiating posture that this country may have in Geneva at the START talks.

The Soviets, acting with marvelously typical disdain, know perfectly well: They follow the Senate, they sit in the galleries, they sit in the committee hearings, and they are around here. They know perfectly well that this Bumpers-Leahy amendment is to be debated. They know that absolutely. They know perfectly well that there are some, as the Senator from South Carolina has just so articulately stated, who have adopted an anticonstitutional process for treaty making. It is not against the Constitution for the Senate or the House to pass these things, but it is anticonstitutional. It is not what the Constitution contemplated in treaty-making processes.

So the Soviets know full well that those in this Senate and in this Congress who have adopted the anticonstitutional process serve their needs far better than does the negotiating process in Geneva. In point of fact, that is just exactly what is taking place.

So now, Mr. President, how do the Soviets show their disdain? The Senate should be aware that the Soviet Union yesterday and today has committed a provocation against America unprecedented in the nuclear age, unprecedented both in that it has never been done by either nuclear power, and unprecedented in the sense that this provocation takes place at a time when hopes—created by the press, created by sponsors of the amendment, created indeed by the ad-

ministration's own self-professed euphoria—that United States-Soviet relations should be increasingly warm, and based on standards accepted by civilized nations. To speak of the Soviet Union as a civilized nation, in itself is an oxymoron.

So while the Members of the Senate and the House of Representatives and the administration all glow in anticipation of the warm light of a supposed new United States-Soviet détente, the Soviet Union has taken the following steps.

They notified us that they plan to conduct intercontinental ballistic missile tests against targets in the Pacific Ocean. Let me suggest that this test they just did is doubly a SALT II violation while we are seeking here to restrict ourselves while the Soviets know full well that this debate is in the offing. It violates three provisions. First, it is a new type. Second, the test was encrypted. And, third, it violates the specific provision prohibiting deployment of any heavy ICBM more capable than the SS-18. Is that something that is a serious violation or is it not? I ask you. Here is what it was, Mr. President. This is the SS-18 follow-on ICBM, heavier, longer range, more accurate, and a violation in and of itself.

Here is another rendition of it, the SS-18 follow-on, prohibited, and gloated over by Secretary Brown is the SALT II hearings that this treaty would act as the final cap on heavy missilery and prohibit this missile. We were told that we no longer have to worry about anything more powerful than the SS-18—gloated on as the cap, the crown, and the jewel of the SALT II Treaty. And so here we are.

Mr. President, let us take a look at the whole nature of this provocation. The whole nature of this provocation is the target zones that the Soviets notified us of in the Pacific Ocean. These areas on the map are the Hawaiian Islands. Let me suggest there are two impact zones which the Soviets notified the world to stay out of because of the danger of pending tests. Here to the North and West of Hawaii, and here are the South and East of Hawaii. This one is about 500 miles, this one about 200 miles from American territory, and just on the edge of the Hawaiian coastal air defense identification zone, the outer edge of the defenses of Hawaii, right touching the edge of the defense identification zone.

Mr. President, let me suggest that the Soviets were echoing Lenin's statement. This did not happen by accident. The Pacific Ocean is enormous, and the empty spots on it of that range are too innumerable to count. Why then do they choose these?

Essentially, Mr. President, to thumb their nose at the whole process—risk reduction centers, at the whole process of euphoria—in the absolute certainty that they will have a number of supporters on an amendment which would limit and restrict the ability of the United States in any way to respond.

So the impact coordinates of those are fully known. They are published in the world to keep shipping out, and they have been published by the Soviet news agency Tass.

I pointed out where the coordinates on the map have left us.

Mr. President, I ask unanimous consent that an article entitled "Soviets Test-Fire ICBM Just North of Hawaii" from the Washington Times this morning be printed in the RECORD.

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

SOVIETS TEST-FIRE ICBM JUST NORTH OF HAWAII

(By Bill Gertz)

The Soviet Union aimed its largest long-range ICBM missile at an area 350 miles north of Hawaii yesterday in a test-firing that has raised concerns of U.S. defense officials.

A second test aimed for an area the same distance south of the islands is imminent, U.S. intelligence sources said.

"This was a highly provocative act on the part of the Soviets," said one defense source. "It's the first time an ICBM has been fired so close to American territory, and now they are bracketing Hawaii."

The missile firings appear to be "bracket" tests of a missile designated the TT-09, the successor of the SS-18 heavy ICBM, the Soviets' largest and most powerful land-based nuclear missile to date, the sources said.

The second missile will pass directly over the Hawaiian islands if it follows the trajectory U.S. officials anticipate, according to the sources, who spoke on condition of anonymity.

"I don' know what to make of it, but I don't like it," said one administration official. "It's the principle of flying the damn thing at U.S. territory."

The first missile was fired from the missile test range at Tyuratam in the southwestern Soviet Union, the sources said. Dummy warheads, they said, re-entered the atmosphere en route to the target area north of Hawaii in the early morning.

U.S. space-based and naval intelligence monitors detected the first missile, and the second missile could be fired as early as today, the sources said.

Said a congressional source, "It's an obvious attempt at nuclear intimidation."

The test firing yesterday appeared to be a failure, since the reentry vehicles from the missile fell about 1,000 miles from Hawaii, the farthest end of a closed ocean area the intelligence sources said. But based on its flight path, U.S. intelligence analysts believe the missile's test warheads were targeted on an area 350 miles north of Hawaii.

Previous tests of long-range Soviet missiles have been conducted in remote areas of the northern Pacific.

One intelligence source said yesterday's firing was a "full, extended range test," denoting that the test missile was not a shorter-range submarine-based missile.

The Soviet Union recently notified international navigators that a large area of the northern Pacific totaling some 100 square nautical miles was closed for yesterday's test, intelligence sources said.

The Soviets subsequently requested the closure of ocean traffic through a "notice to mariners" for an area 350 miles south of Hawaii in an area that will bring the second Soviet test missile over the islands en route to the test impact area, the sources said.

The TT-09 will carry at least 10 independently targetable warheads and will have a maximum range of more than 7,000 miles, Pentagon sources said.

Nearly 100 feet long, the new missile will have a greater throw-weight or warhead-carrying capacity, than the SS-18, and its warheads are expected to have greater accuracy they said.

Mr. WALLOP. Mr. President, as I stated, this flight test is a violation of the two provisions of the SALT II Treaty, limit on new missile types and the specific limitations on no new heavy ICBM's. It is as well a violation because of telemetry encryption, a normal test for the Soviet Union.

Mr. President, no superpower since the dawn of the nuclear age has ever conducted ICBM tests with impact points so close to the sovereign territory of another country. There is no explanation for this action other than provocation. It was no mistake. The Soviets have the ocean to test in and they chose these places and they executed those tests.

So in effect the Soviets were practicing, Mr. President, attacks on America. Let me just show you how close that test came to the United States where the coordinates of that territory by comparing the distance in terms of cities on the American mainland.

Let me show the Senate that up here, at Montpelier, VT, and New York City, there is a circle, precisely this ring. Down here, as well, in West Virginia. Also, all the way down into North Carolina. Down here, as well, in Arkansas, the home State of the sponsor of this restriction. Here in Cheyenne, where the missile base of the Minuteman and the new MX are, in my home State. Here in Los Angeles and San Diego, in the home State of Senator WILSON, of California, who spoke before.

I ask, Mr. President, what is the Senate to make of this, and what is the country to make of a Senate that, in the face of these provocations and these three violations of the SALT II Treaty, might indulge itself in a signal restricting the behavior under the terms of that treaty, and ignore those violations and ignore that specific threat to America? What is America to think?

What is more important, what are the Soviets to think? I will tell you what they are to think. They are to think that they can violate and issue provocations at will, because this Senate has more of an interest in restricting the behavior of its own country—were we to adopt this—than they are to dealing with the real threat

that is presented by these provocations and by these violations.

I would suggest, Mr. President, that this is precisely the kind of activity that both sides have agreed in lots of public statements could start accidental nuclear war.

It is also ironic that we have passed legislation on this Defense Department bill with respect to risk reduction centers, given this flagrant assault on U.S. sovereignty, given the euphoria with which Mr. Shevardnadze and Mr. Shultz talked about about preventing accidental war and had the President sign an agreement on it. It now serves ironic that we held that funny little dual press conference, reading one sentence at a time, each reading one in his own language.

Mr. President, how can we begin to place greater and greater trust in a Soviet regime that repeatedly undermines any confidence we might have in the arms control process with these actions? Last week, an American military liaison mission team was assaulted in East Germany. This week, the Soviet Union test fired its most powerful ICBM directly at one of our States. What is next?

What do the sponsors of this amendment say to provocations like that and to threats like that and to the fact that these are three violations, while they are seeking to make us come into compliance with one miniscule portion of the SALT II Treaty?

Mr. President, I will now read the resolution that we are going to introduce at the conclusion of these efforts. It says:

Whereas the Union of the Soviet Socialist Republic and the United States of America have recently concluded an agreement with respect to reducing the risks of accidental nuclear war,

Whereas the Soviet Union has within the last twenty four hours conducted two tests of its intercontinental ballistic missile forces,

Whereas the announced impact points for re-entry vehicles from these tests are as close as two hundred miles northwest and southeast of the State of Hawaii,

Whereas one target area will require the overflight of sovereign U.S. territory by a Soviet ICBM,

Whereas neither superpower has ever conducted an ICBM test as close to the others' territory,

Whereas the missile used in this test is a new modern multiple warhead ICBM which is a violation of both the "new type" and the "heavy ICBM" provisions of the SALT II Treaty.

Whereas the Soviet Union allegedly encrypted telemetry from this first flight-test, as is their standard practice, in further violation of the SALT II Treaty,

Whereas the Soviet Union appears to have been practicing with this test a strike on the United States because of the use of polar trajectories of fire,

Whereas had this test misfired by only fractions of a second, tens of Soviet ballistic missile test warheads could have landed on centers of population in the Hawaiian Islands,

Whereas this action cannot be explained as anything but a deliberate provocation of the United States and a direct threat to our national security.

Be It Therefore Resolved that it is the Sense of the Senate that,

(1) This test has increased rather than decreased the risk of nuclear war.

(2) The Congress of the United States condemns the Soviet Union for its actions that demonstrate an utter disdain for civilized and acceptable standards of international behavior,

(3) The Senate condemns this new violation of the provisions of the SALT II Treaty,

(4) Because the United States has not even a very limited defense against ballistic missiles, the possibility of accidental impact of Soviet ballistic missile test warheads in the population centers on the Islands of Hawaii could not be prevented,

(5) The United States government should officially and at the highest levels protest this action by the Soviet government and should inform the Soviet Union that it will not tolerate another flight-test of this sort aimed directly at U.S. territory;

(6) The President should report to the Congress in ten days in both classified and unclassified forms on (a) the details of the tests; (b) Soviet explanations offered in response to U.S. diplomatic protests; (c) what steps the U.S. will take to ensure that such a test will not happen in the future; and (d) what effect a first-phase SDI system could have against a missile launched in similar proximity to U.S. territory.

Mr. President, at the appropriate moment, Mr. WILSON, Mr. DOLE, and I will introduce this resolution, which I think is a far more accurate expression of the danger that the United States finds itself in, and the mood of the American people in the face of provocation, than is the amendment that sits before us as the business of the Senate at this time.

I thank the Senators from Virginia and South Carolina for yielding me time.

Mr. WARNER. Mr. President, I have listened carefully to the statement by the distinguished Senator from Wyoming, and he has made a valuable contribution to all. As a matter of fact, it is one of the finer statements I have been privileged to witness.

Mr. WALLOP. I thank the Senator.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from South Carolina.

Mr. THURMOND. I yield myself 5 minutes.

Mr. President, I rise in opposition to the amendment which would prohibit the expenditure of any further funds for deployment of any weapon system which would cause the United States to exceed three numerical subceilings of SALT II, unless the Soviet Union violates these sublimits.

This amendment mandates compliance with an expired agreement that has never been ratified by the Senate. Moreover, the Soviet Union has for several years violated, and continues to violate, some of the central provisions of SALT II. The United States sought repeatedly to correct Soviet noncompliance, and gave the Soviets over a year and a half to correct the situation before deciding in May of last year to end our unilateral adherence.

While the sponsors of this amendment regard the numerical sublimits as the "essence" of SALT II, proponents of the treaty in 1979 argued that the essence of SALT II was found in three key provisions—the new types limit, the SNDV numerical limit, and the provisions on telemetry encryption—provisons which today are being violated by the Soviet Union.

The proponents of this amendment argue that continued adherence of the Soviets to the SALT II sublimits is important for the national security of the United States. Yet these limits have not constrained the Soviet inventory. In the 7 years since the signing of SALT II, the Soviet Union almost doubled its inventory of strategic weapons, and under SALT II sublimits, could add another 3,000 warheads, There is considerable evidence that the Soviets would not necessarily expand their forces significantly beyond the increases already projected with SALT II.

Mr. President, the Senate has engaged in considerable debate this year regarding the proper role of the Congress and the President with respect to the ABM Treaty. The issues raised by this amendment cuase me even greater concerns than the issue of legislating a particular treaty interpretation. This amendment legislates compliance with a treaty that has not been ratified by the Senate, and could not be ratified today if a vote were taken.

At the same time, the amendment undercuts the U.S. negotiating strategy contained in our START proposal. That proposal is now on the table in Geneva, and seeks to obtain real and substantial reductions in the numbers of nuclear weapons.

Mr. President, in making his interim restraint decision, President Reagan established the policy that as long as there is no significant change in the threat facing the United States, the United States will not deploy more strategic ballistic missile warheads or more strategic nuclear delivery vehicles than the U.S.S.R. That policy seems to me to form a much better foundation of mutual restraint as negotiations are ongoing than the Congress legislating compliance with part of the SALT II Treaty. SALT II does not constrain Soviet warhead growth. SALT II has not been ratified and has expired. Finally, and of great importance, the Soviets are violating key provisions of SALT II.

Mr. President, I urge my colleagues to oppose this amendment as I do not feel it is in the best interest of our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I will accept such time as the distinguished Senator from Virginia feels comfortable in allotting to me because I have tried to manage bills myself on this floor.

Mr. WARNER. Fine. Might I suggest to my distinguished colleague that he proceed and that at a later point we will determine the amount of time but I am certain it would be adequate.

So for the moment, I yield the Senator from North Carolina such time as he feels necessary.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank Senator WARNER for his graciousness.

And I would just suggest to him that when another Senator arrives desiring time, he give me the high sign and I will conclude my remarks.

This is the kind of subject, Mr. President, that those of us who are especially interested in that it would be possible to talk for hours. I will not do that. I offer that comfort to those who may be listening. I will try to be as succinct and precise as I can.

Mr. President, I wish it were possible for all Americans either to hear or to read the text of the remarks by the distinguished Senator from Wyoming [Mr. WALLOP] just a little while ago.

Senator WALLOP identified three new violations of the SALT II Treaty by the Soviet Union, violations of unprecedented arrogance and provocation. Anybody who tries to sugarcoat this latest episode by the Soviets would be making a perilous mistake.

I congratulate Senator WALLOP on his outstanding analysis of this unprecedented event.

Indeed, the analysis shows that the Soviet Union is exceeding the sublimits of the SALT II Treaty in a most perilous fashion and I hope somehow the American people may be led to understand precisely what is going on.

The Soviet Union exceeds the SALT II sublimit on the number of units a missile can carry, the number of warheads. The SALT II sublimit on warheads that can be carried on ICBM's is 10, and the new ICBM tested near Hawaii carries more than 10. However, we already know that the Soviet Union is exceeding all the sublimits. Their other violations may not be as dramatic as the latest three identified by Senator WALLOP, but they are just as significant.

So, that is bound to lead to the inescapable conclusion that the amendment of the distinguished Senator from Arkansas [Mr. BUMPERS] is a retrogressive amendment. It would require the United States to go back to a level of strategic deployment which is obviously inadequate to the defense of the American people and which is dangerously destabilizing.

Now, I do not question Senator BUMPERS' good intentions. To the contrary, I think I know his intent is good, but the result of his amendment would be to sell short the best interest of the American people.

I know that the Senator from Arkansas believes his amendment would contribute to nuclear stability, but as I have already pointed out, it is in itself destabilizing. And it is so because the Soviets are not now in compliance with the SALT II sublimits which Senator BUMPERS would force upon the United States.

The Senator would have us believe that the Soviets might, and I emphasize the word "might", might come back into compliance at some future date. But the fact is that the Senator cannot assure us that the Soviets will actually come into compliance. The Soviets in absolute fact are not now in compliance with the SALT II sublimits.

The entire history of the Soviet Union spells out the danger in such a hope, such an assumption, that the Soviets will comply with treaties.

The Soviets have no reason and no interest in coming into compliance. They have not come into compliance and I do not believe that I shall live long enough to see them reverse all of their SALT violations.

The fact that the Soviets have not been in compliance can be clearly demonstrated in the violations report which the President of the United States has sent to Congress. On August 7, I reported to the Senate and the administration officially confirmed that the Soviets were not in compliance with the SALT II sublimits at that time and the Soviets are not in compliance today, and I have consulted in the past 24 hours with the same experts whom I consulted in August and they confirm to me that the Soviets are still not in compliance with the SALT II sublimits.

Of course, if you had a wish list, that could be said that they could come into compliance but they are not in compliance. We have no treaty guarantee that they will. I believe that the administration is ready to confirm once again that the Soviets are still not in compliance with the SALT II sublimits.

I believe that the administration will again confirm what I have just said, that the Soviets are not in compliance with the SALT II sublimits.

Now, Mr. President, let me address these points in more detail. First, let us look at President Reagan's most recent report on Soviet violations. It is report No. 6, incidentally. It contains some important statements that I feel should be brought to the attention of the Senate and hopefully the American people.

First, the President's unclassified report on Soviet noncompliance with arms control agreements of March 10, 1987 stressed and I quote "the importance of compliance to achieving effective arms control" and then the President added and I am quoting him "compliance with past arms control commitments is an essential prerequisite for future arms control agreements."

And, of course, it is. Mr. President, that statement is unassailable. I do not think anybody would question it. I hope not. How can we even think of establishing a new arms control regime and the amendment of the distinguished Senator from Arkansas is a new one. How can we even think of establishing a new one as long as the Soviets are not in compliance?

And I repeat, Soviet compliance is a prerequisite to future arms control agreements. If we get away from that logic, then we make a dangerous and perhaps fatal move.

President Reagan also made a second statement. He said: "Soviet noncompliance, as documented in this and previous administration reports, has made verification and compliance pacing elements of arms control today."

Mr. President, these statements apply to the proposed SALT II Treaty as much as they apply to a proposed INF Treaty. They mean that the United States would be foolish to return to compliance with the unratified, expired, and Soviet-violated SALT II Treaty. The President in his report was especially emphatic on this point when he explained the rationale for abandoning SALT II, and I quote: "The continuing pattern of noncompliant Soviet behavior * * *—was—the primary reason why I decided, on May 27, 1986, to end U.S. observance of the SALT I Interim Agreement and SALT II." Thus the continuing and expanding pattern of Soviet violations of SALT II was the primary reason that President Reagan decided to end U.S. unilateral compliance with SALT II. And this pattern of Soviet violations has not ceased.

The President added that: "The United States cannot, and will not, allow a double standard of compliance with arms control agreements to be established." What he is saying is that the United States should not comply with arms control treaties which the Soviets are violating. The Senate voted in 1983, 99 to 0 to uphold this principle. The Senate voted against unilateral U.S. compliance because the Senate realized at that time that compliance in the face of violation by the other party is nothing but U.S. unilateral disarmament. It is nothing but appeasement of the arms-control-at-any-cost advocates.

Let us focus on SALT II more specifically. President Reagan also stated in the same report which I just alluded to that: "A number of—Soviet—activities involving SALT II constituted violations of the core or central provisions of the treaty frequently cited by the proponents of SALT II as the primary reason for supporting the agreement." Of course, he was correct in that observation. The President added that "in no case where we determined that the Soviet Union was in violation did they take corrective action."

What does that tell us about the Soviet Union? The implication is clear.

Mr. President, let me repeat for the point of emphasis what Mr. Reagan said: "In no case—in no case . . . did they"—the Soviets—"take corrective action."

So I think the question before us is: Are the Soviets continuing to violate the SALT II sublimits, as I reported they were doing on August 7 of this year?

United States intelligence seems not to know the precise number of Soviet SS-24 railmobile MIRV'd ICBM launchers and how could they, considering the expanding pattern of Soviet camouflage, concealment, and deception? In fact, the Soviets are engaging in a clever deception operation regarding their whole SS-24 program. The Soviets are trying to make United States intelligence believe that their SS-24 deployment is consistent with SALT II sublimits, when it is not.

The Soviets have probably been exceeding the 820 sublimit since early October 1986. Soviet leader Gorbachev admitted as much, in fact, at the Iceland Summit on October 11, 1986. The Soviets clearly exceeded the 820 sublimit from July 1987 through September 1987, and this violation may still be occurring. Thus the Soviets have clearly already violated the most important SALT II sublimit, and United States intelligence can not assure the Senate that this violation has ceased because it undoubtedly has not ceased. Given the extensive Soviet concealment of their SS-24's, it is reasonable and prudent to believe that this violation has not been corrected and is still ongoing.

Mr. President, in my report to the Senate on August 7, I stated that the Soviets clearly were also exceeding the 1,200 sublimit from July 1987, all the way through up to that time and now we find it is true for the month of September, which just ended yesterday. The administration absolutely confirmed my report, much to the consternation of a number of Members of this body. More significantly, this violation is clearly still ongoing, as I will now explain.

I have just checked once more with the same top national security, intelligence, and arms control officials who declassified and confirmed my earlier report to which I have alluded. They confirm once again that the Soviets are clearly still violating the SALT II sublimit of 1,200. The administration has assured me that the following statement is both accurate and unclassified:

> Current information indicates that the Soviets are still over the 1,200 sublimit of SALT II, although the same information indicates that the Soviets could—

And the emphasis is on the word "could"—

> come into compliance at any time.

Now, that means that the Soviets are deliberately, intentionally violating the sublimits.

Now, let me direct the attention of those who may be interested to the phrase "could come into compliance." And I mention it again to emphasize the difference between "could" and "would."

Of course they "could," and if bullfrogs had wings, they would not bump their posterior so much. It would mean the Soviets would have to dismantle a significant part of their arsenal. Anybody who believes that the Soviets are going to do that, I have a little swampland down in North Carolina I want to sell them.

To assure the Senate that they will undertake such dismantlement would be to adopt an attitude of willing credulity.

Thus, there is no qualification needed at all. The current information, quote "indicates" unquote, I repeat, "indicates," quite clearly that the Soviets are still violating the 1,200 sublimit. The reason this judgment can be expressed so unequivocally is that the Soviet violation activity involves initiation of sea trials of new Soviet missile submarines; and, as the distinguished occupant of the chair knows, submarines are more difficult to hide than SS-24 railmobile ICBM launchers. As the White House stated on August 7, 1987: "Senator Helms' statement is especially timely because it calls public attention to the fact that the Soviets are exceeding the very limits that some members of Congress would impose unilaterally on U.S. strategic forces."

Mr. President, at this point I have another unclassified report to make to the Senate regarding the SALT II SNDV—The bureaucracy calls it the "Snid-vee"—ceiling. This is the ceiling on strategic nuclear delivery vehicles, SNDV's, or "Snid-vees." The administration has also assured me that the following statement is both accurate and unclassified:

> The Soviet Union continues to exceed the defacto SALT II overall Strategic Nuclear Delivery Vehicles (SNDVs) ceiling of 2,504. Their ongoing deployments of SS-25 ICBM launchers, TU-95 Bear H bombers, and SLBM launchers carried by Delta IV and Typhoon submarines, plus the presence of SALT II-accountable SS-X-24 ICBM launchers and Blackjack bombers results in the Soviets exceeding the SNDV limit by about 25.

I am still quoting, by the way, Mr. President, the statement that has been cleared by the administration.

> The Soviets have not compensated adequately for these new weapons, primarily because insufficient numbers of older Bison bombers and S-11 ICBM silos have been dismantled.

Therefore, the total Soviet level of strategic nuclear delivery vehicles is at least 2,529, compared to the 2,520 reported by the administration as of late 1985, both exceeding the SALT II level of 2,504. Indeed, the magnitude of the violation has grown.

Mr. President, note the language of this confirmed statement: "The Soviet Union continues to exceed—continues to exceed—the de facto SALT II overall ceiling." And further: "The Soviets have not compensated adequately—have not compensated adequately for these new weapons."

The Soviet SNDV violation has thus increased from 16 over the limit to now at least 25 over the limit.

However, Mr. President, the situation, in my judgment is far worse than what the administration has publicly confirmed. The Soviets probably are even farther above the SALT II SNDV ceiling. The Soviets probably have as many as 20 SS-25 roadmobile ICBM launchers at Plesetsk which are SALT II-accountable. The press has reported that they have as many as 30 SS-24 railmobile ICBM launchers at Plesetsk and elsewhere which are SALT II-accountable. Finally, the press has reported frequently that up to 200 roadmobile SS-16 ICBM launchers have been deployed. Thus the Soviets are probably at least 250 SNDV's over the SALT II ceiling, not just 25. Moreover, the 300 intercontinental range Backfire bombers should be counted under normal counting rules, especially because they are likely to be equipped with long-range air-launched cruise missiles. Mr. President, it is therefore a reasonable conclusion that the Soviets are about 550 to 600 SNDV's over the ceiling.

In sum, Mr. President, it would be United States unilateral disarmament and appeasement for the United States to return to SALT II compliance while the Soviets are so clearly violating SALT II, especially its sublimits. And I would say that before the disclosures relating to the outrageous Soviet firing of test missiles near Hawaii.

Mr. President, in closing I wish to remind the Senate what the White House stated on August 7, 1987:

> The administration will continue strongly to oppose congressional efforts to resurrect SALT II. Hopefully, Senator HELMS' statement will have a sobering effect on those in Congress who appear prepared to accept at

face value Soviet assertions that they are abiding by all SALT II restrictions.

Mr. President, I will now provide a complete and up-to-date unclassified listing of confirmed violations of SALT II, and I ask that they be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Senator from Wyoming, Senator WALLOP, has a very fine amendment and I ask that I be made a cosponsor of it. I think that I may already be one, but I want to be sure because I support it wholeheartedly.

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

Mr. HELMS. I thank the Chair and I yield the floor.

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

PRESIDENTIALLY CONFIRMED EXPANDING PATTERN OF SOVIET SALT II BREAK OUT VIOLATIONS—TOTAL OF 24

I. SS-25 ROADMOBILE ICBM—PROHIBITED SECOND NEW TYPE ICBM:

1. Development since 1975;
2. Flight-testing (irreversible) since February, 1983;
3. Deployment (irreversible) since October, 1985, of over 100 roadmobile launchers—"direct violation;"
4. Prohibited rapid-refire capability—doubles or triples or quadruples the SS-25 force;
5. Re-entry Vehicle-to Throw-Weight ratio over 1 to 2 (and doubling of throw-weight over the old SS-13 ICBM)—probable covert SS-25 two or three MIRV capability—"direct violation;"
6. Encryption of telemetry—"direct violation."

II. EXCESS STRATEGIC NUCLEAR DELIVERY VEHICLES (SNDVS):

7. Strategic Nuclear Delivery Vehicle de facto limit of 2,504—Soviets have long been at least 25 to 600 SNDVs above the 2,504 SNDV number only the Soviets had when SALT II was signed in 1979, thus illustrating the clear fact that SALT II was fundamentally unequal.

III. PROHIBITED SS-N-23 HEAVY SLBM:

8. Heavy throw-weight prohibited—conclusive evidence (irreversible);
9. Development since 1975;
10. Flight-testing (irreversible);
11. Deployment on Delta IV and probably on Delta III submarines (irreversible);
12. Encryption of telemetry.

IV. EXCESS BACKFIRE INTERCONTINENTAL BOMBERS:

13. Arctic basing, increasing intercontinental operating capability;
14. Probable refueling probes, also increasing intercontinental operating capability;
15. Production of more than 30 Backfire bombers per year for an estimated period of over five years, making more than an estimated 12 extra Backfire bombers.

V. CAMOUFLAGE, CONCEALMENT, AND DECEPTION:

16. Expanding pattern of camouflage, concealment, and deception (Maskirovka), deliberately impeding U.S. verification.

VI. ENCRYPTION:

17. Reported almost total encryption of ICBM, IRBM, SRBM, GLCM, ALCM, and SLCM telemetry.

VII. CONCEALMENT OF LAUNCHER AND MISSILE (ICBM) RELATIONSHIP:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers.

VIII. PROHIBITED SS-16 ROADMOBILE ICBM:

19. Confirmed concealed deployment of 50 to 200 banned SS-16 roadmobile ICBM launchers at Plesetsk test and training range, now reportedly probably being replaced by a similar number of banned SS-25 mobile ICBM launchers.

IX. FALSIFICATION OF SALT II DATA EXCHANGE:

20. Operationally deployed, concealed SS-16 ICBM launchers not declared;
21. AS-3 Kangaroo Air-Launched Cruise Missiles falsely declared to have range less than 600 kilometers, and not counted.

X. EXCESS MIRV FRACTIONATION:

22. SS-18 super-heavy ICBM—NIE reportedly states that SS-18 is deployed with 14 warheads each instead of the allowed 10 each, adding over 1,230 illegal warheads.

XI. EXCEEDING SALT II MIRV MISSILE LAUNCHER SUBLIMITS:

23. and 24. The Reagan administration confirmed on August 7, 1987, that:

"The Soviets exceeded the SALT II sublimit of 1,200 permitted MIRVed ICBMs and MIRVed SLBMs when the 5th Typhoon submarine recently began sea trials. Moreover, some SS-X-24 MIRVed ICBM railmobile launchers should not be accountable under the SALT II sublimit on MIRVed ICBMs. It appears that the Soviets have not yet compensated for any of the SALT II-accountable SS-X-24 launchers. Therefore, the Soviets may also have exceeded the SALT II sublimit of 820 MIRVed ICBM launchers." This judgment has been further confirmed as accurate.

The Soviets reportedly informed U.S. arms control negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1,200, and 1,320, which they are now in fact doing. And Soviet leader Gorbachev confirmed to President Reagan at the Iceland Summit on October 11, 1986, that the SS-24 was deployed.

Moreover, the Soviets are flight-testing the even heavier throw-weight follow-on to the super-heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throw-weight. This SS-X-26 follow-on to the SS-18 will certainly result in further excess MIRVing on the SS-18 class missiles, because the SS-X-26 will probably carry 20 warheads. This new SS-X-26 ICBM was just provocatively flight-tested to extended range, with impact very near Hawaii. The Wallop Resolution correctly states: "Whereas the missile used in this test is a new modern multiple warhead ICBM which is a violation of both the 'new type' and the 'heavy ICBM' provisions of the SALT II Treaty, whereas the Soviet Union allegedly encrypted telemetry from this first flight test, as is their standard practice, in further violation of the SALT II Treaty."

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield 12 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. I am pleased, once again, to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this effort to restore common sense to the U.S. policy on strategic arms. The four of us have been involved in this effort for a number of years now. Although the administration's position has changed, ours has not. We still believe that the core sublimits of the SALT II Treaty should not have been abandoned by the United States last November. We still believe that continued U.S. adherence to those sublimits serves our national security interests as long as the Soviets also adhere to those sublimits.

I do wish to respond to a point that was made by my distinguished colleague, the senior Senator from North Carolina, when he stated that the Soviets are in violation of the sublimits currently. If that is so, then this amendment does not apply.

This amendment is not a unilateral disarmament amendment. This amendment says that if the Soviets adhere to the sublimits of SALT II, then we, likewise, will do so. There is a 29-day period placed in here for the Soviets to come into compliance.

We decided to propose this amendment to the DOD bill after much consideration. It is not a step we take lightly, particularly when the administration is on the verge of signing the INF agreement with the Soviets. So we had to ask ourselves the same question that the Senate had to ask itself: Is it a good idea in light of our current relations with the Soviets for the U.S. Senate to use the power of the purse, namely through this legislation, to revive the SALT II sublimits? In other words, will passage of this amendment be a constructive step?

After studying this issue very closely, and familiarizing myself with the current strategic situation on both the United States side and the Soviet side, I have concluded the answer is yes. Renewed bilateral adherence to the sublimits will place a cap on the superpower arsenals until a new strategic arms agreement is reached. In my opinion, this is the wisest course the United States can follow.

Let me take a few minutes to explain the benefits of this legislation:

First, the amendment improves the chances that a strategic agreement will be reached. If the amendment passes and becomes law, and the Soviets agree to join the United States in adhering to the SALT II sublimits, I think this initiative will give a strong push to the strategic talks. Why? It will lend some stability and predictability to the nuclear arsenals of the two countries.

Second, the amendment is not unilateral. It states clearly that its restriction on U.S. forces will not apply if, after 29 days, "the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified." And the President is given

29 days to report on U.S. plans for compliance with the sublimits.

Thus, on the same day, 29 days after enactment, the Soviets must be under the sublimits, and the United States must report on how it will return to adherence. If the Soviets have not brought themselves under the sublimits, the restriction on United States forces is nullified.

This measure is truly bilateral.

Third, the amendment acknowledges Soviet violation issues. That will be hammered away at an has been hammered away at. Yes, in other sections of the SALT II Treaty which was never signed, the Soviets are in violation.

But we are only dealing here with the sublimits, not with ratification of the treaty.

I believe there are genuine violation problems with parts of the treaty other than the sublimits.

They are only permitted one new missile under SALT II. They have another one. There is no question that the SS-25 is a new second missile.

I am troubled by the encryption of telemetry which has increased significantly.

This administration was unable to resolve those issues within the Standing Consultative Commission, the so-called SCC, a forum which previous administrations had used quite effectively. Unfortunately, the SCC process broke down with this administration and a direct result of that breakdown was our decision to leave blind the entire SALT II framework which we had been adhering to.

The premise of this amendment is the heart of that framework, the sublimits, we believe should not be discarded so hastily. Up until the time the United States exceeded those sublimits, last year, November, with the addition of the B-52 cruise missiles on it, the U.S.S.R. had always agreed to abide by those sublimits and was not in violation. Any Soviet violations of the sublimits that have taken place since last November could easily be rectified in the 29-day period allowed for in this legislation.

In fact, this amendment will not take effect unless the President is absolutely certain that the Soviets are under the sublimits.

If there is a shred of doubt about a possible violation of those sublimits, the restriction on the U.S. forces does not apply.

If the President tells us, "The Soviets are not in compliance." Then there is no go with this legislation.

Fourth, the amendment works in favor of U.S. security. The arguments I have been making for years in favor of the SALT II framework continue to hold true today. Without the sublimits the entire strategic arsenal of the Soviet Union is out of the barn.

There is currently no limit on the number of strategic weapons that our adversary can point at the United States. That fact, it seems to me, is adequate to support this amendment. By abandoning the SALT II sublimits we have handed a strategic, nuclear carte blanche to Soviets. The sad truth is as their new ICBM's come into service, the Soviets are not under a requirement to make compensating cuts in older systems.

The whole question is, Are we better off now than we were when the SALT II sublimit restraints applied? I do not think we are. I do not think we want to get into a total race with the Soviets. Here is some limitation. It is not perfect. Yes, there will be all kinds of arguments about warheads, but this is a limitation.

If we revive the sublimits, the Soviets will be forced to dismantle more of their systems than the United States.

Under the SALT II limits, from 1973 to 1986 the Soviets dismantled five times more operational weapons than we had to. A return to the sublimits under this amendment would require Soviet dismantling actions that would numerically favor the United States.

The crucial fact remains that the Soviets are simply more capable of a quick buildup than we are. They do not have to go to any Congress to get approval for MX's, Minuteman, whatever it is. The lid is off.

The sublimits would fend off such a buildup and would therefore benefit, in my judgment, U.S. security.

Conclusion: Those who oppose this amendment argue that it will endanger U.S. security and undercut our chances of reaching a strategic arms agreement with the Soviets. They charge that our timing is all wrong, coinciding as it does with the final stages of the INF negotiations.

Finally, the claim is that we are reviving sublimits that are dead, are useless, and we ought to look toward the future and the potential strategic agreement that might be reached next year.

I take issue with each of these. Rather than endangering national security, this amendment, combined with the strict, verified Soviet adherence to the sublimits, will strengthen United States security by placing an upper limit on Soviet strategic forces.

Those who claim we enhance our security by removing all limits on the Soviet strategic arsenal are engaging, in my judgment, in sophistry. Their reasoning to me does not make sense.

For those reasons, Mr. President, I finally want to say that this is not a backward-looking amendment but an amendment aimed squarely at the future security of the United States. It is meant to serve as a concrete interim restraint lasting for 1 year, not in perpetuity, a restraint on the nuclear force buildup on both sides until the strategic arms agreement may be reached.

Without this sublimit framework the number of missiles on each side will continue to rise month after month, even as our negotiators in Geneva work for an agreement calling for bilateral reductions.

Here we are building up but at the same time we are saying let us not have a freeze, let us go down.

This amendment will correct what I believe to be an illogical situation in which we placed ourselves, working on one hand on an agreement to cut back the nuclear arsenals while at the same time allowing those arsenals to multiply without limit.

The sky is currently the limit in strategic nuclear weapons, Mr. President. I think we are playing a dangerous game with a dangerous opponent. I strongly believe we should seize this opportunity to turn the Soviet Union from steadily increasing its deadly stockpile.

Mr. COHEN. Mr. President, I commend the Senator for his statement. In 1979, when the Armed Services Committee held hearings on the SALT II Treaty, I strongly criticized elements of the treaty which I believed did not serve the national interest. Specifically, I had serious problems with the provisions dealing with encryption of telemetry, with the Soviet Union's Backfire bomber, and with the growth in strategic forces permitted under the Treaty. My concerns on these points remain.

At the same time, in considering the proposed treaty, in questioning witnesses, and in studying the testimony of experts such as the Chairman of the Joint Chiefs of Staff, I concluded that the central numerical sublimits of the SALT II Treaty could serve our military interests, promote stability, and serve as a basis for reductions in the strategic nuclear arsenals of the United States and U.S.S.R. The central numerical sublimits are the ceilings of 820 on launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles; that is, MIRV'd ICMB's; 1,200 on the combined number of launchers of MIRV's ICBM's and MIRV'd submarine-launched ballistic missiles [SLBM's]; and 1,320 on the combined number of MIRV'd ICBM's, MIRV'd SLBM's, and heavy bombers equipped for air-launched cruise missiles [ALCM's].

I think it is a fundamental mistake for the United States to dismiss the significance of these sublimits, dismiss the fact that there are unbounded growth opportunities for the Soviets and not ourselves, and to rationalize such a dismissed by saying that SDI will protect us against the proliferation of strategic systems.

These central numerical sublimits provide our military and defense decisionmakers with a mechanism by which to plan force requirements. In the past, as a number of our colleagues have noted in statements before this body, these limits have had a greater impact on the Soviet Union than on the United States in terms of strategic nuclear weapons required to be dismantled. In the future, the U.S.S.R.'s dismantling requirements would continue to significantly exceed those of the United States. Moreover, allowing the major numerical limits to be abandoned would be contrary to our military interests because the Soviets are better positioned to take advantage of the absence of these limits. Prior to the President's decision in May, 1986, to no longer base decisions regarding U.S. strategic forces on standards contained in the SALT structure, Congress repeatedly received testimony to this effect from our uniformed military leadership.

Our military leaders are not the only ones to express concern about the implications of abandoning these limits. Our allies have consistently urged that we not do so. At the 1986 NATO foreign ministers meeting in Halifax, the allies were unanimous in calling on the United States to not abandon the SALT regime.

And, of course, the Senate has repeatedly put itself on record in favor of the mutual retention of the SALT II central numerical sublimits.

Despite these strongly voiced concerns, on May 27, 1986, the President announced that he had decided that the United States should no longer base decisions regarding its strategic forces on standards contained in the SALT structure. At the same time, he announced that the United States would retire and dismantle two Poseidon submarines, effectively compensating for the deployment of additional cruise missile-equipped bombers and thus keeping the United States in what he termed "technical compliance" with the SALT sublimits through last November.

In November, the United States equipped the 131st B-52 bomber with cruise missiles without taking any compensating dismantling actions. This put the United States outside of one of the central numerical sublimits, the sublimit of 1,320 MIRV'd ballistic missiles and ALCM-equipped bombers. The Air Force has continued to convert B-52's for cruise missile carriage at a rate of about two bombers per month, so that at the present time the United States has 148 ALCM-equipped B-52's, which puts us 18 above the 1,320 sublimit. The United States continues to be within the other two central numerical sublimits.

The amendment now before us would require the United States to take action to come back within the 1,320 sublimit and remain within all three of the central numerical sublimits during fiscal year 1988. The President would be required to report within 30 days of enactment of his plans for carrying out this requirement to come back within the 1,320 sublimit.

In the event that the President determines and notifies the Congress in writing that the Soviet Union has deployed strategic forces in excess of any of the three central numerical sublimits, the requirement for the United States to come back within the 1,320 sublimit would be null and void. Let me emphasize that, under such circumstances, there is no requirement that the Congress act to repeal this amendment. All that is required is that the President notify the Congress in writing. This is important because of certain ambiguities that presently exist, which I will discuss in a moment.

Mr. President, some will argue that the SALT structure and, in particular, the central numerical sublimits have already been irretrievably abandoned. I do not think that this is the case. There is indeed a precedent in which a SALT numerical limitation on strategic force levels was exceeded for a period of months but nonetheless survived. In 1976, the Soviet Union put to sea ballistic missile submarines without complying with the provision in the SALT I interim agreement requiring dismantlement of older ICBM launchers. As a result, the Soviet Union had, by its own admission, 41 more SLBM launchers than was permitted by the relevant SALT provision. This situation in which the Soviets were outside the SALT numerical limit lasted for a period of months before it was rectified to the satisfaction of the United States.

Accordingly, Mr. President, I believe that precedent supports the view that it is still possible for the central numerical sublimits to remain in place, restricting an unbounded growth in strategic forces. What is necessary is for both sides to respect those limitations.

In this regard, it is important to consider recent discussion about the possibility that the Soviet Union has exceeded the sublimit of 820 on MIRV'd ICBM launchers and 1,200 on the combined number of MIRV'd ICBM and SLBM launchers. The issue on the 820 sublimit has to do with the status of the Soviet SS-X-24 program and the status of actions to compensate for movement of SS-X-24 ICBM's into the field. The SS-X-24 is a MIRV'd ICBM apparently capable of being deployed both on railcars and in silos. There have been press reports that some SS-X-24 ICBM's have been put on railcars. Such reports have been less than clear as to the exact status of the SS-X-24 missiles or the status of possible action to dismantle other MIRV'd launchers to compensate for the SS-X-24 missiles.

According to the executive branch's presentation to the Senate in 1979, under article VI, paragraph 2, of the SALT II Treaty, mobile ICBM launchers become accountable after they come out of the shop, plant or other facility where their final assembly occurs. This would seem to be the standard by which to measure whether the SS-X-24 missile launchers are accountable. There are also standards by which to determine whether compensating actions, which in this case would be the dismantling of MIRV'd ICBM silo launchers, have been taken in an adequate manner.

Similarly, press reports have indicated that additional Soviet MIRV'd SLBM launchers became accountable earlier this year and that, were adequate compensating steps not taken within the agreed time frame, this would put the Soviet Union outside the 1,200 sublimit. The appropriate compensating steps in this case would be dismantlement of MIRV'd SLBM launchers or MIRV'd ICBM launchers.

An administration press guidance of August 7 confirmed these reports but noted that "the Soviets could return to technical compliance by following through on dismantlement actions at certain SS-17 ICBM sites." An August 9 article in the New York Times stated that "the Russians have destroyed the blast-proof cover at an SS-17 silo, an official said. But at other silos, SS-17 missile were removed but action to dismantle the silos has not been taken, as required by the treaty." I would note that both this press guidance and this article are now nearly 2 months old.

As I indicated, the United States could review its policy should the Soviet Union move outside the bounds of any of the three central numerical sublimits, since there would no longer be a requirement for the United States to be within the sublimits.

This situation, Mr. President, highlights the importance for U.S. security of the central numerical sublimits remaining in place. The Soviet Union is far better positioned than the United States to take advantage of the absence of these limitations and could outdistance the United States in numbers of strategic weapons should the limitations be abandoned.

The current situation regarding the 820 and 1,200 sublimits suggests, Mr. President, that we may have arrived at a particularly important time for the question of whether there will be a frame work of interim restraint while the United States and U.S.S.R. continue negotiations toward a more comprehensive strategic offensive arms reduction agreement. If Soviet deployments proceed without the otherwise required compensating dismantlements

being undertaken, the prospects for effective interim restraint would diminish. This amendment would remove from the Soviets the ready excuse they would have for following such a course. It would also put the burden back on the Soviet side to be the one to exceed the central numerical sublimits. Given General Secretary Gorbachev's apparent desire to court public opinion, particularly in Europe, the amendment could thus offer incentives for the Soviet Union to adhere to these limitations.

Moreover, while administration officials have indicated that they are seeking to conclude a START agreement early next year, we also have to consider the possibility that a security-enhancing, stabilizing, verifiable START agreement may not be concluded during the time remaining in the Reagan administration. In that case, it could be a number of years before such an agreement is concluded, given the time needed for a new administration to get its bearings. The absence of an interim restraint frame work during that period would put the United States in a less favorable strategic situation and, possibly, complicate efforts to conclude such an agreement.

This amendment is similar to one that Senator BIDEN and I cosponsored last year following the administration's May decision. My intent in offering that amendment was to indicate that the administration had to take seriously the possibility of binding legislative action should it continue to ignore the nonbinding legislative provisions adopted by the Senate. The Fiscal Year 1987 Defense Authorization Act adopted in October included such a nonbinding provision, as the defense authorization bills for the previous 2 years had. The administration, however, chose to ignore the Senate's views and proceeded to exceed the 1,320 sublimit in November. Subsequently, last December, 57 Members of the incoming Senate wrote the President to again urge him to bring the United States back within the central numerical sublimits. That call was also disregarded by the administration.

Mr. President, I would prefer that the administration follow this course on its own. Unfortunately, however, it has chosen to not do so. Accordingly, under the circumstances, I believe that it is appropriate for the Congress to adopt this legislative approach.

Mr. CHAFEE. Mr. President, will the Senator yield an additional 2 minutes?

Mr. BUMPERS. I yield an additional 2 minutes to the Senator.

Mr. CHAFEE. I would like to engage the Senator from Maine in a little colloquy, if I might, because he is familiar with this situation. He is on the Armed Services Committee and is deeply interested in arms control.

I would be interested in his rebuttal to the argument made by the other side of what good does it do to control launchers because they can add warheads to their weapons? If we agree to the SALT II sublimits which are based on launchers, that lets the horse out of the barn as far as the warheads go and the Soviets can go on and build.

Mr. COHEN. I am one who believes that we should be counting warheads. In response to your question, the fact is that the Soviets, by virtue of the SS-18's and 19's and the greater throw-weight that they have, could simply add warheads to the remaining launchers. However, there is the possibility they would reach the point where adding warheads degrades the system itself.

To the extent that we adhere to the counting rules under SALT, it seems to me that we take that into account because the counting rules ascribe so many warheads to each of the launchers. When you start building down—maybe we can use that term, building down—the launchers themselves, you thereby reduce the warheads.

In response to the argument that somehow there is no constraint against the Soviets if you do in fact constrain the launchers, I would say you necessarily constrain the ability to expand warheads without any limitation.

They can always add 12 warheads to the 10 they already have on the SS-18, or 14 or maybe more. There is always that possibility. They would have to test, in my judgment, to achieve that. I think monitoring those testing flights is where our own ability to determine the situation would come into play. But there is no absolute guarantee they would deliver on warheads. I think it makes sense to try to constrain the launchers in order to reduce them. I think it is a mistake on our part to lose the opportunity to constrain the numbers of launchers and therefore the warheads, themselves, by an SDI rationalization. I think we have to have limitations on both warheads and launchers, and indeed the SDI Program, itself, along with the Soviet BMD Program.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. I thank the manager of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I must say I am a bit intrigued at the charts I have noticed over there that are either about to be presented or have been presented. I guess I have seen some misrepresentations before, but I must say that ranks right up there with the best of them. I think it is important to point out some rather glaring omissions on those charts that might be of interest to my colleagues as we debate this very important amendment.

The facts are clear since 1979 the number of reentry vehicles on Soviet ICBM launchers has virtually doubled. Meanwhile, the number of launchers or delivery vehicles remains limited—2,400 ICBM's, SLBM's and bombers. This means that the Soviets can and have the capability to place multiple reentry vehicles against every U.S. launcher.

In particular, with no limit on the Soviet heavy ICBM, the SS-18 mod 4, the Soviets have 2,900 extremely lethal warheads which they can place on our roughly 1,050 ICBM launchers. This allows for a highly lethal 2-on-1 attack against our ICBM launchers, with plenty to spare.

It is unlikely that the Soviets, in the absence of SALT II, will substantially increase the number of launchers—that is, there will be no arms race.

According to Soviet experts, the Soviets negotiated a SALT II regime that is consistent with their targeting requirements. They have enough weapons to achieve their desired 90 percent probability of kill against the entire North American target base, some 4,000 targets, and still keep weapons in reserve. There is thus no need for the Soviets to engage in a substantial increase in launchers and RV's; rather there will be some increases in RV's on the same number of launchers.

Increasing the number of launchers takes time and a substantial commitment of resources. Again, there is no compelling reason for the Soviets to dramatically increase the number of launchers if their targeting objectives have been achieved.

Rather than dramatically increase the number of launchers, the Soviets will continue to deploy new, mobile ICBM launchers—the SS-25 and the SS-24—to replace fixed ICBM's and to ensure survivability.

They have also been increasing the number of reentry vehicles on their launchers and the lethality of these reentry vehicles. For example, the SS-24 has 10 very accurate RV's. It is replacing older SS-17's and SS-19's which have 4 and 6 less accurate RV's respectively.

Similarly, SS-N-20 SLBM's aboard the new Typhoon submarines—and I would urge my colleagues to investigate the Typhoon submarine, an incredible weapons system and one which, in the minds of many experts, outpaces the Trident submarine in many respects—have 8 RV's and SS-N-23 SLBM's aboard the D-IV submarine also have 10 RV's. These are replacing the SS-N-6 which has only 1 RV and is on the old and noisy Yankee SSBN. To dramatically make the comparison, one Typhoon, carrying 160 ac-

curate RV's on its missiles, replacing one Yankee carrying 16 inaccurate RV's on its missiles, is a net plus for the Soviets.

I would like to close by mentioning something that seems to have been absent in the debate on the other side of this issue. Just in the last 2 days the Soviet Union has carried out missile tests aimed at a State of the Union in the United States of America with an encrypted test in total violation of the SALT II Treaty. I repeat, an encrypted missile test aimed at the Island of Hawaii which is in total violation of the SALT II Treaty, yet we are expected here in the United States to totally adhere to the SALT II Treaty. And I have not heard a murmur about the outrageousness and provocativeness of this kind of activity on the part of the Soviet Union.

I suggest to my distinguished colleagues who are supporting this amendment what is sauce of the goose is sauce for the gander. We have the right to expect at a minimum compliance with SALT II on the part of the Soviet Union for which they have shown as recently as the last 2 days they have little or no respect.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I yield to the Senator from Pennsylvania 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. HEINZ. Mr. President, I thank the Chair. Mr. President, I today am joining with Senator BUMPERS, Senator CHAFEE, and Senator LEAHY, and I might add 45 or 46 of our colleagues, in proposing this amendment to return the United States to an interim restraint policy on strategic defense offensive forces.

Our amendment, as has been discussed, would in simplest form compel the administration to maintain our strategic forces within the numerical sublimits contained in the SALT Treaty so long as—and I emphasize so long as—the Soviet Union continues to do the same.

Let me provide a little background to this amendment. From 1982 until last November, the United States and the Soviet Union both respected the numerical sublimits of the SALT II Treaty as an interim step leading to a new strategic arms control agreement such as the strategic arms reduction talks now taking place between our two countries at Geneva. The idea was for both sides to keep a lid on the arms race. That policy made sense for both sides. President Reagan, for up until a year and a half ago, agreed that it made sense and, in the judgment of myself and our cosponsors, that policy still makes good sense.

Let me state at the outset clearly and unequivocally that Soviet violations of the provisions of the SALT regime such as the encryption of telemetry or for that matter the SS-25 missile are serious infractions, and I support thoroughly and completely appropriate responses by the United States to ensure our security.

But we gain nothing, and I believe we potentially invite a needless boost in strategic force competition by abandoning the numerical ceilings that both sides have respected for the past many years.

With the deployment of the 131st B-52, equipped as it was, as have others, with cruise missiles, the United States has exceeded the treaty limit of 1,320 multiple warhead systems. The Soviets have said that they will continue to stay within the ceilings at least for the moment.

Some may argue, although I would question that argument, that the Soviets are going to stick to those limits, no matter what we do. I think that is a very major risk that we would take and in my judgment it is not in this country's military, national security, or political interests to test a Soviet commitment to the SALT ceilings by our breaking them and inviting the Soviets to do the same.

There have been new developments in the Soviet Union's strategic forces that underline the value of these ceilings. The Soviets have moved their SSX-24 mobile missile program ahead and into deployment. At the same time, they have begun to dismantle the SS-17 sites to maintain their compliance with the 820 limit on MIRV'd ICBM launchers. Some Senators have denounced the Soviets for not dismantling their SS-17's quickly enough. The details of that issue, as I suspect many of our colleagues know, are classified. So we cannot debate that issue here on the floor of the Senate, at least in public session.

But it can be said that we are not in a position, none of us, at least not as yet, to declare with confidence that the Soviets are in violation of the SALT subceilings. And should, in the best estimate of our intelligence community, that be something we could be confident about, I will be the first to denounce the Soviets for breaking those ceilings or subceilings. But in part, that is why I want to point out one particular and important aspect of our amendment.

Our amendment will not take effect if the Soviets either are in violation of the numerical sublimits that we specified—this is very important—if there is uncertainty about the status of whether or not the Soviets are indeed breaking those limits. In other words, this amendment would not enter into force until and if it is clear, based on our best U.S. intelligence community assessment, that the Soviets are at or below the weapons ceilings specified in the amendment which of course are the same as in the SALT II agreement signed.

I think that the very concern over Soviet compliance we now see in the Senate confirms a point I made with my three original cosponsors, that without any interim restraint in place, there will be nothing—I repeat, "nothing"—to constrain the Soviet strategic program. Indeed, there will be nothing to constrain a mutual arms race.

Let me take a moment to explain the national security implications of our amendment, at least in as practicable terms as I can. If the Soviets were to discard the SALT ceilings as we have, they would have no reason to continue to dismantle their SS-17's. And as a result, the number of Soviet warheads targeted on the United States would be significantly greater than if they continued to comply with the 820 SALT II ceiling. The first question, therefore, is would that state of affairs enhance our security? Mr. President, the answer quite simply to a growth of Soviet strategic capability in the face of ours is no. That would not help our security. So the second question that might reasonably be asked: Is there some way in which this would give us greater bargaining leverage in Geneva?

Mr. President, it is hard, I would suggest it is impossible, to see how an inferior position in strategic arms would give us more leverage. I can frankly only see it would give us less.

Mr. President, the Soviet strategic forces are up against the most important sublimits in our amendment, the limit of 1,200 multiple warhead missiles and 820 multiple warhead ICBM's. Their programs, as the SSX-24 shows, will naturally carry them over the SALT ceilings unless—and I emphasize unless—they choose to continue dismantlements to stay within SALT numerical limits, the integrity of which our amendment seeks to preserve.

Let me say one other word about a related issue, namely the strategic defense initiative, which I have been a supporter of. It is clear that the Soviets are going to continue to modernize their systems. They also can clearly do a good deal more. If they felt they needed to ensure against possible U.S. strategic defenses, SDI, a treasured program I might add to many opponents of this amendment, they could quite easily because of the greater throw weight capability that they have add thousands of warheads and perhaps many more thousands of complicating decoys to their inventory.

The President himself, Ronald Reagan, has observed that the Soviets have an advantage in a new arms race. I think it would be the height of foolishness to give them both the legal

excuse and the practical chance to exploit it. Opponents of this amendment will say that we are binding the President's hands just when real arms control progress is at hand and I say that is nonsense. It appears we are on the verge of concluding a historical deal with the Soviet Union to eliminate medium range and short range missiles on a global basis. That is well and good.

But while such reductions are clearly a welcome milestone, they do nothing to help stabilize the strategic force competition. The proposed INF deal will eliminate in grand total about 4 or 5 percent of the superpowers' nuclear arsenals—and not a single warhead that can hit the United States. The approximately 360 nuclear warheads removed from the equation in the INF deal will be replaced on the U.S. side by new strategic nuclear warheads in 12 weeks time.

Our amendment, if it becomes law, and we hope it does, would preserve a framework of restraint in strategic forces until a new strategic arms control agreement on those systems is reached.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HEINZ. I ask unanimous consent to proceed for 1 additional minute.

Mr. BUMPERS. Mr. President, I yield 1 additional minute to the Senator from Pennsylvania.

The PRESIDING OFFICER (Mr. WIRTH). The Senator is recognized for 1 additional minute.

Mr. HEINZ. It cannot possibly affect one way or another the negotiating dynamics on the INF Treaty.

So in sum, Mr. President, we may be about to conclude an INF Treaty but a strategic arms reduction pact remains well out of our grasp. Junking the only strategic limits we have and prodding the Soviets to do the same could hardly help bring us closer to a treaty reducing strategic nuclear forces. Indeed, as I fear, it could make such a strategic reduction on both sides more distant than ever.

Mr. President, a new and verifiable treaty with the Soviet Union on reduced strategic weapons on both sides—particularly if it contributes to strategic and crisis stability—would be very much in our national security interest, but a new arms race with the Soviet Union serves nobody's interest.

I urge the support of our amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first, I would like to indicate to the Chair that I would like to reserve perhaps as much as 8 minutes for the distinguished chairman of the Senate Armed Services Committee, who has indicated to me that he would like to take time under which I have control.

I see on the floor the distinguished Senator from South Carolina, and he has an allocation of time left. This Senator has time remaining. The Senator from Texas can wait a minute, I would like to ask a question of my friend, the proponent of this amendment. Since his absence from the floor we have had considerable discussion about the Soviet test of a missile possibly an SS-18. More than likely, it is a new model. However, because they encrypted the telementry in clear breach of the SALT II agreements, we are not able at this point to determine the characteristics of that missile in such a way as to determine whether or not it is a follow-on to the 18.

If I could have the manager's attention, we are discussing elements relating to SALT II. I know how painful it is for him to turn to this because it appears to be a losing battle.

[Laughter.]

Mr. BUMPERS. Does the Senator have a question? I thought he just wanted an audience, maybe.

Mr. WARNER. Yes, I have a question.

Mr. LEAHY. The Senator has the attention of both of us, I say to the distinguished Senator from Virginia.

Mr. WARNER. I wanted to say to my good friend, there has been a considerable discussion about this test. One part of the test is a clear violation, encryption of telementry; a second undoubtedly in time will be proven as a clear violation, a new model of a missile. I was wondering what thoughts he might have and also if he would address the fact that the United States, throughout its test program of intercontinental missiles, has never aimed one near the Soviet Union, and has never indicated that it might traverse a part of the land mass of the Soviet Union.

From information I now possess and communications we received about these tests, which this Government protested, this missile came nearer than 1,000 miles. Had the first test been successful—and fortuantely it was not—it might well have traversed the land mass of Hawaii.

What saith my colleague, the proponent of this amendment?

Mr. BUMPERS. How does the Senator from Virginia see the defeat of this amendment as affecting that?

Mr. WARNER. Mr. President, one of the strengths of the argument against the amendment is that the adoption of this amendment recognizes but a part of the SALT II Treaty. It indicates not only to the Soviet negotiators, but also to much of the world, that the United States is going to close its eyes to violations by the Soviet Union of our treaties. Here is a clear violation of the provisions of SALT II—the encryption.

Mr. BUMPERS. When we test-fly our Midgetman, we will be out of compliance with the SALT II Treaty, and that we plan to do just as quickly as we possibly can.

Second, I have heard many arguments here made today about how the Soviets are not in compliance. Personally, I do not believe, based on what I know about this—and I have talked with the intelligence community—that the President could do this; but, let me tell you, here is a loophole big enough to drive a wagon and a team through, and that ought to make everybody in the Senate vote for this amendment. It says:

> The limitation on the obligation of the expenditure of funds in section (b) shall not apply if the President at any time more than 29 days after the enactment of this certifies to the Congress that the Soviet Union deploys strategic forces in numbers greater than those specified.

Subsection (c), exception. All the President has to do is to tell this Congress, either in classified or unclassified report, that the Soviets are not in compliance with the sublimits of the SALT II Treaty, and this amendment is over. We do not have to comply.

The PRESIDING OFFICER. If the Senator will suspend, the Chair notes that the Senator from Virginia has 7½ minutes remaining, the Senator from Arkansas has 13 minutes, and the Senator from South Carolina has remaining 28 minutes.

Mr. WARNER. I thank the Chair for advising the managers. Therefore, I will not have the time at this point to reply to my distinguished colleague. I reserve that amount of time for the chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Virginia reserves the remaining 7 minutes and 19 seconds of his time.

Who yields time?

Mr. HOLLINGS. I yield 5 minutes to the Senator from Texas.

Mr. GRAMM. I thank my dear friend from South Carolina for yielding.

Mr. President, I do not think it is very relevant that the President can escape this limit. We all know that the President would veto this bill if these limitations were in it.

What is relevant here is the reasonableness of the Senate and our credibility around the world and the degree of support that we show in Congress, in this great democratic institution, for the President of the United States.

Mr. President, it is a great paradox to me that we are here debating the implementation by law of parts of a treaty that this Senate never ratified, that the Soviets never lived up to, and that has expired. It seems to me that there is no logical explanation as to

why we should, by law, be unilaterally binding the United States and attemtping to tie the hands of the President, in implementing portions of a treaty which only this week the Soviets have violated, not once but twice.

My colleagues who have been here longer than I recall that in 1979, the critical element in the SALT II debate in committee was our ability to verify; and as part of verification, the encryption of telemetry was a major issue, if not the major issue.

At that time a clear point was made that unless we had the ability to verify—and the encryption of telemetry prevents our ability to do that—the Senate was not willing to ratify this treaty and, in fact, it did not ratify this treaty.

Twice this week, the Soviets have violated that critical element. I feel that it makes absolutely no sense for us to be here saying to the Soviet Union, in the same week that they have violated the treaty twice, that not only are we going to look the other way, not only are we going to implicitly say that it is all right to cheat on an agreement with the United States, that not only is it all right to take action that in fact potentially would fly a test missile over the land mass of part of the United States of America—not only are we willing to do that, but in the same week, the Senate is ready to impose on the President the restrictions imposed under the same treaty that the Soviets are violating, a treaty the Senate would not ratify, and a treaty that has expired.

I have listened to many debates since I have been in the Senate, but I have never listened to one where I was so dumbfounded by the illogic of the opposition.

This week, of all weeks, we should not be saying to the Soviet Union that we are going to force our President to do what the Soviets have not done, in a week when they have violated SALT II twice, specifically by violating the most important elements of that treaty in the minds of the Senate when it was debated in committee in 1979.

We are now on the verge of seeing a vote in which the Senate may attempt to impose on our President what the Soviets cannot win at the bargaining table.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. GRAMM. I ask for 1 additional minute.

Mr. HOLLINGS. I yield the Senator 1 additional minute.

Mr. GRAMM. So I want to urge my colleagues, however they feel on this issue, to simply weigh the following facts: No. 1, what happened this week in terms of two Soviet violations of this treaty; and No. 2, the implications of imposing these limits on the President.

If the Senate adopts this amendment, the Senate is going to veto this bill.

At this critical moment in our relations with the Soviet Union, when we are on the verge of a major breakthrough in arms control, let us not take action in the Senate that leads the Soviets to believe that if they will simply wait long enough, the U.S. Senate will force the Senate to do what they are negotiating to achieve.

We must really baffle the Soviet Union. They must have a difficult time figuring out our logic. We can help clarify the position of the United States for them by voting "no" on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield myself such time as I may take.

Mr. President, I want to read a statement on which I have just received clearance through the U.S. intelligence system. That statement is: "Accounting to current information provided by U.S. intelligence the Soviet Union are still over the 1,200 sublimit."

The Soviets are in violation of the very amendment that the proponents wish this body to accept.

Mr. President, I continue to reserve the time for the majority leader. The minority leader will draw from the time under the control of the Senator from South Carolina. The chairman of the Senate Armed Services Committee will draw from the time of the Senator from Virginia.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the point has just been made that have no fear, this amendment will not control anything, as it is a very harmless amendment. We hear that all that needs be done is for the President to certify that the Soviet Union is not in compliance and the amendment disappears.

The exact language of the amendment reads: "The President determines and certifies to the Congress that the Soviet Union deploys strategic forces in numbers greater than those specified."

In other words, that the Soviet Union is not in compliance.

Well, Mr. President, we have the President's statement on this particular matter as of December 23, 1985.

I ask unanimous consent that it be printed in its entirety in the RECORD.

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

THE PRESIDENT'S UNCLASSIFIED REPORT ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

The following is the text of a letter from the President to the Speaker of the House of Representatives and to the President of the Senate transmitting the President's report, in classified and unclassified versions, on Soviet noncompliance with arms control agreements as required by P.L. 99-145:

DEAR MR. SPEAKER (DEAR MR. PRESIDENT): In response to Congressional requests as set forth in Public Law 99-145, I am forwarding herewith classified and unclassified versions of the Administration's report to the Congress on Soviet Noncompliance with Arms Control Agreements.

Detailed classified briefings will be available to the Congress early in the new year.

I believe the additional information provided, and issues addressed, especially in the detailed classified report, will significantly increase understanding of Soviet violations and probable violations. Such understanding, and strong Congressional consensus on the importance of compliance to achieving effective arms control, will do much to strengthen our efforts both in seeking corrective actions and in negotiating with the Soviet Union.

Sincerely,

RONALD REAGAN.

The unclassified report is attached.

THE PRESIDENT'S UNCLASSIFIED REPORT ON SOVIET NONCOMPLIANCE WITH ARMS CONTROL AGREEMENTS

In reporting to the Congress on February 7 of this year on Soviet noncompliance with arms control agreements, I stated that:

"In order for arms control to have meaning and credibly contribute to national security and to global or regional stability, it is essential that all parties to agreements fully comply with them. Strict compliance with all provisions of arms control agreements is fundamental, and this Administration will not accept anything less. To do so would undermine the arms control process and damage the chances for establishing a more constructive U.S.-Soviet relationship."

I further stated that:

"Soviet noncompliance is a serious matter. It calls into question important security benefits from arms control, and could create new security risks. It undermines the confidence essential to an effective arms control process in the future. With regard to the issues analyzed in the January 1984 report, the Soviet Union has thus far not provided satisfactory explanations nor undertaken corrective actions sufficient to alleviate our concerns. The United States Government has vigorously pressed, and will continue to press, these compliance issues with the Soviet Union through diplomatic channels."

The important role of treaty compliance for future arms control was recently recognized by the United Nations. On December 12, 1985, the General Assembly passed by a vote of 131-0 (with 16 abstentions) a resolution on arms control compliance which had been introduced by the United States and other co-sponsors. The resolution:

Urges all parties to arms limitation and disarmament agreements to comply with their provisions:

Calls upon those parties to consider the implications of noncompliance for international security and stability and for the prospects for further progress in the field of disarmament; and

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Appeals to all U.N. members to support efforts to resolve noncompliance questions "with a view toward encouraging strict observance of the provisions subscribed to and maintaining or restoring the integrity of arms limitation or disarmament agreements."

At the request of the Congress, I have in the past two years provided three reports to the Congress on Soviet compliance issues. The first, forwarded in January 1984, reviewed seven compliance issues, concluding that the Soviet Union had, in fact, violated a number of important arms control commitments.

In September 1984 I provided, at the request of the Congress, a report on Soviet noncompliance prepared by the independent General Advisory Committee on Arms Control and Disarmament. That report concluded that over a 25-year span the Soviets had violated a substantial number of arms control commitments.

One of those issues, Yankee-Class submarine reconfiguration, is not addressed in the current report. While a submarine reconfigured to carry long-range cruise missiles constitutes a threat similar to that of the original SSBN, I reported in February that Soviet reconfiguration activities have not been in violation of the SALT I Interim Agreement. This issue, therefore, requires no further judgment in terms of compliance at present.

Public Law 99-145 requires the Administration to provide on an annual basis by December 1 of each year a classified and unclassified report to the Congress containing the findings of the President and any additional information necessary to keep the Congress informed on Soviet compliance with arms control agreements.

The current report responds to this Congressional requirement. It is the product of months of careful technical and legal analysis by all relevant agencies of the United States Government and represents the administration's authoritative updated treatment of this important matter.

The current unclassified report examines one new issue and updates all of the issues studied in the classified report of February 1985, except the issue of Yankee-Class submarine reconfiguration. There are violations in nine cases. Of the nine cases involving violations, one SALT II issue—that of Soviet concealment of the association between missiles and their launchers—is examined for the first time. The Soviet Union has now also violated its commitment to the SALT I Interim Agreement through the prohibited use of remaining facilities at former SS-7 ICBM sites. In addition, Soviet deployment of the SS-25 ICBM during 1985 constitutes a further violation of the SALT II prohibition on a second new type of ICBM. Several other issues involve potential, probable or likely violations.

The current unclassified report reaffirms the findings of the February 1985 classified report concerning ABM issues, making public two of them for the first time. It also reaffirms the February findings concerning SALT II issues involving violations, including one concerning strategic nuclear delivery vehicles, which has not previously been made public. In two SALT II issues with respect to which the Soviets were not judged to be in clear violation in the classified report of last February, the findings are altered or updated. These two issues are the SS-16 and an issue made public for the first time—Backfire Bomber production rate.

The Administration's most recent studies support its conclusion that there is a pattern of Soviet noncompliance. As documented in this and previous reports, the Soviet Union has violated its legal obligation under or political commitment to the SALT I ABM Treaty and Interim Agreement, the SALT II agreement, the Limited Test Ban Treaty of 1963, the Biological and Toxin Weapons Convention, the Geneva Protocol on Chemical Weapons, and the Helsinki Final Act. In addition, the U.S.S.R. has likely violated provisions of the Threshold Test Ban Treaty.

While we remain concerned about Soviet violations of Basket I of the Helsinki Final Act and the limited Test Ban Treaty, there is no unambiguous evidence of new 1985 Soviet violations of these two treaties. With regard to the Biological and Toxin Weapons Convention, or the Geneva Protocol on Chemical Weapons, there also is no unambiguous evidence of new 1985 Soviet lethal attacks that meets our strict standards of evidence. However, the Soviets clearly remain in violation of the Biological and Toxin Weapons Convention.

In another sense, Soviet violations are not of equal importance. While some individual violations are of little apparent military significance in their own right, such violations can acquire importance if, left unaddressed, they are permitted to become precedents for future, more threatening violations. Moreover, some issues that individually have little military significance could conceivably become significant when taken in their aggregate.

The Krasnoyarsk radar

The radar under construction near Krasnoyarsk in Siberia is disturbing for both political and military reasons. Politically, the radar demonstrates that the Soviets are capable of violating arms control obligations and commitments even when they are negotiating with the United States or when they know we will detect a violation. The 1972 ABM Treaty prohibits the Soviets from siting an ABM radar, or siting and orienting a ballistic missile detection and tracking radar, as the Krasnoyarsk radar is sited and oriented.

Militarily, the Krasnoyarsk radar violation goes to the heart of the ABM Treaty. Large phased-array radars (LPARs) like that under construction near Krasnoyarsk were recognized during the ABM Treaty negotiations as the critical, long lead-time element of a nationwide ABM defense.

When considered as a part of a Soviet network of new LPARs, the Krasnoyarsk radar has the inherent potential to contribute to ABM radar coverage of a significant portion of the central U.S.S.R. Moreover, the Krasnoyarsk radar closes the remaining gap in Soviet ballistic missile detection and tracking coverage.

ABM territorial defense and other ABM activities

The Krasnoyarsk radar appears even more menacing when considered in the context of other Soviet ABM-related activities. Together they cause concern that the Soviet Union may be preparing an ABM territorial defense. Some of these activities, such as permitted LPARs and the Moscow ABM deployment area, are consistent with the ABM Treaty. Others involve potential or probable Soviet violations or other ambiguous activity, including:

The apparent testing and development of components required for an ABM system which could be deployed to a site in months rather than years;

The probable concurrent testing of air defense components and ABM components;

The development of a modern air defense system, the SA-X-12, which may have some ABM capabilities; and

The demonstration of an ability to reload ABM launchers and to refire the interceptor missile in a period of time shorter than previously noted.

Under the pretext of permitted modernization, the Soviets, since the last compliance report, have deployed a prohibited second new type of missile, the SS-25, which is mobile and could be made more lethal. The SS-25 also could be modified to carry more than a single warhead. Most worrisome is the technical argument by which the Soviets sought to justify the SS-25, for it might be applied to additional prohibited new types of ICBMs in the future.

Telemetry encryption and concealment of missile/launcher association

Two other Soviet violations impede our ability to verify the Soviet Union's compliance with its political commitments. Soviet use of encryption impedes U.S. verification of Soviet compliance and thus contravenes the provision of the SALT II Treaty which prohibits use of deliberate concealment measures which impede verification of compliance by national technical means. A new finding of this report is that current Soviet activities violate the provision of the Treaty which prohibits use of deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing. These deliberate Soviet concealment activities impede our ability to know whether a type of missile is in compliance with SALT II requirements. They could also make it more difficult for the United States to assess accurately the critical parameters of any future missile.

Since the SALT I agreement in 1972, Soviet encryption and concealment activities have become more extensive and disturbing. These activities, Soviet responses on these issues, and Soviet failure to take the corrective actions which the United States has repeatedly requested, are indicative of a Soviet attitude contrary to the fundamentals of sound arms control agreements. Soviet encryption and concealment activities present special obstacles to maintaining existing arms control agreements, undermine the political confidence necessary for concluding new treaties, and underscore the necessity that any new agreement be effectively verifiable. Soviet noncompliance, as documented in current and past Administration reports and exemplified by the encryption and concealment issues, has made verification and compliance pacing elements of arms control today.

Chemical, biological and toxin weapons

The Soviet Union's violations of its legal obligations under the Biological and Toxin Weapons Convention and the Geneva Protocol have important political and military implications. The Soviets had a program of biological and toxin weapons before they signed the multilateral Treaty. Upon signing the Treaty, the Soviets not only did not stop their illegal program but they expanded facilities and were instrumental in the use of prohibited agents.

The Soviet Union has a prohibited offensive biological warfare capability which we do not have and against which we have no defense. This capability may include advanced biological agents about which we have little knowledge. Evidence suggests that the Soviets are expanding their chemical and toxin warfare capabilities in a

manner that has no parallel in NATO's retaliatory or defensive programs. Even though there has been no unambiguous evidence of lethal attacks during 1985, previous activities have provided testing, development and operational experience.

The following cases are relevant in this regard:

The use of remaining facilities at former SS-7 ICBM sites since the February 1985 compliance report (SALT I Interim Agreement);

Exceeding the strategic nuclear delivery vehicle limits (SALT II);

Probable deployment of the SS-16 (SALT II); and

Underground nuclear test venting (Limited Test Ban Treaty).

The 1981 Soviet violation of the military exercise notification provisions of the Helsinki Final Act involved an action contrary to the confidence building measures included in that agreement.

Soviet deployments of Backfire Bombers to Arctic staging bases are inconsistent with the Soviet Union's political commitment to the SALT II Treaty. In addition, while there are ambiguities concerning the data, there is evidence that the production rate of the Backfire Bomber was constant at slightly more than 30 per year until 1984, and slightly less than 30 per year since then. These Soviet Backfire Bomber activities will continue to be monitored and assessed.

THE SOVIET RESPONSE

At the same time as the Administration has reported its concerns and findings to the Congress, the United States has had extensive exchanges with the Soviet Union on Soviet noncompliance in the Standing Consultative Commission (SCC), where SALT-related issues (including ABM issues) are discussed, and through other appropriate diplomatic channels. I expressed my personal concerns directly to General Secretary Gorbachev during my recent meeting with him in Geneva.

All of the violations, probable violations and ambiguous situations included in this report and previously reported on have been raised with the Soviets, except certain sensitive issues. The Soviet Union has thus far not provided explanations sufficient to alleviate our concerns on these issues, nor has the Soviet Union taken actions needed to correct existing violations. Instead, they have continued to assert that they are in complete compliance with their arms control obligations and commitments.

U.S. POLICY

In contrast with the Soviet Union, the United States has fully observed its arms control obligations and commitments, including those under the SALT I and SALT II agreements. As I stated in my message to the Congress on June 10 of this year concerning U.S. interim restraint policy:

"In 1982, on the eve of the Strategic Arms Reductions Talks (START), I decided that the United States would not undercut the expired SALT I agreement or the unratified SALT II agreement as long as the Soviet Union exercised equal restraint. Despite my serious reservations about the inequities of the SALT I agreement and the serious flaws of the SALT II agreement, I took this action in order to foster an atmosphere of mutual restraint conducive to serious negotiation as we entered START.

States will continue to pursue vigorously with the Soviet Union the resolution of our concerns over Soviet noncompliance. We cannot impose upon ourselves a double standard that amounts to unilateral treaty compliance."

On June 10, I invited the Soviet Union to join the United States in an interim framework of truly mutual restraint on strategic offensive arms and to pursue with renewed vigor our top priority of achieving deep reductions in the size of existing nuclear arsenals in the ongoing negotiations in Geneva. I noted that the U.S. cannot establish such a framework alone and that it would require the Soviet Union to take positive, concrete steps to correct its noncompliance, to resolve our other compliance concerns, to reverse its unparalleled and unwarranted military buildup, and actively to pursue arms reduction agreements in the Geneva negotiations.

In going the extra mile, I have made clear that as an integral part of this policy, we will also take those steps required to assure our national security and that of our Allies that were made necessary by Soviet noncompliance. Thus, as I indicated to the Congress on June 10, "appropriate and proportionate responses to Soviet noncompliance are called for to ensure our security, to provide incentives to the Soviets to correct their noncompliance, and to make it clear to Moscow that violations of arms control obligations entail real costs."

As we monitor Soviet actions for evidence of the positive, concrete steps needed on their part to correct these activities, I have directed the Department of Defense to conduct a comprehensive assessment aimed at identifying specific actions that the United States could take to augment as necessary the US strategic modernization program as a proportionate response to, and as a hedge against the military consequences of those Soviet violations of existing arms control agreements which the Soviets fail to correct. We will carefully study this report as soon as it has been completed.

As we press for corrective Soviet actions and while keeping open all programmatic options for handling future milestones as new U.S. strategic systems are deployed, we will continue to assess the overall situation in light of Soviet actions correcting their noncompliance, reversing their military build-up, and promoting progress in Geneva.

I look forward to continued close consultation with the Congress as we seek to make progress in resolving compliance issues and in negotiating sound arms control agreements.

The findings on Soviet noncompliance with arms control agreements follow.

THE FINDINGS

Anti-ballistic missile (ABM) Treaty

Treaty status

The 1972 ABM Treaty and its Protocol ban deployment of ABM systems except that each party is permitted to deploy one ABM system around the national capital area or, alternatively, at a single ICBM deployment area. The ABM Treaty is in force and is of indefinite duration. Soviet actions not in accord with the ABM Treaty are, therefore, violations of a legal obligation.

Issue: The January 1964 and February 1985 reports examined the issue of whether the Krasnoyarsk radar meets the provisions of the ABM Treaty governing phased-array radars. This report reexamines this issue.

Finding: The US Government reaffirms the conclusion in the February 1985 report that the new large phased-array radar under construction at Krasnoyarsk constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation, and capability, it is prohibited by this Treaty. Continuing construction and the absence of credible alternative explanations have reinforced our assessment of its purpose. Despite US requests, no corrective action has been taken. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

Mobility of ABM system components

Obligation: The ABM Treaty prohibits the development, testing or deployment of mobile land-based ABM systems or components.

Issue: The February 1985 report examined whether the Soviet Union has developed a mobile land-based ABM system, or components for such a system, in violation of its legal obligation under the ABM Treaty. This report reexamines this issue.

Finding: The US Government judges that the evidence on Soviet actions with respect to ABM component mobility is ambiguous, but that the USSR's development and testing of components of an ABM system, which apparently are designed to be deployable at sites requiring relatively limited site preparation, represent a potential violation of its legal obligation under the ABM Treaty. This and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

Concurrent testing of ABM and air defense components

Obligation: The ABM Treaty and its Protocol limit the Parties to one ABM deployment area. In addition to the ABM systems and components at that one deployment area, the Parties may have ABM systems and components for development and testing purposes so long as they are located at agreed test ranges. The Treaty also prohibits giving components, other than ABM system components, the capability "to counter strategic ballistic missiles or their elements in flight trajectory" and prohibits the Parties from testing them in "an ABM mode." The Parties agreed that the concurrent testing of SAM and ABM system components is prohibited.

Issue: The February 1985 compliance report examined whether the Soviet Union has concurrrently tested SAM and ABM system components in violation of its legal obligation since 1978 not to do so. It was the purpose of that obligation to further constrain testing of air defense systems in an ABM mode. This report reexamines this issue.

Finding: The US Government reaffirms the judgment made in the February 1985 Report that the evidence of Soviet actions with respect to concurrent operations is insufficient fully to assess compliance with Soviet obligations under the ABM Treaty. However, the Soviet Union has conducted tests that have involved air defense radars in ABM-related activities. The large number, and consistency over time, of incidents of concurrent operation of ABM and SAM components, plus Soviet failure to accommodate fully US concerns, indicate the USSR probably has violated the prohibition on testing SAM components in an ABM mode. In several cases this may be highly probable.

Issue: The February 1985 classfied report examined whether the Soviet Union has tested a SAM system or component in an ABM mode or given it the capability to counter strategic ballistic missiles or their

elements in flight trajectory in violation of their legal obligation under the ABM Treaty. This report reexamines this issue.

Finding: The US Government reaffirms the judgment made in the February 1985 report that the evidence of Soviet actions with respect to SAM upgrade is insufficient to assess compliance with the Soviet Union's obligations under the ABM Treaty. However, this and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

Rapid reload of ABM launchers

Obligation: The ABM Treaty limits to 100 the number of deployed ABM interceptor launchers and deployed interceptor missiles. It does not limit the number of interceptor missiles that can be built and stockpiled. The Treaty prohibits the development, testing or deployment of "automatic or semi-automatic or other similar systems for rapid reload" of the permitted launchers.

Issue: The February 1985 classified report examined whether the Soviet Union has developed, tested or deployed automatic, semi-automatic, or other similar systems for rapid reload of ABM launchers in violation of its legal obligation under the ABM Treaty. This report reexamines this issue.

Finding: The US Government judges, on the basis of the evidence available, that the USSR's actions with respect to the rapid reload of ABM launchers constitute an ambiguous situation as concerns its legal obligations under the ABM Treaty not to develop systems for rapid reload. The Soviet Union's reload capabilities are a serious concern. These and other ABM-related Soviet activities suggest that the USSR may be preparing an ABM defense of its national territory.

ABM territorial defense

Obligation: The ABM treaty allows each party a single operational site, explicitly permits modernization and replacement of ABM systems or their components, and explicitly recognizes the existence of AMB test ranges for the development and testing of ABM components. The ABM Treaty prohibits, however, the deployment of an ABM system for defense of the national territory of the parties and prohibits the parties from providing a base for such a defense.

Issue: The February 1985 report examined whether the Soviets have deployed an ABM system for the defense of their territory or provided a base for such a defense. This report reexamines this issue.

Finding: The U.S. Government judges that the aggregate of the Soviet Union's ABM and ABM-related actions (e.g., radar construction, concurrent testing, SAM upgrade, ABM rapid reload and ABM mobility) suggests that the USSR may be preparing an ABM defense of its national territory.

SALT II Treaty

Treaty status

The SS-25 ICBM:

Obligation: In an attempt to constrain the modernization and the proliferation of new, more capable types of ICBM's, the provisions of SALT II permit each side to "flight test and deploy" just one new type of "light" ICBM. A new type is defined as one that differs from an existing type by more than 5 percent in length, largest diameter, launch-weight or throw-weight or differs in number of stages or propellant type. In addition, it was agreed that no ICBM of an existing type with a post-boost vehicle and a single reentry vehicle would be flight-tested or deployed whose reentry vehicle weight is less than 50 percent of the throw-weight of that ICBM. This latter provision was intended to prohibit the possibility that single warhead ICBMs could quickly be converted to MIRVed systems.

Issues: The January 1984 and February 1985 reports examined the evidence: whether the Soviets have tested or deployed a second new type of ICBM (the SS-25) which is prohibited; whether the reentry vehicle (RV) on that missile, if it is not a new type, is in compliance with the provision that for existing types of single RV missiles, the weight of the RV be equal to at least 50 percent of total throw-weight; and whether encryption of SS-25 flight test telemetry impedes verification. This report reexamines these issues.

Findings:

a. Second New Type—Testing and Deployment: The U.S. Government judges, based on convincing evidence about the SS-25, that the throw-weight of the Soviet SS-25 ICBM exceeds by more than five percent the throw-weight of the Soviet SS-13 ICBM and cannot therefore be considered a permitted modernization of the SS-13 as the Soviets claim. The SS-25 is a prohibited second "new type" of ICBM and its testing, in addition to the testing of the SS-X-24 ICBM, thereby is a violation of the Soviet Union's political commitment to observe the "new type" provision of the SALT II Treaty. The deployment of this missile during 1985 constitutes a further violation of the SALT II prohibition on a second "new type" of ICBM.

b. RV-to-Throw-weight Ratio: The US Government reaffirms the conclusion of the January 1984 report regarding the SS-25 RV-to-throw-weight ratio. That is, if we were to accept the Soviet argument that the SS-25 is not a prohibited "new type" of ICBM, it would be a violation of their political commitment to observe the SALT II provision which prohibits the testing of such an existing ICBM with a single reentry vehicle whose weight is less than 50 percent of the throw-weight of the ICBM.

c. Encryption: The US Government reaffirms its judgment made in the January 1984 report regarding telemetry encryption during tests of the SS-25. Encryption during tests of this missile is illustrative of the deliberate impeding of verification of compliance in violation of the USSR's political commitment.

Despite US requests for explanations and corrective actions with regard to the SS-25 ICBM-related activities, Soviet actions continue unchanged, and the Soviet Union has proceeded to deployment of this missile.

Strategic Nuclear Delivery Vehicle Limits:

Obligation: The Soviet Union's political commitment to abide by SALT II is interpreted by the US Government as including an obligation not to increase the number of strategic nuclear delivery vehicles (SNDVs) in its arsenal. The Soviet Union had 2,504 SNDV's when it signed SALT II.

SS-16 Deployment:

Obligation: The Soviet Union agreed in SALT II not to produce, test or deploy ICBMs of the SS-16 type and, in particular, not to produce the SS-16 third stage or the reentry vehicle of that missile.

Issue: The January 1984 and February 1985 reports examined the evidence regarding whether the Soviets have deployed the SS-16 ICBM in spite of the ban on its deployment. This report reexamines this issue.

Finding: The President's February 1985 Report to Congress which noted that the evidence is somewhat ambiguous and we cannot reach a definitive conclusion, found the activities at Plesetsk to be a probable violation of the USSR's legal obligation and political commitment under SALT II. Soviet activity in the past year at Plesetsk seems to indicate the probable removal of SS-16 equipment and introduction of equipment associated with a different ICBM.

Backfire Bomber Intercontinental Operating Capability:

Obligation: At the signing of SALT II, the USSR gave the US assurances about the BACKFIRE bomber's intercontinental operating capability. The Soviet statement of June 16, 1979, read, in pertinent part, as follows:

The Soviet side informs the US side that the Soviet "Tu-22M" airplane, called "BACKFIRE" in the USA, is a medium-range bomber, and that it does not intend to give this airplane the capability of operating at intercontinental distances. In this connection, the Soviet side states that it will not increase the radius of action of this airplane in such a way as to enable it to strike targets on the territory of the USA. Nor does it intend to give it such a capability in any other manner, including by in-flight refueling . . .

This unilateral statement is an integral part of the SALT II agreement and the US considers it to be incorporated in the Soviet Union's political commitment to abide by SALT II.

Issue: The February 1985 classified report addressed the issue of whether temporary deployments of BACKFIRE bombers to Arctic bases constitute actions inconsistent with Brezhnev's June 16, 1979, statement not to give the BACKFIRE an increased radius of action and the capability of operating at intercontinental distances. This report reexamines this issue.

Finding: The US Government judges that the temporary deployment of BACKFIREs to Arctic bases is cause for concern and continued careful monitoring. By such temporary deployment of BACKFIREs, the Soviet Union acted in a manner inconsistent with its political commitment in the June 1979 BACKFIRE statement not to give BACKFIRE the capability to strike targets on the territory of the United States.

Backfire Bomber Production Rate:

Obligation: At the signing of SALT II, the USSR gave the US assurances about the Backfire bomber's production rate. The Soviet statement read, in pertinent part, as follows: " . . . the Soviet side states that it will not increase the production rate of this airplane as compared to the present rate." Soviet President Breznev, according to Secretary Vance's SALT II transmittal letter to the Senate, "confirmed that the Soviet BACKFIRE production rate would not exceed thirty per year."

Finding: The US Government judges that the Soviet Union is obligated to produce no more than 30 BACKFIRE bomber aircraft per year. There are ambiguities concerning the data. However, there is evidence that the Soviet BACKFIRE production rate was constant at slightly more than 30 per year until 1984, and decreased since that time to slightly below 30 per year.

Encryption of Ballistic Missile Telemetry:

Obligation: Provisions of SALT II ban deliberate concealment measures that impede verification by national technical means. The Treaty permits each party to use various methods of transmitting telemetric information during testing, including encryption, but bans deliberate denial of teleme-

try, such as through encryption, whenever such denial impedes verification.

Issue: The January 1984 compliance report examined whether the Soviet Union has engaged in encryption of missile test telemetry (radio signals) so as to impede verification. This issue was reexamined in the February 1985 compliance report and is examined again in this report.

Finding: The US Government reaffirms the conclusion in the February 1985 report that Soviet encryption practices constitute a violation of a legal obligation under SALT II prior to 1981 and a violation of their political commitment since 1982. The nature and extent of such encryption of telemetry on new ballistic missiles, despite US requests for corrective action, continues to be an example of deliberately impeding verification of compliance in violation of this Soviet political commitment.

Concealment of Missile/Launcher Association:

Obligation: Article XV of the SALT II Treaty prohibits "deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty". This obligation is further clarified in a Common Understanding that states that Article XV applies to all provisions of the Treaty and "includes the obligation not to use deliberate concealment measures associated with testing, including those measures aimed at concealing the association between ICBMs and launchers during testing".

Issue: This report examines for the first time the issue of whether the Soviets have concealed the association between an ICBM and its launcher during testing in violation of their obligation not to use deliberate concealment measures which impede verification.

Finding: The US Government judges Soviet activities related to the SS-25 to be a violation of the Soviet Union's political commitment to abide by the SALT II Treaty provision prohibiting concealment of the association between a missile and its launcher during testing.

SALT I Interim Agreement

Treaty status

The SALT I Interim Agreement entered into force for the United States and the Soviet Union in 1972. Dismantling procedures implementing the Interim Agreement were concluded in 1974. The Interim Agreement, by its own terms, was of limited duration and expired as a legally binding document in 1977.

Any Soviet actions inconsistent with this commitment are violations of a political commitment with respect to the Interim Agreement and its implementing procedures.

Issue: The February 1985 report examined whether the USSR has violated the SALT I Interim Agreement prohibition against using facilities remaining at dismantled former SS-7 ICBM sites for the storage, support or launch of SS-25 ICBMs. This report reexamines this issue.

Finding: The US Government judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBMs is in violation of the SALT I Interim Agreement. Should the Soviets use "remaining facilities" in the future at other former SS-7 sites where the SS-25 is now in the process of being deployed, such use will also constitute Soviet violation of its political commitment under the SALT I Interim Agreement.

Biological Weapons Convention and 1925 Geneva protocol

Chemical, biological, and toxin weapons

Treaty Status: The 1972 Biological and Toxin Weapons Convention (the BWC) and the 1925 Geneva Protocol are multilateral treaties to which both the United States and the Soviet Union are parties. Soviet actions not in accord with these treaties and customary international law relating to the 1925 Geneva Protocol are violations of legal obligations.

Obligations: The BWC bans the development, production, stockpiling or possession, and transfer of microbial or other biological agents or toxins except for a small quantity for prophylactic, protective or other peaceful purposes. It also bans weapons, equipment and means of delivery of agents or toxins. The 1925 Geneva Protocol and related rules of customary international law prohibit the first use in war of asphyxiating, poisonous or other gases and of all analogous liquids, materials or devices and prohibits use of bacteriological methods of warfare.

Issue: The January 1984 and February 1985 reports examined whether the Soviets are in violation of provisions that ban the development, production, transfer, possession and use of biological and toxin weapons and whether they have been responsible for the use of lethal chemicals. This report reexamined this issue.

Finding: The US Government judges that ongoing Soviet activities confirm and strengthen the conclusion of the January 1984 and February 1985 reports that the Soviet Union has maintained an offensive biological warfare program and capability in violation of its legal obligation under the Biological and Toxin Weapons Convention of 1972.

Allegations concerning the use of lethal chemicals or toxins in Kampuchea, Laos, or Afghanistan have subsided in 1985. However, there is no basis for amending the February 1985 conclusion that, prior to this time, the Soviet Union has been involved in the production, transfer, and use of trichothecene mycotoxins for hostile purposes in Laos, Kampuchea, and Afghanistan in violation of its legal obligation under international law as codified in the Geneva Protocol of 1925 and the Biological and Toxin Weapons Convention of 1972.

The United States is seeking to negotiate improved verification measures for the Treaty. Both Parties have separately stated they would observe the 150 kiloton threshold of the TTBT.

Obligation: The Treaty prohibits any underground nuclear weapon test having a yield exceeding 150 kilotons at any place under the jurisdiction or control of the Parties beginning March 31, 1976. In view of the technical uncertainties associated with estimating the precise yield of nuclear weapon tests, the sides agreed that one or two slight, unintended breaches per year would not be considered a violation.

Issue: The January 1984 and February 1985 reports examined whether the Soviets have conducted nuclear tests in excess of 150 kilotons. This report reexamines this issue.

Finding: While ambiguities in the pattern of Soviet testing and verification uncertainties continued in 1985, the U.S. Government reaffirms the February 1985 finding that Soviet nuclear testing activities for a number of tests constitute a likely violation of legal obligations under the Threshold Test Ban Treaty of 1974, which banned underground nuclear tests with yields exceeding 150 kilotons. These Soviet actions continued despite U.S. requests for corrective measures.

Limited Test Ban Treaty

Underground nuclear test venting

Treaty Status: The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (Limited Test Ban Treaty) (LTBT) is a multilateral treaty that entered into force for the United States and the Soviet Union in 1963. Soviet actions not in accord with this treaty are violations of a legal obligation.

Obligations: The LTBT specifically prohibits nuclear explosions in the atmosphere, in outer space and under water. It also prohibits nuclear explosions in any other environment "if such explosions cause radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted".

Issue: The February 1985 report examined whether the USSR's underground nuclear tests have caused radioactive debris to be present outside of its territorial limits. This report reexamines this issue.

Finding: The U.S. Government reaffirms the judgment made in the February 1985 Report that the Soviet Union's underground nuclear test practices resulted in the venting of radioactive matter on numerous occasions and caused radioactive matter to be present outside the Soviet Union's territorial limits in violation of its legal obligation under the limited Test Ban Treaty. The Soviet Union failed to take the precautions necessary to minimize the contamination of man's environment by radioactive substances despite numerous U.S. demarches and requests for corrective action.

Issue: The January 1984 and February 1985 reports examined whether notification of the Soviet military exercise "Zapad-81" was inadequate and therefore a violation of the Soviet Union's political commitment under the Helsinki Final Act. This report reexamines this issue.

Finding: The U.S. Government previously judged and continues to find that the Soviet Union in 1961 violated its political commitment to observe provisions of Basket I of the Helsinki Final Act by not providing prior notification of exercise "ZAPAD-81". While the USSR has generally taken an approach to the confidence-building measures of the Final Act which minimizes the information it provides, Soviet compliance with the exercise-notification provisions was improved in 1983. In 1984 the Soviets returned to a minimalist approach providing only the bare information required under the Final Act. The Soviet Union continued this approach during 1985.

Mr. HOLLINGS. Mr. President, I refer to the various violations with respect to the provisions of the amendment stating that upon the certification by the President—the amendment goes awry. This is absurd, because the President has been certifying to violations all along and we all have received documents identifying them. I refer to the President's unclassified report on Soviet noncompliance. I would first address the SS-25 and the obligations not to deploy more than one new system under SALT II.

Now, of course, the proponents of the administration say who knows

about deployment. We know the SS-24 is the one new one and the SS-25 may be prepared to be deployed but we do not know about that yet. False. We know about that from the unclassified report of the Department of Defense at the beginning of this year entitled "Soviet Military Power." It was issued in March of this year. If the colleagues turn to page 30, they will see that the number of deployed SS-25 missiles is 100.

So we do not have to get into any mystery books about this. We have pictures of them and we have had many reports on them. The President's compliance report lists further the violations of the SS-25 on page 9.

With respect to other violations, we only have to turn to page 9 again and read the section on "Strategic Nuclear Delivery Vehicle Limits," and see the Soviets have already exceeded those limits. They are up to approximately, and for the unclassified record, we use the rough figure of 2,530 SNOV's. That is more than the 2,250 permitted by the treaty, and once again now since we have the attention of some, this sublimit argument is the most spurious kind of nonsense I have witnessed.

I never heard of any kind of Soviet scrupulous compliance about anything.

We have a long list of Soviet violations, and I ask unanimous consent to have printed in the RECORD a list of them—the Soviet violations of arms control agreements, the ABM, SALT II, SALT I, the Biological Weapons Convention, the Geneva Protocol, the Limited Test Ban Treaty, and the Helsinki Treaty.

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

UNAMBIGUOUS SOVIET VIOLATIONS OF ARMS CONTROL AGREEMENTS

ABM TREATY

1. Krasnoyarsk Radar, Violation.
2. Mobile Sams—Radar—Rapid Reload, Violation.

SALT II TREATY

1. SS-25, Violation.
2. Strategic Nuclear Delivery Vehicle Limit, Violation.
3. Encryption of Telemetry, Violation.
4. Concealment of the Association Between a Missile and its Launcher, Violation.

SALT I TREATY

Use of "Remaining Facilities" at Former SS-7 Sites, Violation.

BIOLOGICAL WEAPONS CONVENTION AND GENEVA PROTOCOL

Chemical, Biological and Toxin Weapons, Violation.

LIMITED TEST BAN TREATY

Underground Nuclear Test Venting, Violation.

HELSINKI FINAL ACT

Notification of Military Exercises, Violation.

Mr. HOLLINGS. Now the Senator from Arkansas comes around and talks about scrupulous compliance. The Soviets are in violation of the overall limits on nuclear launchers and that is what counts. That is what we are talking about.

Now, Mr. President, with respect to the encryption of ballistic missile telemetry, they are listed on page 11 of the President's report which clearly state the Soviets are encrypting tests of ballistic missiles—and the latest incident occurred just yesterday when they dropped one of those SS-18's within 500 miles from Hawaii.

Maybe if they could get one out on the lawn of the Capitol Grounds it might wake up our colleagues. We hear the assertions about scrupulous compliance but when they are dropping SS-18's around the State of Hawaii and have the encryption of telemetry therein, we seem to not notice what is going on in the real world. And we hope to get out of it because we put the sanctified language in the amendment "if the President certifies."

Again, there is another violation regarding the concealment of association between a missile and its launcher that is the fourth violation, that is on page 11 of the President's report.

So, if you assume what they want in the amendment is a certification by the President, he has already certified the Soviet violations—so that brings us down to the real intent of the amendment.

Mr. President, you and I and the entire body here and indeed in both the House and Senate, know that this is a driving force behind a ratification de facto of the SALT II Treaty. The sponsors have come up with this particular gimmick and will hail it to the American public that now we are promoting arms control. I have heard in these debates that, "If you take a poll, you will find that women are for arms control, Senator, and if you want the women's vote, you better get with it."

I want the women's vote, and I am getting with it, and I think threats of women are just as successful as anybody, and they want true arms control and they do not want this deceptive amendment that indicates somehow we are controlling arms. This is a deceptive device that allows both sides to build to over 16,000 warheads. If you adopt this you will not have control; you will have decontrol. The amendment misleads the public and makes way for reason and logic for cutting the Department of Defense budget when the reason and logic is otherwise.

The Soviets talk about doing away with the SS-20's, but we will have to watch that closely because all they need is one other propulsion stage and they can turn it into an SS-16 and look at you and say, "Look, we got rid of the SS-20's; that is an SS-16."

These are the kind of games being played by this scrupulous compliance crowd.

Mr. President, it is time that we awaken and understand exactly what is going on.

I know the distinguished Senator from Kansas wanted time. The distinguished chairman of our Armed Services Committee is momentarily on the floor, so I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The time is controlled by the Senator from Virginia, the Senator from Arkansas, and the Senator from South Carolina.

Mr. WARNER. Mr. President, I yield to the distinguished Republican leader such time as he may wish.

Mr. DOLE. Mr. President, I do not know how much time remains.

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes and 8 seconds remaining.

Mr. DOLE. Does the Senator from South Carolina have anything?

The PRESIDING OFFICER. The Senator from South Carolina has remaining approximately 15 minutes.

Mr. DOLE. I do not know whether or not the Senator from South Carolina intends to use the remainder of his time. I have had one request for a different topic for about 8 minutes. Will the Senator be able to spare 8 minutes out of his 15?

Mr. HOLLINGS. I know we are all trying to wind it up. I doubt if we will wind this up in the next half-hour. I would like to stay on this subject. I am not trying to take the last word. The distinguished Senator from Arkansas deserves that. But we do have the debate by Senator NUNN, and I heard there were a couple others coming. I do not want to run out of time or get into the Bork nomination. I can tell you I was not asked about that. Or we can talk on S. 4, too.

Mr. DOLE. Mr. President, let me go ahead and make the statement and then I will try to accommodate the Senator from Pennsylvania.

Mr. President, I first wish to associate myself with the remarks I have been listening to with interest of the distinguished Senator from South Carolina, Senator HOLLINGS. I am not quite certain what we are here for today, but I hope it does not take long to dispose of it. The amendment ought to be tabled.

SOVIET ICBM SPLASHES HAWAII

I read with some interest this morning the Washington Times story—and I know it has been discussed earlier, but I have been elsewhere—that while we were debating the defense authorization bill, the Soviets fired one of their new intercontinental missiles pointed right at the United States—at the State of Hawaii.

I am still checking the details, but right now the newspaper account appears roughly accurate. Furthermore, I am told that there have been two missiles launched toward Hawaii. Every Member of this body should be deeply concerned.

The Soviet reentry vehicles—and let us be plain about it; they are what carry the nuclear warheads—splashed down just North of Hawaii. But there's more. Apparently, the Soviets had hoped their first test would hit even closer to our shores.

What are we to conclude from such a provocative act? What are we to make of TT-9 missiles, streaking across our skies just as Foreign Minister Shevardnadze leaves Washington? Was this an error? No. They have already fired yet another ICBM—again pointed at Hawaii.

I am sure that the administration is checking and rechecking its facts. In fact, I talked to Mr. Carlucci this morning to try to get more details. But when this is done, President Reagan must let the Soviets know in no uncertain terms that this kind of behavior is simply unacceptable—and we in Congress need to back him 100 percent.

Today, I am cosponsoring a resolution with Senators WILSON, WALLOP, and QUAYLE to do just that, and I am sure that all of my colleagues will join us in voting for it.

We should also recognize that those Soviet dummy reentry vehicles carried no warheads, but they did carry a few messages to Congress. Let's face it, while the Soviets tinker with their new TT-9, some people here would like to bind the United States to bits and pieces of SALT II.

SALT II was not ratified and was never a good agreement. It has expired by its own terms, and the Soviets never abided by their political commitment to it anyway.

In fact, the Senator from South Carolina just put in the RECORD a whole list of Soviet violations. I do not know whom we are trying to kid in this body, but the Senator from South Carolina has put in the RECORD a list of Soviet violations and I hope that we will look at that very carefully.

Let's recall that one of the Soviet violations of SALT II was that they built more than one type of new missile. As we now know, they proceeded with the SS-24 and SS-25. Now, the TT-9, which crossed the Hawaiian skies, clearly demonstrates that they have no intention of standing still. They are proceeding with yet another generation of large, accurate ICBM's—the ones which are most destablizing and the biggest stumbling blocks for arms control.

There are also those who would like to hobble SDI, or even to derail it altogether. But those TT-9 reentry vehicles simply underscore the fact that we do not now have a defense against Soviet missiles. Test or no test—just imagine the tension in our command centers as a Soviet missile approaches American soil. Just imagine the terror if people in Hawaii had been told that a Soviet missile was headed their way.

Hawaii's Congresswoman PAT SAIKI says that people in her State don't want it used as a bullseye for Soviet missiles. I think if you ask people in Honolulu today, they would tell you they want to be defended. And that would reflect the views of most American people. This week's reckless Soviet behavior will focus the anger of Americans toward those who would deny the President any legal option he has to pursue for their defense.

The Soviet missile test gives us a perfect opportunity to reflect upon this, and then remove the stumbling blocks which have been placed in the way of President Reagan's legal pursuit of SDI. Let's start by stripping the so-called Levin-Nunn language from the defense bill. That way the President can get on with his job.

The bottom line is that the Soviets are not hesitating for one split second with their strategic offensive or defensive programs. In response, we need to say—loud and clear—that we will not be intimidated. If we show a lack of resolve now, we lessen the chances for a good outcome to negotiations, and we certainly lessen America's security.

Mr. President, I reserve the balance of any time that I may have.

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 14 minutes remaining.

Mr. HOLLINGS. I yield half of that time, 7 of the 14 minutes, to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, based on the very magnanimous announcement just made by the Senator from South Carolina, how much time now does the Senator from Arkansas have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has remaining 12 minutes and 45 seconds.

Mr. BUMPERS. But, in addition to that, did the Senator yield me half the remaining time he has?

Mr. HOLLINGS. Yes; that would be 7 minutes.

Mr. BUMPERS. I now have 19 minutes?

The PRESIDING OFFICER. Nineteen minutes and forty-five seconds.

Mr. BUMPERS. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. LEVIN. Mr. President, I thank my friend from Arkansas.

By unilaterally exceeding the SALT II limits, we would obviously be opening the door to a Soviet numerical buildup to correspond. In doing so, we are going to be playing right into the Soviets' strength.

As former Secretary of Defense Harold Brown pointed out:

> The Soviets are in a better position than we are in terms of military production capabilities and in terms of political constraints to build up the numbers of strategic launchers and warheads much more rapidly over the next 4 or 5 years than we could. That would adversely affect the military balance.

Listen to the results of a study of the Congressional Research Service entitled "Strategic Nuclear Forces: Potential U.S./Soviet Trends With or Without SALT." The CRS study notes that the Soviets had an estimated 10,500 strategic nuclear warheads in July 1986 and we had an estimated 11,800, giving us a lead of roughly 1,300 warheads. But by 1994, without the SALT numerical limits on launchers, this study shows that the Soviets could deploy an estimated 31,900 warheads to our 23,800. That would put us roughly 8,100 warheads behind the Soviets. That is without the constraints of SALT.

I do not see how, then, anyone can argue that these SALT constraints do anything except assist our national security. Right now, we are 1,300 warheads ahead with SALT constraints. Without those SALT constraints, this independent and objective CRS study shows that within just a few years the Soviets could be 8,100 warheads ahead. I think our security is clearly fostered by our maintaining those constraints.

It is clear to me that the opponents of this amendment do not recognize the two primary benefits of arms control. The amendment before the Senate goes to the heart of both.

The first such benefit is placing limits on the number and types of strategic nuclear weapons the Soviet Union deploys and targets on the United States of America. The second is establishing an essential measure of predictability regarding the nuclear threat we will face in the future.

It is in the national security interest to limit the number and type of Soviet strategic nuclear weapons targeted on the United States. It is in the national security interest to increase the predictability of Soviet strategic nuclear force developments. I don't think anyone here disagrees with either of those statements.

The question we face is, How do we achieve that goal? How can we limit or reduce the number of Soviet weapons targeted on our country? And how do we channel Soviet weapons development in a way that makes a highly threatening breakout of those limits difficult, if not impossible, to achieve?

The only way to achieve that goal is to agree to place limits on our own

strategic nuclear forces in exchange for—I emphasize in exchange for—mutual limits on the Soviet arsenal.

These are benefits which the President himself apparently understood for his first 6 years in office. During that time, the President maintained that "it remains in our interest to establish an interim framework of truly mutual restraint on strategic offensive arms as we pursue with renewed vigor our goal of real reductions in the size of existing nuclear arsenals in the ongoing negotiations in Geneva." During that time, he decided "that the United States would not undercut the expired SALT I agreement or the unratified SALT II agreement as long as the Soviet Union exercised equal restraint."

I don't know why he changed his mind. The President apparently still believes that limits on Soviet nuclear weapons are in our interest. He is actively pursuing a 50-percent reduction in the number of Soviet nuclear weapons aimed at our Nation, and he is willing to reduce our forces by roughly the same percentage.

Compliance with the SALT II numerical limits, and staying within those limits as long as the Soviets do, we will improve the prospects for a new agreement which reduces Soviet forces.

The SALT II numerical limits do not undercut our negotiating leverage. There is nothing in those limits, the limits this amendment addresses, which prevents us from modernizing our forces in a way that increases the threat the Soviets face, if that is what you believe creates negotiating leverage. We were conducting such modernization before the President decided to reverse himself by exceeding those limits, and we have continued to modernize our forces since then.

Perhaps more to the point, I do not believe that exceeding the SALT II numerical limits creates additional negotiating leverage. We have no plans to embark on a massive numerical offensive buildup. Our strategic modernization program is primarily qualitative, not quantitative.

Continued superpower compliance with the SALT II numerical limits is not only important because it makes a new agreement more likely. It is also essential in case such an agreement cannot be concluded.

In the absence of such a new accord, there will be absolutely no limits on Soviet strategic nuclear forces if we do not act now to restore compliance with the SALT II numerical limits. This amendment would ensure that we do not enter negotiations on strategic—or long-range—systems with no numerical limits in effect, with no restraint whatsoever on Soviet deployments. It would provide a measure of interim restraint on which this or the next administration can build.

Thus, without this amendment President Reagan may find it harder to conclude a reductions agreement that enhances our security. Should President Reagan fail in his efforts, and should the Senate fail to enact this amendment, the next President will have to start from scratch.

I share the concerns of those who oppose this amendment regarding the Soviet Union's less than exemplary compliance record. However, I think this administration has expended far more time and effort publicizing Soviet compliance problems than they have actually doing anything about them. I guess I would characterize the administration's record on this point as being full of sound and fury, accomplishing nothing.

But let me get back to the amendment at hand.

There are other, better ways to deal with Soviet violations of specific provisions of the unratified SALT II agreement than exceeding the numerical limits, and damaging our own interests in the process. I think former Defense Secretary McNamara put it best when he wrote that:

> Responding to Soviet violations by scrapping SALT is tantamount to reacting to an increase in the crime rate by abolishing the criminal code.

Let's not cut off our nose to spite our face. Let's go back to the policy the President advocated and adhered to for 6 years.

The vote of the Senate on this issue will be a measure of this body's understanding of the purpose and value of arms control—and of limiting the number of warheads in Soviet hands.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I have 17 minutes remaining?

The PRESIDING OFFICER. Seventeen and a half minutes remaining.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use. There are a couple of Senators who have asked to speak on this for a couple of minutes and I will just hold the floor until they arrive.

First of all, I ask my colleagues to please note one thing: This is a very simple proposition. Do you believe that the world or the United States, or both, is more secure with a cap on the number of MIRV'd launchers that each side may have than we are without it?

I think the legitimate question that every Senator ought to ask himself this afternoon, or herself, when he or she walks on this floor is: If not 1,320, how many?

We have been living since 1979, with article V of the SALT II Treaty, which allows both sides 1,320 MIRV'd launchers; 2,450 overall, counting single-warhead missiles.

Mr. President, if this amendment is not tabled, I invite my friends to amend it.

You put in there, "insert 2,000" and see how many votes you get.

"Insert 3,000" and see how many votes you get.

I promise you, it is easy to get up here and kick the Soviets and go mindlessly on your way in this arms race, but that is not what is going to save civilization. Then I invite you to go back home and tell your constituents next year when you run for reelection that you thought we would be better off and the world would be better off when we have 20,000 strategic warheads and the Soviets have 25,000 warheads than we are when both sides have about 13,000.

You see those charts back there? I did not make those up. That is not either my art work or my statistics. But, as I said this morning, six out of the last seven Secretaries of Defense—you know, I do not consider Harold Brown and Jim Schlesinger and Don Rumsfeld and some of those people—I do not consider those people idiots. They studied the issue night and day. Why do you think six of the last seven Secretaries of Defense favor this amendment?

I will tell you why they do. It is because they thing it is in our security interests.

Why do you think Brent Scowcroft on whom Ronald Reagan depends so heavily, favors this amendment? Because he, too, has seen those charts.

Do you see how ominous that red looks back there. That is the Soviet Union. Since the SALT Treaty was signed in 1979, look how many missiles they have dismantled compared to how many we have dismantled. Look at how many they are going to have to dismantle compared to how are we going to have to dismantle. They have to dismantle a lot more than we do. And, by 1994, they have 31,000 warheads and we have 23,000.

I am not worried about that; the fact that we only have 23,000 warheads and they have 31,000, when 400 or 500 on either side is enough to blow this plant apart.

I can tell you those Secretaries of Defense and Brent Scowcroft and every last one of our NATO allies favor this amendment because they know what those charts mean. It means we will be shooting ourselves in the foot and that the Soviet Union is in a much better position to take advantage of trashing that treaty than we are.

Mr. President, I said rather flippantly to the Senator from Virginia this morning: what do we get out of it? I said, well, I get a better night's sleep. And while that is a sort of flip response, as the Senator well knows, there was a certain amount of serious-

ness in it because the fact that the Soviet Union will not have as many missiles aimed at the United States as they will have if this amendment is defeated does allow me to sleep a little better.

If the President wants to veto this he can. He says he is going to veto it because of the Nunn-Levin amendment anyway. You put this on there, maybe that gives him an additional incentive to veto it. But do you know what our fearless President said in 1982, Senator, after he ran all over the United States in 1980 saying this treaty was fatally flawed? Obviously it was not fatally flawed; we are all still alive and we have been living with it.

I might ask you why has not something terrible happened in the last 5 or 6 years that we have been living with it? The treaty has expired by its own terms, but we have been abiding by it and we are all still here and there is still the 1,320 cap on MIRV'd launchers.

But do you know what Ronald Reagan said after he ran against the SALT II Treaty in 1980, when he was elected President in 1980 on that? In 1982 he said, "Well, after all, I believe we will comply. We are going to comply with the number of MIRV'd launchers, 1,320.

Somebody said, well, Mr. President, you ran against that treaty. What are you talking about? Do you know what his response to that was? I just found out the Soviet Union is in a lot better position to break out of that treaty than we are. And there are the charts to validate exactly what the President meant.

So I do not care whether you just think we ought to stop the arms race at 1,320 or 1,000 or 2,000. If you do not like 1,320 and you do not want to keep to the SALT Treaty, pick out a number. But when we go to Geneva and start talking in the START talks, it is so much easier to reduce from 1,320 than it will be from 2,000.

When the President announced last November that we were no longer going to comply with the treaty and he was ordering the 131st B-52 bomber equipped with cruise missiles, that put us over the limit and we have been soaring ever since. Do you know how we are mostly over the limit, Senator? And I know this makes everybody feel a lot better and sleep a lot better at night. We have 19 of those old, 35-year-old B-52 bombers now equipped with cruise missiles. If that makes you sleep better, fine.

Finally, let me say, all I have heard today in response to this amendment is the Soviets cheat. My response to that is this amendment says the President does not have to comply with it if they are cheating.

I know you trust the President. If he comes over here 30 days after the enactment of this and says, "Senator, the Soviets are exceeding the SALT II limits," he can trash the amendment and he is not obligated to do it. I personally do not believe he can do that. I do not believe he can do it, unclassified or classified. But if he does, this amendment goes by the boards. It does not mean a thing.

So, Mr. President, I hope my colleagues will think about future generations and think about their stewardship of this planet and vote for something to control this arms race.

To put it in perspective, I have been sitting back in that Cloakroom today looking at a Los Angeles earthquake. Do you know Los Angeles had a 6.1 Richter-scale earthquake today and that is all you can get on the television.

Do you know what that earthquake in Los Angeles is compared to just one little old tensy nuclear bomb? Why, in the 24-hour telecast they would not give the Los Angeles earthquake 15 seconds. That is just how important that earthquake would be compared to the explosion anywhere in the world of one little old bitsy Hiroshima-sized bomb.

If you want to continue this insanity of thinking you are more secure because you have more weapons than they have, you do it. If you think you would feel more secure with no constraint on the number of nuclear warheads on both sides, vote against this amendment.

I yield the floor.

Mr. LEAHY. Mr. President, how much time remains to the proponents?

The PRESIDING OFFICER. The proponents 7 minutes and 15—about 7 minutes and 20 seconds; the opponents have 15.

Mr. LEAHY. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Vermont for 1 minute.

Mr. LEAHY. Let us not lose sight of what Bumpers-Leahy-Chafee-Heinz is. All we are saying is for the President of the United States to do what he did during the first 6 years of his Presidency; abide by the limits that we described here.

We also say in that, so that nobody will be fooled by red herrings, that he does not have to do that if the Soviet Union does not do the same thing. If the Soviet Union breaks out of those and puts us at a disadvantage, the President is not bound for a moment to follow it.

But, good Lord, Mr. President, this is the only constraint on nuclear arms that we have today in the world. We talk about treaties in the future. This is the only restraint that might exist today.

If we are not willing to do it for ourselves, do it for our children. My children will live most of their lives in the next century, if we have one. It is steps like this to determine that we will have one and I hope the Senate will vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Will the manager yield me 30 seconds?

Mr. BUMPERS. How much time does the Senator need?

Mr. BIDEN. Two minutes.

Mr. BUMPERS. I yield 2 minutes.

Mr. BIDEN. Mr. President, I strongly support this legislation and I compliment my colleagues for their persistence in pursuing this legislation.

Indeed, along with Senator COHEN, I introduced binding SALT II legislation last year—the first such bill to be introduced in this body. Subsequently, in deference to the extensive work done on SALT II by Senators BUMPERS, LEAHY, CHAFEE, and HEINZ—and in recognition of their intent to introduce binding compliance legislation of their own—I chose not to proceed with my SALT II bill and to focus instead on the issue of ABM Treaty compliance.

That was done through extensive hearings, conducted jointly by the Judiciary and Foreign Relations Committees earlier this year, on Senate Resolution 167, the ABM Treaty interpretation resolution, which I sponsored.

In the current atmosphere of expectation surrounding a possible INF agreement, it is extremely important that the fundamental realities of arms control be kept in clear perspective. Those realities are twofold. First, on offensive strategic systems, the Reagan administration has unilaterally broken out of the key sublimits of SALT II—thus opening the possibility of an unconstrained competition in strategic nuclear delivery systems. Second, through its so-called reinterpretation of the ABM Treaty, the administration has laid the groundwork for an unconstrained competition in anti-nuclear defenses. When you put them both together, it spells, in my view, a disastrous precipitation of the arms race.

Unless the United States moves to reaffirm the ABM Treaty and, on that basis, to negotiate new limits on strategic offensive systems, any achievement on the INF front will be purely cosmetic. Since the likelihood of any such developments is, at this point, purely speculative, the Congress would be no more than prudent in facilitating, through this legislation, a continued adherence by both superpowers to the key sublimits on strategic arms established by SALT II.

As to the ABM Treaty, I call to the attention of my colleagues the report, issued by the Foreign Relations Committee last week, on the ABM Treaty Interpretation Resolution. That resolution and the accompanying report address the "reinterpretation" issue from a constitutional perspective and

serve to affirm very clearly the factual and legal validity of the traditional interpretation of the ABM Treaty.

Two weeks, the Senate acted wisely to uphold U.S. compliance with the ABM Treaty, and it would act wisely again today in requiring continued U.S. adherence to the sublimits of SALT II.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I yield 2 minutes to the distinguished Senator from Missouri.

Mr. BOND. I thank my distinguished colleague from South Carolina.

There have been ample reasons set forth today by my colleagues as to why we should oppose this amendment.

Briefly, they are the following:

This is a treaty that has never been ratified;

The Soviets are in clear violation of the treaty with development of a new ICBM and encryption of missile test telemetry being the most blatant violations.

Most important, it is my strong view that we should not be imposing unilaterally on our negotiators limitations on their abilities to achieve mutual and verifiable reduction in arms.

Mr. President, I believe those are good enough reasons to oppose the amendment before us today. When I came to work today I did not need additional reasons to oppose this amendment. But today we have learned a new piece of information that should make this issue crystal clear for us all.

Today we have learned that the Soviets have test fired a new ICBM just a few hundred miles from United States territory.

We do not know much about the TT09. We do not because they encrypted their telemetry once again, another violation.

This is a highly provocative act, Mr. President, and I think it is time that we made clear to the Soviets that we will not stand by while they threaten our country and attempt to intimidate us with the test firing of a missile so close to United States territory and the United States citizens.

If we were to approve the amendment before us today, we would be telling the Soviets that we do not care what they do, that we do not care how they provoke us, that we do not care how they violate the treaties, or even worse that we are intimidated by their show of intercontinental ballistic missile force.

Mr. President, I submit that that would be precisely the wrong message to send today and I urge my colleagues to oppose this amendment.

Mr. HOLLINGS. How much time have I remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining. The Senator from Arkansas has 2 minutes remaining.

Mr. HOLLINGS. Mr. President, on the point made by the distinguished Senator from Michigan, and the emphasis given by my friend from Arkansas, we hear that under the treaty there could be 31,000 on the Soviet side and 23,000 on our side without these sublimits. The Soviets would have 8,100 more warheads than the United States.

I go with that admonition by Winston Churchill, though I cannot remember the exact occasion, when he countenanced after you reach a certain capacity in the engagement of war, whatever was left was only to balance the rubble. In other words, when you get up to a certain number it is lost in the trash and the noise. I am worried about 1 nuclear missile, not 2,000 or 5,000. Look at the proposed INF Treaty. At the present time in Europe we have some 108 Pershing II's and 52 GLCM's. We have 160 missiles to the Soviet 553 SS-2 and SS-4 missiles. No one believes in their heart that the Soviets are being generous, even though they have almost a 4-to-1 advantage. They cannot knock out each and every one of our missiles. And, as long as five or six of the Pershing II's survive, we have a retaliatory capability that they cannot eliminate with a first strike and will be used against them—along with many other theater nuclear forces.

Yes, I am using the argument of the proponents of the amendment given to us with respect to the defense budget. "Why do you need more? Because we have to keep up a relative pace with the Soviets in this particular regard."

Right to the point that the Soviets are in excess of the overall limits. The Senator from Arkansas and others all talk about article V and they ignore article III. The overall limits of strategic nuclear delivery vehicles is being breached by the Soviets in far greater levels than our small breach of the bomber et al. sublimit. I would like to pose a question. In looking at the membership of our Foreign Relations Committee I notice that every Democratic member of the committee signed the letter to the President referred to by the distinguished Senator from Vermont. Plus there was one Republican committee member who signed the letter so the proponents, have a clear working majority for adhering to SALT II. I wonder why they have not reported out the SALT II Treaty? I know the answer. They cannot get ratification of that treaty with full debate on this floor. So they come indirectly and talk about sublimits and scrupulous compliance.

I would say yes, if you believe my friend from Arkansas about scrupulous compliance by the Soviets, vote for his amendment, and you will be voting also for certification by the President of the United States, and ignore that he has certified time and time again of the Soviet violations. The American public will not read it that way. They will think some kind of arms limitation has been enacted and they are being deceitfully misled into a false sense of security and complacency.

The Soviet system is different, as Harold Brown said. He testified for the treaty. You saw what the Armed Services Committee did when he testified. They rejected him.

President Carter said SALT II was a wonderful thing, and they rejected him, too.

If we go down step by step on the SALT II treaty, it is not in the security interest of the United States and this particular amendment is the most devastating of all. If we can start putting riders on authorization bills and appropriations bills and on the House side start ratifying treaties with majority votes in that body, and then a majority vote here, forget about treaties. We will make them up in our own mind. What we will do is put them on as riders and we will have total chaos and no security.

Mr. President, last year's decision by President Reagan to exceed one of the SALT II sublimits was a welcomed change from prior policy whereby we cowered in fear of radical and dangerous Soviet reprisals unless we unilaterally complied with the one-sided agreement. Our negotiators have often been quick to concede to unreasonable and unfair demands when the lesson learned repeatedly from our dealings with the Russians should lead to a far different reaction. From Kennedy's decision to resume nuclear testing that led to the Limited Nuclear Test Ban Treaty of 1963, to the Pershing II/GLCM deployment in Europe that spurred the ongoing INF talks, the message of United States strength and resolve has not been lost on the Soviets. When we show that we mean business, the Soviets get down to business. It takes no genius to figure out that Reagan's actions on SALT limits and on the SDI Program have prodded the Soviets to act now on a new strategic arms agreement.

To retreat on the policy of a flexible and proportionate U.S. response to numerous Soviet SALT violations—that the Bumpers amendment makes no attempt to rectify—would be as horrendous as the proposed sellout of SDI in the face of Soviet preparations for a breakout of the ABM Treaty.

President Reagan's SALT II decision reasserts a firm U.S. commitment to essential equivalence and force modernization in strategic capability. This was the objective of Senator Henry Jackson's 1972 amendment to the SALT I Treaty and the major reason why the Senate ratified that treaty.

Before reaching a decision on ratifying SALT II by a majority vote rather than the constitutional two-thirds—and that would be the impact of the amendment—we should consider several facts. SALT II would not have been ratified by the Senate in 1979, and it cannot be ratified today. There are not 67 votes for the treaty. So its proponents—many of whom are castigating the President over his disregard of the War Powers Act in the Persian Gulf—are asking the Senate to disregard the Constitution by this backdoor approach on ratification. And, might I add, ratification of a treaty that expired in December 1985.

In 1979, the Senate Armed Services Committee—under the capable leadership of our distinguished President pro tem—voted that SALT II was unequal, unbalanced, destabilizing, and not in the national security interest of the United States. The only thing that has changed since then is that the concerns of our colleagues 8 years ago have proven to be fully justified. The Soviet strategic arsenal in 1979 stood at roughly 5,500 to 6,000 warheads. Today, the number is nearly double, over 10,500, and they are more capable and accurate warheads. The U.S. warhead levels have similarly increased from roughly 8,000 to over 10,500. I believe when we say arms control we mean arms control—not arms proliferation. The Senate should not be endorsing any agreement—especially in hallowed tones—that legitimizes such an ominous growth in nuclear weapons.

There are many faults with SALT II and that is why it has not, and cannot, be ratified. The amendment offered by the Senator from Arkansas and others must be rejected. The amendment limits operational funds for our ICBM's, SLBM's, and cruise missile capable bombers to the levels prescribed in article V of SALT II. These are: 820 launchers of ICBM's with MIRV'd warheads; an aggregate of 1,200 launchers of these ICBM types plus submarine-launched ballistic missiles [SLBM's] with MIRV'd warheads; and an aggregate total of 1,320 launchers of the ballistic missiles described above plus heavy bombers equipped for air-launched cruise missiles.

The amendment's authors stress that the Soviets are honoring these levels so we should. There are contentions and evidence that this statement may be false though reality rests on the most current intelligence data; and, indeed, it is almost a day-to-day situation. From my perspective, I believe far too much emphasis is being placed on this factor when there are more compelling issues that should concern us—and cause us to repudiate this mischievious attempt to subvert the Constitution.

There are seven immediate problems with the amendment:

First, the amendment is addressed to only one provision in the treaty that the authors deem important when the treaty was sold to the Senate as a complete package. It is clear that President Carter and his administration's officials linked the various treaty's articles together in their importance—and stated repeatedly that each article did not stand on its own. Here are two quotes—from President Carter and Defense Secretary Brown—substantiating this view:

> Mr. CARTER. It is the SALT II agreement itself which forbids concealment measures, many of them for the first time, forbids interference with our monitoring, and forbids the encryption or the encoding of crucial missile test information. A violation of this part of the agreement—which we would quickly detect—would be just as serious as a violation of the limits on strategic weapons themselves.
>
> Mr. BROWN. * * * we have broken significant new ground in the qualitative area by limits on numbers of reentry vehicles on each type of ICBM (and SLBM) and by allowing each side only one new type of ICBM.

In essence, the Senate is being asked to require adherence by the United States to a provision in the Treaty that the Soviets may not be violating while ignoring provisions where Soviet compliance is absent. It creates the environment where United States strategic force policy is dictated by the Soviet's compliance with one area of the treaty.

Second. The sublimits of article V include only MIRV'd missiles. Adherence to this sublimit ignores totally the SS-25, a second new ICBM missile in violation of article IV. While the SS-25 is a single warhead missile, intelligence reports indicate it could be converted to a MIRV'd missile. There are roughly 100 SS-25's now deployed, and they lead to a second violation—regarding overall launchers—described in paragraph 5 below.

Third. The sublimits—and indeed the treaty itself—do not include Backfire bombers. There are now roughly 300 Backfire bombers. To assert that the Soviets are complying with the sublimits may techncially be true, but the fact is that the omission of the Backfire is ludicrous. This is especially true when one considers that the United States breach of the sublimits is very slight—only 13 B-52 and 2 B-1 bombers—a total far less than the 300 Backfire's.

Fourth. The sublimits allow for the SS-18. While U.S. negotiators agreed to this, the Senate would have required some offset for this heavy ICBM advantage ceded to the Soviets with nothing granted in return. This fact notwithstanding, they are allowed only 10 warheads on the SS-18 under the treaty's provisions. Evidence exists that SS-18's may be deployed with more than 10 warheads. This is a probable violation on top the advantage given the Soviets—plus it illustrates the ridiculousness of controlling launchers and not warheads.

Fifth. Adherence to the sublimits in article V ignores the overall strategic nuclear delivery vehicle [SNDV] limits established in article III. The Soviets are violating article III. The SNDV limits are 2,250 launchers and missiles—the Soviets have over 2,530 launchers and missiles. What we are being told by the authors of the amendment is that if sublimits are breached—doom and disaster will soon follow. But they are silent on the issue of the control in article III on overall launchers and missiles. I would ask my colleagues what is the sense in a sublimit if you do not require control on overall levels.

Sixth. The parties to a treaty should abide by all provisions of the treaty—and not pick and choose those they like and agree to follow. It seems to me that it is incredibly naive and stupid to negotiate treaties with the understanding that either side is free to violate provisions at their own call. Yet, the substance of this amendment would create such an environment and sets an unhealthy and undesirable precedent for subsequent treaties.

Seventh. The sublimits apply only to launcher levels and not to warhead levels. Thus, there is no real control on arms. Both sides could build up their forces to over 16,000 warheads and still remain within sublimits. To pass this amendment and assert that control of nuclear arms has been achieved is an outright distortion—and would lead to a false security and complacency totally underserved.

There are also lessons to be learned from dealing with the Soviets—and in confronting their confirmed and probable violations of arms control commitments. Twenty-five years of history of Soviet failures in abiding by its treaty obligations have provided six important lessons to United States policymakers. These are:

First, the violations are not loopholes but definite violations.

Second, the Soviets sign agreements with no intention to abide by them.

Third, the Soviets use arms control agreements as a means to constrain United States arms capabilities while they improve their own.

Fourth, when there are no substantial costs to meet obligations of the arms control agreement, the Soviet may comply.

Fifth, the Soviets often violate treaties just to save a few rubles.

Sixth, the Soviets avoid penalties for their actions by denying the violation, getting an apologist to say they didn't violate, or indicating that the alleged violation is insignificant.

I opposed SALT II first of all on its inequality. The Soviets were allowed to keep their 308 blockbuster heavies

while we continued to be limited to none. We had to count our B-52's but their Backfire was exempt. Our intermediate range cruise missiles were limited, but their intermediate range ballistic missiles were not. Besides the inequality of it all, SALT was and is unverifiable. It was a budget buster with its sanctification of an arms race. My conclusion was and is that SALT II creates the illusion of security and a dangerous sense of national complacency. Unequal treaties must always be avoided, not only for the result they bequeath but also for the precedent they establish.

The 308 SS-18 blockbusters which the Soviets have go a long way toward giving the other side a first-strike capability—with 30 percent of their ICBM's, the Soviets could knock out 90 percent of ours, and still have 70 percent of theirs left over for an obliterating second strike on America. Similarly, verifiability remains a major problem now as it was then. Even if missiles and warheads were limited—which they are not—there is no way for us to tell how many are being produced and stockpiled, nor can we ascertain what happens to older missiles that are pulled off the launching pads when more modern weapons are deployed. We still cannot verify how many warheads are in that ICBM nose cone, particularly in light of article IV, section 10, second agreed statement which in effect allows decoys. Those decoys could be used either to trick our radars or they can be removed before the moment of launch and replaced with the real thing.

We still cannot verify changes which can significantly alter the capability of a Soviet weapons system. By adding a third stage to the SS-20, it can be made into an ICBM—an SS-16 in effect. But short of that, simply by loading fewer than its maximum number of warheads and by increasing the fuel supply, its range can be enhanced significantly. Finally, I'm sure you remember the debate over telemetry. The Soviets demanded the right to continue coding their telemetry, finally agreeing to the compromise of saying they'd leave open those channels which were pertinent to treaty limitations. So they determine what it is necessary for us to know, and the rest they encode, depriving us of one source of critical intelligence. We rely simply on trust.

If SALT really didn't limit the Soviets in the ICBM field because it clamped no limits on the production of missiles and warheads, neither did it limit launchers. In fact, it never defined what a launcher was or is. In the old days a silo was a launcher, but nowadays silos can be used repeatedly; and on our side we have demonstrated that a canister can be a launcher too. If missiles aren't being limited and warheads aren't being limited, and launchers aren't being limited, then what is being limited?

About the only thing being limited is America's lead in technology. The Soviets have always used arms negotiations to limit us where we are farthest ahead—technology. The cruise missile restraints in SALT II are perhaps the best example. On the cruise missiles, incidentally, it is interesting to remember that while we limited these weapons in various ways—range limitations for the ground and sea variety and limitations regarding the B-52 on the air-launched—we grandfathered their SSN-3 missile which can fly 700 miles and, of course, we excluded their Backfire bomber which can fly 5,000 miles and hit just about any target in the USA and then land in Cuba or somewhere or get refueled and fly home. In short, the Soviets get all the breaks, and we agree to count even B-52's which lie scrapped in the desert sun.

The passage of time doesn't make a bad treaty good, and the inequalities which endangered in 1979 still endanger today. SALT is twice voted against—the Carter administration counted heads in the Senate and knew it would lose, and it lost in the 1980 election when the people voted against that unequal approach. SALT should be history and to resurrect it now sends all the wrong signals out. What incentive is there to get the Soviets to a limiting and mutual and verifiable treaty on arms control if it can still get SALT II? All SALT II can do is deflect us from a real agreement. We don't need the illusion of progress in controlling the awful specter of nuclear arms—we need real progress.

I agree fully with our former distinguished colleague from Washington, Senator Scoop Jackson, who stated on June 12, 1979, before the Friends of Freedom Awards dinner hosted by the Coalition for a Democratic Majority—the significant problems of detente and the SALT arms control policy has been "the failure to insist that restraint must be reciprocal and forbearance must be mutual." A retreat now toward SALT II would be a travesty. I urge the rejection of the Bumpers amendment.

Mr. President, I yield the floor.

Mr. GLENN. Mr. President, I am a cosponsor of this legislation which bars for 1 year spending of funds for strategic weapons that exceed the SALT II Treaty numerical sublimits, provided that the Soviets refrain from exceeding those limits. I rise in support of this important measure.

I did not support the SALT II Treaty at the time the treaty was being considered by the Senate in 1979. My primary objection to SALT II was that I feared that our monitoring and verification capabilities at the time were inadequate. With the Iranian revolution, we had lost our monitoring facilities in Iran and other sources of verification were in disrepair. At that time, I stated that if "The administration can demonstrate that we have in place means to monitor permanently and adequately the treaty's provisions, I will gladly become one of SALT II's enthusiastic supporters, but not until then."

After closely monitoring the status of our verification capabilities, I became convinced that the United States did in fact acquire such verification capabilities and I announced my support for treaty ratification in October 1981.

I was deeply disappointed with the Reagan administration's decision to place the United States in violation of the SALT II numerical sublimit of 1,320 multiple warhead systems when the 131st B-52 equipped to launch cruise missiles left its conversion facility in late 1986. This unfortunate action was in direct violation of the will of the Congress and I am convinced that this change in policy has not only failed to enhance U.S. national security, but in fact could ultimately be detrimental to our national interests.

Our intelligence has indicated that the Soviets have violated the provision of SALT II in several areas—most notably in the encryption of telemetry and in the testing of two new ICBM's, rather than the one permitted. However, even the Reagan administration concedes that the Soviets had not exceeded the sublimit of numbers of delivery vehicles at the time the United States exceeded this numerical sublimit—perhaps the most critical restraint of the unratified SALT II Treaty.

While I am fully aware of the shortcomings of the SALT II Treaty, overall I am convinced that continued adherence to the SALT II numerical sublimits on launchers is in the best interest of the United States. The Soviets have more hot production lines for making intercontinental ballistic missiles than the United States and can quickly expand the number of warheads in their already deployed SS-18 heavy missiles. The Reagan administration's action gives the Soviets an incentive to exceed the numerical sublimits and potentially bring about a destablizing arms race.

Clearly, the United States has a strong national interest in the future of the arms control process. Despite the shortcomings of the SALT II Treaty, I believe that it is better to continue to adhere to the numerical sublimit provision and preserve the admittedly imperfect yet sole constraint on Soviet missile launchers, than to allow the Soviets to proceed in a strategic buildup without any constraints.

Mr. ROCKEFELLER. Mr. President, I rise in strong support of the amend-

ment offered by Senators BUMPERS, LEAHY, CHAFEE, and HEINZ. Few issues come before the Senate which are more critical than controlling the nuclear arms race. This amendment is at the heart of that challenge.

It is no secret that President Reagan and many of his closest advisers came into office deeply skeptical of the value of arms control. Candidate Reagan rejected the SALT II Treaty as "fatally flawed." Yet, in spite of deep concerns over the utility of arms control in general and SALT specifically, the administration for over 5 years found it in the national interest to continue adherence to the provisions of SALT as long as the Soviets did likewise.

On May 27 of last year, the President reversed course and stated that the United States would no longer be constrained by the limits of SALT. At the time, he left the door open by ordering the dismantlement of two Poseidon submarines, thereby keeping us within the SALT limits. But last November, the Reagan administration deployed the 131st B-52 strategic bomber armed with cruise missiles, thereby surpassing the core weapons limits of SALT II. This was a grave mistake.

The key numerical limits in the SALT II accord serve our national security interests by constraining Soviet strategic forces and providing an important element of predictability in our nuclear relationship with the Soviet Union. Continued adherence to the SALT II limits of 1,320 MIRV'd missiles and cruise-missile carrying bombers—and the key sublimits of 1,200 MIRV'd ballistic missiles and 820 MIRV'd land-based missiles—would enhance our security. Yet the administration seems bent on disregarding those core provisions of SALT, thereby inviting the Soviet Union to engage with us in an unregulated arms competition.

The main argument advanced by the administration in defending their decision to disregard SALT is that the Soviets have continually violated that treaty. The charges—that the Soviets have constructed the SS-25 ICBM in violation of the ban on more than one "new" ICBM and that they have encoded missile flight test data in contravention of the commitment not to impede verification—are serious and must be fuly addressed. But rather than pursue these and other alleged violations fully in the Standing Consultative Commission [SCC] set up in the SALT process precisely to handle such issues, the administration has chosen to use these alleged violations as justification for overthrowing the entire treaty.

We should pursue alleged treaty violations with Moscow; if satisfactory results are not achieved, we should be prepared to engage in a policy of proportionate response. But we should not undermine what is useful in the treaty in order to retaliate for alleged violations of marginal treaty provisions. It is important to note that the administration does not claim the Soviets have violated any of the key numerical limits in SALT. As former Secretary of Defense McNamara recently stated: "Responding to Soviet violations by scrapping SALT is tantamount to reacting to an increase in the crime rate by abolishing the criminal code."

The military advantage in maintaining adherence to the core SALT limits is clear. On the one hand, SALT has required the Soviets to dismantle 541 missile launchers since 1972, while we have only had to dismantle 48. And this pattern will hold in the future: according to the Congressional Research Service, by the end of 1987 the Soviets will have to dismantle another 306 strategic launchers while we would only have to dismantle 32.

Without SALT, we could be faced with a continuing escalation of nuclear deployment. The chairman of the House Armed Services Committee, Representative LES ASPIN, has indicated that without SALT the Soviets would be in a position to increase their arsenal 65 percent by 1990, whereas we would only be capable of increasing by 45 percent the number of nuclear warheads. A senior ACDA official recently testified that without SALT the Soviets would be able to add up to 5,000 more warheads by 1994. Similar testimony was provided to the Joint Economic Committee by the CIA.

As we approach final negotiations on an intermediate-range nuclear force [INF] treaty with the Soviet Union, it becomes even more urgent to retain some limits on strategic forces. The "zero option" without limitations on strategic forces would be "zero" for us—but not for the Soviet Union. Long-range strategic missiles can easily be retargeted on Western Europe. The Soviets, even after dismantling all SS-20's, will be able to threaten Western Europe by adding strategic systems targeted on European targets. An INF treaty without parallel strategic constraints does little to strengthen Western security. In the face of an uncertain future for strategic arms accords, we should be holding on to what is valuable in the SALT framework—not jettisoning it.

The SALT accords are not perfect. The President is right in seeking deeper reductions in nuclear weapons through the ongoing arms talks in Geneva. But while we attempt to reach agreement on deep cuts in strategic systems, we should maintain the modest but important constraints embodied in SALT. To do otherwise would be sheer folly.

Continued adherence to the core provisions of SALT is not a favor to the Soviet Union. It is not a naive act of good will toward the Kremlin. It is in the best strategic interests of the United States. I strongly support the amendment offered by Senators BUMPERS, LEAHY, CHAFEE, and HEINZ.

Mr. NUNN. Mr. President, as the cosponsors of the amendment know, I agree with their view that President Reagan made a serious mistake in choosing to allow the deployment last November of the 131st B-52 bomber equipped with air-launched cruise missiles [ALCM's], thereby exceeding the SALT II central sublimit of 1,320 MIRV'd ICBM's and SLBM's and cruise missile-equipped bombers. On December 15, 1986, I joined 56 other Senators in writing a letter to the President urging him to reconsider this decision.

I do not believe, Mr. President, that the strategic situation has changed appreciably since last fall. Despite the President's action, the Soviet Union has continued to destroy older strategic launchers consistent with the SALT II dismantlement procedures, including the destruction of missile silos for the MIRV'd SS-17—an ICBM that was first deployed only 5 years ago, in 1982. Let me repeat that. Even though the United States is no longer observing the SALT II limits, the Soviet Union is unilaterally destroying missile silos that are only 5 years old.

I recognize there is an issue as to whether their dismantlement schedule is keeping exact pace with their deployment schedule—they may be lagging a few launchers behind in one or two of the categories—but no one denies that as a general principle the Soviets are taking out militarily significant weapons that they do not have to retire.

In addition, the Soviets have begun to move on START. Significant progress was made in this area during the Shultz/Shevardnadze meetings earlier this month; and the two nations announced that they had agreed to intensify their efforts in START. Most of my colleagues will remember that when President Reagan decided in May 1986 not to continue his SALT no-undercut policy, he cited as one of his three reasons a failure on the part of the Soviet Union to pursue START seriously.

That leaves the problem of Soviet arms control violations, and this is indeed a serious problem. The Soviets are in violation of certain arms control agreements, and that cannot be condoned. But I do not believe that it is a prudent response for the United States to decide to abandon a policy that is in our overall national security interests.

For all these reasons, I agree with the sponsors of this amendment that the President should take actions to place the United States back in com-

pliance with the SALT II central sublimits.

Unfortunately, the amendment raises a problem all of its own—and that is the question of whether it is wise to enact into binding legislation the exact provisions of a treaty which was never ratified.

There is, I believe, a critical distinction between the action that is being proposed with respect to SALT II and the action taken by the committee and upheld by the Senate with regard to Levin-Nunn. The difference is that the ABM Treaty was duly ratified pursuant to the Senate's constitutional responsibilities for rendering its advice and consent. In that case, the treaty is the law of the land and the Congress, as well as the President, are tasked with seeing this law is faithfully observed.

In the case of SALT II, though, we are dealing with a treaty which—for whatever reason—did not gain the consent of the Senate. From 1979 through 1986, the United States chose to observe it as a matter of policy, not law.

I think the policy of observing SALT II is sound, particularly at a time when there appears to be perhaps a 50-50 chance of achieving a START accord. Observing SALT II would promote a stable negotiating climate for completing START and prevent the Soviets from exploiting their greater surge capacity in terms of production of new strategic offensive forces. But I do not think the Congress should enact legislatively the exact provisions of a treaty which, realistically, cannot achieve ratification in its own right.

I do want to tell my colleagues, though, that in voting against the Bumpers-Leahy amendment, I am not voting in favor of an unrestricted buildup in strategic arms. If Geneva is to succeed, we need some form of interim restraint regime. If the gains we may achieve in drawing down the number of Soviet INF warheads are not to be offset by proportionately larger deployments of Soviet strategic warheads, we will need an interim restraint regime.

Even in the course of abandoning his SALT no-undercut policy, President Reagan recognized the need for some form of interim restraint. On May 26, 1986, the President declared that the United States will not deploy more strategic nuclear delivery vehicles or more strategic warheads than the Soviet Union.

However, I do not believe the President's new interim restraint rules go far enough. Rather than capping the buildup of strategic weapons, it merely pledges that the United States will keep pace with any Soviet expansion.

For these reasons, I think it would make sense to consider possible options for defining some specific numerical caps which would both accommodate our minimum strategic modernization needs while facilitating progress in arms control. I believe both the Reagan administration and the Congress would begin thinking of these options.

Mr. President, I yield the floor.

SALT II NUMERICAL LIMITS

Mr. HARKIN. I rise with sadness to support the Bumpers-Leahy-Chafee-Heinz amendment to return the United States to the numerical sublimits of the SALT II Treaty. I am saddened that Congress must even consider this amendment. I am saddened that the President of the United States has led an unrelenting effort to destroy the few, fragile constraints we have established over decades to slow the nuclear arms race.

Five previous Presidents have sought vigorously to stop all underground nuclear weapons testing. This President has refused until recently to even continue negotiations, preferring instead to develop a new generation of dangerous and destabilizing nuclear explosion pumped directed energy weapons under the guise of the strategic defense initiative.

I am saddened that it was Secretary Gorbachev and not the President of the United States of America that unilaterally stopped underground nuclear weapons for a 19-month period.

Since 1972, every administration has accepted the original intent of the ABM Treaty to prohibit the development, testing and deployment of a nationwide defense system. This President is activily planning to violate this fundamental basis of restraint in the nuclear arms race, deploying a space-based weapons system that would lead to an unending offensive/defensive buildup of nuclear weapons on Earth and in space. Some may cling to the vision of an impenetrable shield, but in fact Star Wars will be nothing more than another round in the arms race, as the Soviet Union deploys their own Star Wars system to shoot down our space-based battle stations and sensors.

And I am deeply saddened that the President of this great country has chosen to violate the numerical limits of the SALT II Treaty. I am saddened that our country, not the "evil empire" has exceeded the only existing limits on offensive nuclear weapons. Some accuse the Soviet Union of violating periferal issues with regard to this treaty, but there is no serious charge that they have deployed too many nuclear weapons, which is, after all, the fundamental constraint and purpose of the treaty.

True, SALT II was never ratified. True, it has expired. True, the SALT limits are far too high. We should be debating 50, 80, or even 100 percent reductions. But this is the only constraint on the number of offensive nuclear weapons that we have at this time. Why discard the only constraint on the arms race? A constraint endorsed by six of the last seven Secretaries of Defense. A constraint endorsed by Congress when we stated in the fiscal year 1987 Department of Defense Authorization Act that:

> It is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits.

Previous speakers on this side have shown that the SALT II Treaty has forced the Soviet Union to dismantle 556 nuclear weapon launchers, while we have destroyed 48 launchers on 3 old submarines before the President chose to discard the treaty limits in December 1986. The Soviet Union would have to destroy another 129 launchers while we would have to destroy 32 more this year had we abided by the limits. Further, over the next 10 years, the Soviet Union could increase the number of nuclear warheads from existing levels of about 10,500 up to 31,900 without the SALT II limits. If we return to compliance, the Soviets would be limited to about 14,800 warheads.

Mr. President, these numbers are far too high. A few hundred warheads on survivable delivery vehicles such as submarine launched ballistic missiles would destroy either country. We need only a few hundred survivable nuclear warheads to maintain an effective deterrence until such time that improved political conditions and improved verification techniques allow us to rid ourselves of the nuclear menace.

A few hundred warheads are enough, and here we are debating whether we should continue a cap at 10,000 to 14,000 warheads—20 times more than we need. But discarding the meager SALT II limits would allow the Soviets to build up to over 30,000 warheads—60 times more than they need. Either limit is insane, but eliminating all limits is clearly moving in the wrong direction.

We are told that the SALT II Treaty is old and outdated, and we should be concentrating on the talks in Geneva aimed at 50 percent reductions. We should not "tie the President's hands" at Geneva.

We agree that current nuclear weapons levels are far too high. A 50 percent reduction to 5,000 strategic nuclear weapons on each side would be too high, still ten times more than we need for deterrence. And, depending on which delivery vehicles were eliminated, these reductions could be destabilizing: If one side or the other kept a disproportionate number of vulnerable weapons and the other kept a large number of accurate, first-strike capable delivery vehicles, then both sides would have strong incentive to use their nuclear weapons in a crisis.

Fewer weapons could be more dangerous.

On the other hand, careful reductions in vulnerable and accurate weapons would improve our mutual security, and we encourage the administration to proceed with vigorous negotiations on safe, 50 percent, or preferrably greater, reductions. However, the real block of large reductions in nuclear weapons is not a continuation of the modest SALT II limits; the real threat to reductions in nuclear weapons is the President's cherished mirage: the strategic defense initiative or star wars. It is clear that if we try to deploy a space-based defense, then the Soviets will build and deploy more offensive forces to assure that they can penetrate those defenses. Secretary Weinberger has written that we would do the same if the Soviets ever build a nationwide defense.

Mr. President, I fear that, as long as President Reagan clings to his dream of deploying a star wars defense, then we will see no progress in limiting strategic offensive weapons at Geneva. It then becomes more imperative that we not discard the SALT II limits. We must not be mesmerized by the hope of a 50-percent cut anytime soon. We must keep a lid on the nuclear arms race until a more rational administration can begin to bring some sanity to our nuclear weapons policy and can halt our insatiable quest for more and more nuclear weapons.

While I am saddened by the need to force continued compliance with such a meager nuclear arms limit, I look forward to the day that we can consider and approve ratification of truly effective and meaningful arms control and disarmanent treaties in this body.

Mr. LEAHY. Mr. President, I do not want to finish debate on the SALT issue without expressing my gratitude and appreciation for the hard work of many staff persons over the last 4 years. Staff from my office and from the offices of my friends and colleagues, Senators BUMPERS, CHAFEE, and HEINZ have spent literally hundreds of hours working on this issue so that the Senate could take a stand on the nuclear arms race.

I want to mention George Tenet, Bill Powers, Dennis Culkin, and Scott Harris, who have at one time or another over the past 4 years, worked so hard on this.

Mr. President, I am sure none of these able and devoted staff would begrudge my paying special thanks to Eric Newsom, my legislative director and good friend, and Bruce MacDonald, from the staff of Senator BUMPERS.

These two brilliant, energetic and dedicated men have been the heart and soul of our bipartisan effort for arms control. The Senate and, indeed, the Nation, is fortunate to have people like Eric Newsom and Bruce MacDonald to serve them.

Mr. DANFORTH. Mr. President, I have always supported the SALT II Treaty. On April 9 of last year, I joined with 56 of my colleagues in writing a letter to the President in support of compliance with the SALT II Treaty sublimits. Earlier this year, I decided to cosponsor this amendment which would limit appropriations for strategic nuclear wepaons to ensure that the United States will not exceed the SALT II sublimits as long as the Soviet Union complies as well.

Mr. President, I have supported SALT because I believe that restraint is necessary to prevent an accelerated arms race. As my colleagues well know, since SALT II is an expired and unratified treaty, self-restraint is all that has kept us below the sublimits. Mainly, I have supported SALT for lack of a better alternative.

Two weeks ago, when Mr. Shevardnadze visited Washington, we had a taste of a better alternative. The better alternative to a Strategic Arms Limitation Treaty would be a Strategic Arms Reduction Treaty. Two weeks ago, we got a taste of arms reduction in the form of an agreement in principle on a global ban of short- and intermediate-range missiles.

I think there are two lessons to be learned from the proposed INF Treaty. First, the proposed INF Treaty is significant as a first step in arms reduction. The nuclear forces eliminated by the zero-zero proposal will be, of course, a very small percentage of the total nuclear forces in both the United States and Soviet nuclear arsenals. Hence, the primary importance of the treaty will be that it will establish some of the procedures in future arms reduction agreements. Work still remains to be done on verification procedures. But the INF Treaty will be a tremendous aid in the negotiating process, in building mutual confidence for arms reduction. This is a positive sign that the process has begun in earnest.

I emphasize that the INF Treaty is significant as a first step because without reductions in strategic arms and conventional forces, the INF Treaty will do very little to enhance our security. The INF Treaty may well go down as a minor footnote in arms control history, but it may also go down in history as the beginning of a process that led to a 50-percent reduction in strategic nuclear forces.

The second lesson to be learned from the proposed INF Treaty concerns negotiating with the Soviets. President Reagan should be commended for having initially proposed the zero option in 1981, and for having the resolve to deploy the Pershing II's and the GLCM's in the face of strong opposition. There can be little doubt that the deployment of these systems brought the Soviets to the negotiating table. Further, the President's insistance on holding to a global ban of these systems led to the agreement in principle we now have with the Soviets.

Mr. President, the administration believes that there is now a 6- to 8-month window open to gain a START agreement with the Soviets. We are facing a summit later this year. Secretary Shultz and our negotiators in Geneva are working assiduously toward an agreement on strategic arms reductions. I, for one, am willing to give our negotiators latitude in arms reduction talks. At this juncture in the arms reductions process, I am persuaded that the President must have the freedom to bring us a strategic arms reduction treaty.

If the President cannot conclude a treaty on strategic arms reductions over the next 6 to 8 months, then I will join the principal sponsors of this amendment in calling for compliance to the SALT II sublimits. But for now, I will vote to table this amendment.

Mr. BYRD. Mr. President, an important milestone on a long journey has been reached today in the Senate. After months of struggle and effort the Senate will get an opportunity to express itself on the issue of limiting U.S. Strategic Forces—on an interim basis—to the levels set by the subceilings of the unratified SALT II agreement.

Four Senators have pursued this issue relentlessly: Senator BUMPERS, Senator LEAHY, and Senators CHAFEE, and HEINZ. In particular I commend the Senator from Arkansas, who has worked tirelessly to bring this issue before the Senate.

It is worth recalling why we are addressing this issue today. Earlier this spring, in May, the interim restraint amendment was proposed as an amendment to the urgent supplemental appropriation bill. Senator BUMPERS withdrew that amendment from the bill in order to speed its passage in the Senate.

When the supplemental was in conference with the House, the provision was part of the House-passed bill. It was the last item dropped by House conferees, who made the concession in order to speed urgently needed assistance to our Nation's farmers. At that time, Mr. President, I made a commitment to the sponsors of this amendment that they would have the opportunity to make their case on the floor of the U.S. Senate and that the Senate would vote on the issue this year. That commitment has now been fulfilled, and I am pleased to be able to speak in support of this amendment and to urge the Senate to adopt it.

This is a very simple amendment. It does not call for ratification of any unratified treaties. It does not set into

permanent law the levels of U.S. Strategic Forces. It simply says, as a matter of interim restraint, that while the United States is negotiating for new reductions in offensive nuclear warheads with the Soviet Union, we should refrain from building our own forces up to levels beyond the central numerical sublimits permitted by the SALT II agreement.

The restrictions would not apply if the Soviets were to exceed the limits. This amendment is not intended to impose any unilateral restrictions on the United States. The Soviet Union, if it chose to, could build warheads at a faster rate than the United States, the Soviet potential to break out of these limits is greater than ours. That is one of my principal reasons for supporting this amendment. It is in the national security interests of the United States to have each side observe these caps on nuclear weapons while the negotiations proceed.

Up until last year, the policy called for in this amendment, which the Senate has endorsed in previous nonbinding votes, was the policy of the administration. Within the past year, however, for reasons which have not been justified in terms of our national security, the administration has decided not to retire older systems as new ones—primarily cruise missiles—are introduced into the inventory.

The policy of continuing to increase the size of our strategic offensive nuclear forces at the same time we are negotiating in Geneva for 50-percent reductions in those forces is difficult to justify. If we are willing to cut our forces in half, why are we in such a hurry to build them up? Moreover, until we know the outcome of the talks in Geneva, how can we be certain that the forces on which we are spending valuable resources today will be the ones we need after any arms control agreement is reached?

It is also hard to understand why, if a proposed INF agreement and the elimination of nuclear weapons which it calls for are so important to this administration, the administration continues the strategic buildup rather than pressing ahead for an agreement on reducing strategic arms. The strategic systems are of far greater significance, both in numbers and in quality, than are the INF systems.

Therefore, I believe that restraining the buildup of strategic forces as an interim measure, while continuing to negotiate, is in our national security interests. And, if the administration would push as hard for an agreement on these important strategic systems as it appears to be pushing for the INF agreement, interim restraint could help to push the arms control negotiations process forward toward the conclusion of the major agreement reducing these forces.

Mr. PELL. Mr. President, I strongly support the amendment being offered by the Senator from Arkansas [Mr. BUMPERS], and other colleagues. I believe it is critically important at this point in our arms control negotiations that the United States comply with the limits of SALT.

Recently the administration and the Soviet Union reached an agreement on principle which would eliminate both long-range and short-range missiles in a new intermediate nuclear forces agreement. If successful, this agreement will be the first to eliminate whole classes of deployed nuclear weapons.

While the agreement would be very important, at least for its political symbolism, I believe that we should not lose sight of the overriding imperative to reduce our strategic offensive arsenals—a challenge critical to our long-term national security. An agreement on a 50-percent reduction in strategic offensive forces is stated to be a priority of the executive branch, and nothing should be done to undercut prospect for such an agreement.

Even if the reductions contemplated in the INF agreement occur, there will still be 4,000 nuclear weapons in Europe. By contrast, an agreement on strategic offensive nuclear arms could substantially reduce the threat we and the Soviet Union pose to each other. Such an agreement would do much to enhance strategic stability and reduce the risk of nuclear war. That agreement will be hard to achieve unless the sides can come to a meeting of the minds on how to handle space weapons. Nonetheless, there is cause for some optimism now, and we should not allow prospects for a truly significant reduction in strategic arms to be placed in jeopardy.

Mr. President, it is important to understand that the United States has not yet gone significantly beyond the 1,320 sublimit on strategic ballistic missile launchers carrying missiles with MIRVed warheads and heavy bombers equipped with long-range cruise missiles. A survey of our forces would show that reductions are possible without jeopardy to our deterrents. By contrast, the Soviet Union is remaining within the SALT ceiling of 1,320. It is to our advantage to keep them within the other subceilings and the overall limit imposed by SALT II. We certainly cannot expect good behavior on their part if we refuse to engage in it on our part.

Mr. President, we should remember that, under SALT I and SALT II, there has been significant restraint required of the Soviets. To stay within the ceilings, they have had to retire old land-based ICMB's and older ballistic missile submarines and launchers. They have been bound to refrain from expanding their land-based missile force, and they have been prohibited from increasing their warhead totals above specified limits. The ceiling on their heavy missiles has been in place for thirteen years. In addition, they have been required to refrain from interfering with our national technical means of verification. There are, of course, many other controls which, taken together, constitute major restraint upon Soviet activities.

Because of SALT I and SALT II, we have in place a significant fabric restraining the Soviet Union. It would be capricious and extremely shortsighted of us to take steps now which could lead to an unraveling of that fabric and jeopardize prospects for further controls.

Mr. President, I believe it is vitally important that the Senate go on record now in unequivocal support of resumed restraint. We cannot afford to do less.

Without SALT and without a strategic offensive arms agreement, the Soviets could have thousands more warheads within the next 8 years than they would with SALT. There is clear disagreement over how much the threat will increase without SALT, and that argument has to do both with Soviet intentions and capabilities, but there is little basis to dispute that the new SALT threat will be greater than the threat under SALT.

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

Mr. BUMPERS. I yield.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the expiration of 3 minutes of debate by Mr. BUMPERS, Mr. SPECTER be recognized for not to exceed 10 minutes on another matter, and upon the completion of his remarks the Senate will proceed to vote on the tabling motion.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object and I shall not object, may I first have a clarification of the yielding back of the time of the Senator from South Carolina, given the fact that the two managers yielded time equally to him.

It would seem to me that in the interest of equity that the time should be yielded back equally divided between the two Senators.

The PRESIDING OFFICER. That was done. That was done. When the time was yielded back, it was split between the Senator from Virginia and the Senator from Arkansas.

Mr. WARNER. Then how much time does each Senator have?

The PRESIDING OFFICER. The Senator from Virginia has no time remaining, and the Senator from Arkansas has 2 minutes and 53 seconds remaining. The Chair fastidiously after each speech has reminded the mangers of the time remaining on both sides.

Mr. WARNER. Mr. President, I certainly concur in that; the Chair has been very careful. But as I understood, the Senator from South Carolina yielded back his time. We had given the time equally to him. It would seem to me such time as was yielded back in a sense of fairness would be equally divided.

The PRESIDING OFFICER. The Senator from South Carolina yielded time which was then split between the Senator from Virginia and the Senator from Arkansas. The Senator from South Carolina has no time remaining. The Senator from Virginia has no time remaining. The Senator from Arkansas has remaining 2 minutes and 53 seconds.

Mr. WARNER. Mr. President, I shall not make a further plea. I just make one last request of the majority leader. Under the original unanimous consent, from which we are now deviating to accommodate one of our colleagues on another matter, I was to make a motion to table. I would like to make that motion, and I ask the majority leader at what time, now that we are modifying the unanimous consent, that would I be recognized to make the motion to table?

Mr. BYRD. Immediately upon the conclusion of the statement by Mr. SPECTER.

Mr. WARNER. I thank the majority leader and I thank the Chair.

The PRESIDING OFFICER. Is there objection to the request propounded by the distinguished majority leader? The Chair hears none. It is so ordered.

Mr. BUMPERS. Mr. President, I know that in the remaining 2 minutes, no minds are going to be changed, but I do want to plead in case there is some lingering doubt in somebody's mind about this amendment, please, do not vote no on the amendment because you think the Senate by a simple majority vote would be ratifying a treaty which by the Constitution requires a two-thirds vote.

This is not a ratification of the SALT II Treaty. It simply uses the sublimits of 1,320 MIRV'd launchers as a cap on nuclear weapons. As I have said repeatedly, if this amendment is not tabled and somebody thinks 1,320 is not enough, offer an amendment and insert a new figure. If you think it is too many, insert a figure cutting the number. But do not hang on that legalism that somehow or other the Senate is violating the Constitution by ratifying an amendment.

Nothing could be further from the truth. We are simply saying there ought to be some cap. I do not know that there is anything sacred about 1,320 and I am not saying that. But I am saying this. When you consider that 1 Trident submarine represents 24 of the 1,320 permitted under this amendment, 1 Trident submarine has the firepower to destroy every single city in the Soviet Union with over 100,000 people in it—1 submarine; we have got 36 submarines; we have got ICBM's in silos; we have got bombers and cruise missiles and the MX missiles—how much is enough.

Mr. President, finally let me just close by saying people who oppose this amendment are people that I hear making the arguments in favor of SDI and that is something I do not understand. Every military planner in the pentagon will tell you the more Soviet missiles they have, the more warheads they have, the more capability they have of defeating SDI. You cannot have it both ways. You cannot say let the Soviet Union have all the missiles and warheads they want and vote for trillions of dollars for SDI at the same time. It is a contradiction.

So, Mr. President, for those and all the arguments I have made plus just being able to face your children and say I have done somehing to try to save this planet, which ought to be plenty for voting against this tabling amendment, I sincerely hope my colleagues will do so.

Mr. President, do I have any remaining time?

The PRESIDING OFFICER (Mr. DASCHLE.) The Senator's time has expired.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Under the previous order the Senator from Pennsylvania is recognized for not to exceed 10 minutes.

Mr. SPECTER. I thank the Chair and I thank the distinguished majority leader for arranging the unanimous-consent request.

JUDGE ROBERT BORK

Mr. SPECTER. Mr. President, I shall vote against Judge Bork on confirmation to the U.S. Supreme Court because I believe there is substantial doubt as to how he would apply fundamental principles of constitutional law. This is a difficult vote since I will be opposing my President, my party, and a man of powerful intellect whom I respect and like. I have spent hours discussing my concerns with Judge Bork both publicly at the hearings and privately in my office, with the last meeting for more than an hour yesterday afternoon.

This vote is especially hard since I know I will be disappointing many constituents who feel so strongly in favor of Judge Bork although there are about as many with equally strong feelings in opposition. At the end, politics and personalities must give way, for me, to my own judgment on the history and the future of the Constitution.

Constitutional separation of power is at its apex when the President nominates and the Senate consents or not for Supreme Court appointees who have the final word. The Constitution mandates that a Senator's judgment be separate and independent.

My judgment on Judge Bork is based on the totality of his record with emphasis on how he would be likely to apply traditional constitutional principles on equal protection of the law and freedom of speech.

I am troubled by his writings that unless there is adherence to original intent, there is no judicial legitimacy; and without such legitimacy, there can be no judicial review. This approach could jeopardize the most fundamental principle of U.S. constitutional law—the supremacy of judicial review—when Judge Bork concedes original intent is so hard to find and major public figures contend that the Supreme Court does not have the last word on the Constitution.

I am further concerned by his insistence on Madisonian majoritarianism in the absence of an explicit constitutional right to limit legislative action. Conservative Justices have traditionally protected individual and minority rights without a specifically enumerated right or proof of original intent when there are fundamental values rooted in the tradition of our people.

Thirty-three years after the fact, there is still not acceptable rationale for the desegregation of the schools in the District of Columbia according to Judge Bork's doctrine of original intent. It is not only that the majority in a democracy can take care of itself while individuals and minorities often cannot, but rather that our history has demonstrated the majority benefits when equality enables minorities to become a part of the ever-expanding majority.

These conceptual concerns might be brushed aside if it were not for his repeated and recent rejection of fundamental constitutional doctrines. Over the years, Judge Bork has insisted that equal protection applies only to race as originally intended by the framers. As recently as 1 month before his nomination, he said equal protection should have been kept to things like race and ethnicity. His view of the law is at sharp variance with more than a century of Supreme Court decisions which have applied equal protection to women, aliens, illegitimates, indigents, and others.

For the first time at his confirmation hearings, Judge Bork said he would apply equal protection broadly in accordance with the Court's settled doctrine under Justice Steven's reasonable basis standard. Without commenting on the various technical levels of scrutiny, I have substantial doubt about Judge Bork's application

of this fundamental legal principle where he has over the years disagreed with the scope of coverage and has a settled philosophy that constitutional rights do not exist unless specified or are within original intent.

Similarly, Judge Bork had, prior to his hearings, consistently rejected the "clear and present danger" test for freedom of speech even though a unanimous Supreme Court had accepted it as an ingrained American value for years. Justice Holmes' famous dictum that "time has upset many fighting faiths," expressed the core American value to listen to others and permit the best ideas to triumph in the marketplace of free speech, short of a clear and present danger of imminent violence.

At the hearings, I asked Judge Bork about his position that Justice Holmes had a "fundamentally wrong interpretation of the First Amendment." After extended discussion, Judge Bork said for the first time he would accept the doctrine as settled and apply it although he still disagreed with the underlying philosophy. I have substantial doubt about Judge Bork's application of that standard to future cases involving different fact situations where he retains his deep-seated philosophical objections.

In raising these doubts about Judge Bork's application of settled law on equal protection and freedom of speech, it is not a matter of questioning his credibility or integrity, which I unhesitatingly accept, or his sincerity in insisting that he will not be disgraced in history by acting contrary to his sworn testimony, but rather the doubts persist as to his judicial disposition in applying principles of law which he has so long decried.

These concerns and doubts lead me, albeit with great reluctance, to vote against Judge Bork.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 825

Mr. WARNER. Mr. President, I move to table the pending amendment.

Mr. LEAHY. 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 Virginia to lay on the table the amendment of the Senator from Arkansas.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON], is necessarily absent.

Mr. BUMPERS. Regular order, Mr. President.

The PRESIDING OFFICER. Are there any other Senators who wish to be recorded?

Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—44

Armstrong	Hecht	Packwood
Bond	Heflin	Pressler
Boschwitz	Helms	Quayle
Chiles	Hollings	Roth
Cochran	Humphrey	Rudman
D'Amato	Karnes	Shelby
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Stennis
Dole	Lugar	Stevens
Domenici	McCain	Symms
Evans	McClure	Thurmond
Garn	McConnell	Trible
Gramm	Murkowski	Wallop
Grassley	Nickles	Warner
Hatch	Nunn	

NAYS—55

Adams	Exon	Mikulski
Baucus	Ford	Mitchell
Bentsen	Fowler	Moynihan
Biden	Glenn	Pell
Bingaman	Gore	Proxmire
Boren	Graham	Pryor
Bradley	Harkin	Reid
Breaux	Hatfield	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Inouye	Sanford
Byrd	Johnston	Sarbanes
Chafee	Kennedy	Sasser
Cohen	Kerry	Simon
Conrad	Lautenberg	Specter
Cranston	Leahy	Stafford
Daschle	Levin	Weicker
Dixon	Matsunaga	Wirth
Dodd	Melcher	
Durenberger	Metzenbaum	

NOT VOTING—1

Wilson

So the motion to table was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I take the floor at this time to inquire as to whether it might be possible for us to have a cloture vote on the motion which I introduced on the Byrd-Nunn amendment. That cloture under the rule will occur tomorrow. I would hope we could vote on it today.

I also hope that we could dispose of the Weicker-Hatfield amendment in some way and get on with the finalization of the SALT issue and vote final passage of the bill today.

I wonder if I might inquire now of the distinguished Republican leader whether or not it would be possible to vote on the cloture motion this afternoon.

Mr. DOLE. Mr. President, if the majority leader will yield, there are actually two cloture motions filed: One on the Byrd amendment and one on the bill itself. The one filed on the bill was an effort—we adopted all the other amendments except the SALT amendment, war powers, and the Byrd amendment—and it was filed in an effort to bring debate to a close and go ahead and pass the bill without these added amendments.

I am wondering if it might be possible if we could agree to vote on cloture on the majority leader's motion, if we could also do the same with reference to the second cloture motion.

Mr. BYRD. Mr. President, I think that is a very logical approach from the standpoint of the distinguished Republican leader. I would understand that. There has been a great deal of debate on the war powers amendment. I do not presume to speak for the authors of the underlying amendment.

The cloture motion only goes to the amendment in the second degree.

As far as I am concerned as to this bill, that I am not interested in delaying, if we get the cloture vote, if we get cloture that is one thing. But on the matter of SALT and, as I say, I am not presuming to speak for the author of the underlying amendment, but as far as my own views are concerned on the amendment which I have offered on behalf of Senator NUNN and others if we could have a cloture vote on that, we have had a lot of debate on it, we have not had a great deal of debate on SALT, if we could dispose of the cloture motion on the war powers and then depending on what happens or what Senators may want to do on the underlying amendment, I would like to see us then proceed and get a finalization, if possible, on the SALT issue today and vote on final passage of the bill today, these being the only two remaining matters.

Tomorrow is Friday. I expect full attendance tomorrow because we all know that we are trying to reach a sine die adjournment in November or early December; hopefully at an earlier date than December. This bill has been before the Senate now off and on for months and months. I am simply wanting to at least get one matter out of the way at a time and as we do that perhaps we can more and more see the end in sight for the bill itself.

If we do not vote on cloture today, of course we have to vote on it tomorrow. But if the distinguished leader would consider with his colleagues letting us vote on cloture on the war powers amendment in the second degree today, that will at least tell us one way

or the other what the prospects are on this bill for that matter.

Mr. DOLE. Mr. President, I am under no illusion that I would get cloture on the motion we filed. I think the vote we just had would indicate that that is probably not going to happen. But it would be a way to dispose of both cloture motions. If I can just visit for a minute or two with the majority leader privately.

Mr. BYRD. Yes.

Mr. DOLE. If we cannot work that out, I would be willing to try the other. But I think it might be easier to persuade some of my colleagues if they are going to have two votes rather than just one vote.

I do not have any illusion that we are going to get cloture. It is obvious, with the vote on the Bumpers-Leahy amendment, I do not imagine those votes are going to change unless people want to finish this bill. But apparently it is not a factor anymore.

But I would be happy to discuss that.

Mr. BYRD. Very well, I will be happy to discuss with our colleagues their feelings as to whether or not we should proceed to get consent on the second cloture motion today.

Mr. BUMPERS. Would the majority leader yield?

Mr. BYRD. Yes, I yield.

Mr. BUMPERS. Perhaps this should be addressed as a parliamentary inquiry, but I will just address it to the majority leader.

We now have both the SALT amendment and the war powers amendment by Weicker-Hatfield, as amended by Byrd-Nunn, pending.

Mr. BYRD. That is right.

Mr. BUMPERS. First, for example, if we vote cloture on the Byrd-Nunn amendment, No. 1, what happens to the underlying amendment if it is nongermane? No. 2, what happens to the SALT amendment as it is presently constituted if we vote cloture on the bill?

Now, those are the two votes we are talking about, one on the Byrd-Nunn amendment and one on the bill.

Mr. BYRD. If cloture is invoked on the bill, any nongermane amendment then pending would fall.

Mr. BUMPERS. So if we vote cloture and the SALT amendment is pending, which it is——

Mr. BYRD. The Byrd-Weicker amendment is pending at the moment.

Mr. BUMPERS. Well, the SALT amendment in its present form, even though it is not pending, it would fall, would it not?

Mr. BYRD. If it is not germane.

Mr. BUMPERS. If it is not germane.

Now, let me be sure I understand. If we vote cloture on Byrd-Nunn, if the underlying amendment is not germane, does it fall then and the Byrd-Nunn amendment stands alone?

Mr. BYRD. I would want the Senator to address that question to the Chair, because there have been some precedents that I think would be best answered by the Chair.

Mr. BUMPERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. Mr. President, let me address the whole question to the Chair. If we vote this afternoon on the cloture motion on the Byrd-Nunn amendment, which is a second-degree amendment to Weicker-Hatfield, if Weicker-Hatfield is not germane, does it then fall?

The PRESIDING OFFICER. If cloture is invoked on the second-degree amendment, it will not affect the underlying amendment.

Mr. BUMPERS. The second question: If we vote cloture on the bill and both Weicker-Hatfield and Byrd-Nunn are nongermane, will both of those amendments then fall, even though we have voted cloture on the Byrd-Nunn amendment previous to that?

The PRESIDING OFFICER. If cloture is invoked on the Byrd amendment, the Senate must remain on that amendment until it is disposed of.

Mr. BUMPERS. If cloture fails——

The PRESIDING OFFICER. The Senator will suspend. The Chair is still consulting with the Parliamentarian.

The Chair will also inform the Members that if cloture is invoked on the bill, the Bumpers-Leahy amendment would fall.

Mr. LEAHY. Mr. President, could the Chair repeat that last statement?

The PRESIDING OFFICER. If cloture is invoked on the bill, the Bumpers-Leahy amendment would fall.

Mr. BUMPERS. Mr. President, if cloture fails on Byrd-Nunn, then we have a subsequent vote—as I understand it, that is the way we would do it. We would vote on both of these. If we vote on one, we vote on both, is that correct? As I understand it, that was the proposition.

Let me make that the third question. If we do not vote cloture on Byrd-Nunn and then we vote cloture on the bill and cloture is invoked, then all amendments now pending, or those that have not been voted—for example, the Bumpers-Leahy amendment, Weicker-Hatfield, and Byrd-Nunn—will fall, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I thank the Chair.

Mr. BYRD. Mr. President, may I suggest the absence of a quorum?

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. Following up on Senator BUMPERS' series of inquiries the rules state that when cloture is voted, then that is the pending business with no other business in order.

This is a unique situation with two clotures. Where does the second cloture petition stand, in that light? You have two conflicting rules, you see.

The PRESIDING OFFICER. Absent a unanimous consent, if cloture is invoked on the first amendment, the Senate will remain on that amendment until it is disposed of.

Mr. HELMS. And therefore the second cloture vote would not be in order?

The PRESIDING OFFICER. The second cloture vote would occur upon the disposition of the amendment upon which the first cloture motion had been invoked.

Mr. HELMS. Well, of course, absent a unanimous-consent request.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, while these little negotiations are going on, I cannot help but remark on the astonishingly thoughtless performance of the Senate this afternoon, in the face of, yesterday and today, three violations by the Soviet Union of the very SALT Treaty that we have now bound the United States to. We have done this without any thought of the consequences, the nature of the provocation, without any thought to the insult, without any thought to what this does to the so-called risk reduction procedures that were so celebrated last week when Mr. Shevardnadze and Mr. Shultz were in town.

This Senate has given to the Soviet Union the means by which it can control our behavior. It really is genuinely curious that the consequences of this act seem lost on this Senate. But, by allowing them to violate at will those provisions which they choose and holding us accountable only to those provisions which they are sometimes in and sometimes out of compliance, we have really just said to the Soviet Union: You call the shots. There is no reason for them to go through the process of treaty negotiations in the presence of this anticonstitutional action that the Senate has just once again performed. This is a treaty, keep in mind, that could not achieve ratification. This is a treaty, keep in mind, that Senator Jackson's Armed Services Committee voted unanimously to recommend against ratification.

So, by picking and choosing those little provisions in which the Soviets remain in partial compliance, we say to them: Choose what you will to violate and choose what you will to comply with and we will remove from

the Government of the United States, the Department of Defense, any response that might be more in the strategic interests of the United States.

I just call the attention of Senators again to the chart, the map behind the Senator from Missouri, where you have those target zones, one of which lies right against the ADIZ, the Air Defense Indentification Zone of the U.S. sovereign territory and State of Hawaii. Next to it you have a follow-on to the SS-18, strictly prohibited and crowed over by Secretary of Defense Harold Brown as a missile that could never be built because of the SALT II Treaty.

You have an encrypted test and you have a test that took place right next to the sovereign territory of the United States when the whole Pacific Ocean was open to it. Yet this Senate ignored that provocation. It ignored that threat and said to the Soviet Union: So long as you keep one little portion of it, we will keep ourselves responsive to that level of compliance and this Senate has already voted down any means by which we could have responded in a similar kind of way to this threat.

It has restricted the MX. It has restricted the strategic defense initiative. It binds the hands of America which is having the violations committed against it. It is a truly astonishing concept, Mr. President. Every time the Soviets are in violation the majority in this Senate seek to bind not the Soviets but our own country and our own people.

I have to tell you that I cannot describe in myself the sense of shame and the sense of astonishment that we would do that to the people of the United States.

Mr. McCLURE. Would the Senator yield?

Mr. WALLOP. I would yield for a question from the Senator of Idaho.

Mr. McCLURE. I would like to commend the distinguished Senator from Wyoming for his statement. It is a brilliant analysis of exactly what we have done to ourselves, and I hope the American public listens and listens carefully because what we are doing here is not only astonishing, it is disconcerting to this Senator. It has implications for the very process in which our administration is now engaged, in trying to negotiate further limitations with the Soviet Union on other weapons systems to bring about reductions in the weapons systems throughout the world.

One of the things we have insisted upon in these negotations—we in the Senate by resolution at various times have expressed ourselves—that there must be absolute verification.

And yet we have said to the Russians right now: Go ahead and agree to anything in these negotiations because we will hold you to nothing.

So the Russian negotiators must be in a tremendously favorable position right now, knowing that they can make any concessions that we demand in the current negotiations because the evidence is on the table that they violate those conditions at will and those conditions become meaningless.

Mr. President, I think what we have done here today is not only inexplicable, it is the demonstration of one of the pitfalls in negotiating strategies in which the United States is at a disadvantage already.

I know the Senator from Wyoming has been very careful in his statement and extremely accurate in his assessment of what it means to this country. But my concern is that we become such a craven and abject negotiator, so anxious to get agreements we will agree to anything. We will not unsettle the debate by making charges that are absolutely obvious.

We even see Members of the United States Congress making trips to Russia looking at the Krasnoyarsk radar, coming home and saying: Well, we found that is no violation, which is simply and absolutely factually inaccurate.

I do not know whether the Members of the other body who made that trip and made that statement did so knowing that it was a lie or whether they were simply misled. But this Nation cannot afford to be lied to, and it cannot afford to be misled in matters so crucial to the security of this country.

Again, Mr. President, I want to commend the Senator from Wyoming for the statement that he has made.

Mr. MATSUNAGA. Mr. President, will the Senator from Wyoming yield?

Mr. WALLOP. I will yield to the question.

Mr. MATSUNAGA. How much truth is there in the news report this morning that a missile landed 350 miles off the shores of Hawaii?

Mr. WALLOP. It is a fact that the same thing happened yesterday. They have had two tests, each of which was a violation.

Mr. MATSUNAGA. Was that within 350 miles or 1,000 miles?

Mr. WALLOP. 350 miles.

Mr. MATSUNAGA. So a miscalculation could have caused one of the missiles to land right on Hawaiian soil. Is that correct?

Mr. WALLOP. The Senator can draw that conclusion, but for a number of seconds difference in burn time in this test they could have had the dummy warhead, coming down on the State of Hawaii.

Mr. MATSUNAGA. As I look at the map you have presented, there was a variance of as much as 650 miles from the target area. Am I correct?

Mr. WALLOP. The Senator is potentially correct. I do not want to get within the precise limits of where it happened. But as the Senator can see, both impact zones are shown on this chart, and one is but 200 miles from the Island of Hawaii.

Mr. MATSUNAGA. As I understand it, while they were aiming for a spot to the northwest of Hawaii, about 650 miles off the rectangular zone shown there, it went off about 650 miles?

Mr. WALLOP. I would say to the Senator from Hawaii, one of the things we cannot know is precisely where they intended to hit, partly because that was one of the violations, because of the encryption.

Mr. MATSUNAGA. I congratulate the Senator. I think while negotiations are going on, this matter should be brought into the negotiations and they should halt doing a thing like this which would endanger the territory of the United States, Hawaii being a State.

Mr. WARNER. Will the Senator yield for a point?

Mr. WALLOP. I yield.

Mr. WARNER. The most recent vote which we just cast, which the Senator is addressing, simply said the missile came over yesterday and we sent back today our missile in the form of the U.S. Senate saying that violations such as this one appear to be all right. That is the way this amendment will be interpreted.

Mr. WALLOP. Not only that, I would say to my friend from Virginia, not only did it contain three violations of the very treaty on which we have just cast our vote, but it is unprecedented in the history of the nuclear age that either nuclear power would choose a target zone so close to the sovereign territory of the other. It is, in fact, a distinct thumbing of the nose at the processes by which we have just found ourselves rejoicing. Shevardnadze's risk reduction agreement, where the spokesmen for the Soviet Union and the United States each read a statement in their own language at a press announcement, and all the hullabaloo about how we were advancing the relations between the two countries. This is their response.

(Mr. ADAMS assumed the chair.)

Mr. MATSUNAGA. I thank the Senator for calling this matter to the attention of the Senate, and I certainly intend to look into it much more closely.

Mr. WALLOP. Perhaps the Senator from Hawaii would be willing, along with his colleague from Hawaii, to help us get a freestanding vote on a sense-of-the-Senate resolution, perhaps today, condemning this activity. Perhaps you can speak with your leader.

Mr. President, I will not take more time of the Senate right now, except to express my real sense of discouragement that we indulge ourselves in the

politics of feeling good, trying to tell ourselves, and hopefully by telling ourselves if we feel good the American people will feel good. But we know on the very day on which we cast this vote and the day before on which we cast our vote, that the sovereignty of the United States and a solemn agreement the United States never ratified, were totally violated.

The Senate chose to ignore that and make a vote that made them feel good. The Senate chose to ignore provocation unprecedented in the nuclear age. The Senate chooses to speak the Russian leader's language. The Senate chooses not to go to Geneva and negotiate these things but indulge itself in what I have called an anti-constitutional procedure. By anti-constitutional, clearly it is within the right of the Senate, through the power of the purse or other things, to restrict the actions of the President.

But these are restrictions that could not be passed in the treaty-making process. Make no mistake about it. The treaty-making process had nothing to do with Soviet invasion of Afghanistan. The treaty-making process failed because the treaty was unequal, because the treaty was unverifiable. Had it been verifiable, it would have merely ratified the rate of expansion of nuclear between the two countries, allowing the Soviet Union to continue its endless build-up while this country felt secure.

The Senator from New York, Senator MOYNIHAN, in a quotation I do not have presently with me, but will supply for the RECORD, on the floor of this Senate said: Make no mistake about it, this treaty could not have been ratified even before the Soviets went into Afghanistan.

Now, what we have is this anticonstitutional concept wholly outside the thoughts of the Founding Fathers that by a majority vote, we could force a behavior on our country that we could not do through the treaty-making process. It is a sad day for Americans with the Senate ignoring provocations, ignoring violations, yet it seeks to restrict the action of their own country without response to the Soviet Union's behavior.

What do we do to wake ourselves up? What in Heaven's name does it take to make us realize that it is not the weapons that threaten us, but the behavior of the Soviet Union? That imperial power, the likes of which the world has never seen in its expansion, we continue in our great little way not only here but throughout the West, to accommodate its behavior, trying to give understanding in the hope that someday when we have understood enough, they will understand and retreat from the expansions that they have undertaken.

What does it take to get us to take our eyes off the treaty verification and look at the strategic circumstances into which we have fallen as a result in part by arms control, partly through violations, and partly because those controlling-treaty clause cannot cover the advance of man's technology?

Everything the Joint Chiefs have ever said and any of the other advocates of these treaties have ever said we needed to enter into them to prevent has been exceeded. Every single thing.

Now once again, in the face of a Soviet provocation, with a target zone near the sovereign territory of the United States, the Senate chooses not to complain to the Russians but to restrict the behavior of the President of the United States and the response of ourselves. It is a very real danger.

You look up the hills, you look down the hills, you look somewhere for an answer. What sense is there? The sense, Mr. President, and the only one we are offered, is an emotional one, an emotional one that if a six-point something or other earthquake hit Los Angeles, that is dominating the news. If that had been a nuclear bomb, it really would have dominated.

Absent a nuclear bomb, of course, you are going to have a major concentration of attention on an earthquake. The earthquake, I would remind my fellow Senators, is an act of God. It was an act of man that shot that missile toward Hawaii. It was an act of man that decided that those were the test zone areas. It was an act of man. And I quote Lenin when he said, "It is not by accident." Those target zones were not picked because they were a matter of convenience. Those target zones were picked because they are in effect a test raid on the United States.

Earlier this morning when I spoke, I had a map showing the comparable ranges in this country where the Soviet tests might have landed. But we tell ourselves what we have just seen is of no importance. The only thing of importance is to tell the American public that somehow or another we believe in magical limits, which is the only segment of the treaty with which the Soviets are even remotely close to in compliance and then they are only in compliance from time to time.

So the Senate sees itself looking at target circles of this dimension on our country, looking at two tests, both of which are in violation of this treaty, that would have hit within these circles were they aimed this way.

Why do I point that out? Because it is a polar circular route that these two missiles were tested on, not the ordinary route of Soviet testing but one which matches an attack on the United States.

It was a practice test on our country and the Senate ignores it. The Senate refuses to allow the American people to believe that it is threatened, because how else can they interpret the action we took today? Why else would we restrain our own country in the face of Soviet violations unless the Senate was trying to tell the people they were safe when they are not. It is not a partisan thing. There were Senators from both parties on both sides of this vote. But it was a singularly thoughless act, a singularly thoughtless piece of self-indulgence in the politics of feeling good, singularly a chance to try to tell Americans that despite what the radicals are saying about the threats that you have with violations of missiles and everything else, you are safe, go sleep tonight. And if only they knew that we did it not to constrain the acts of the Soviet Union but to make them feel good about us.

There is no constraint on the Soviet Union by what we just did. There is a license to cheat. There is a license to take the treaty that the President says he has mostly negotiated—which we got in the face of people on the Left telling us was too severe a demand to make on the Soviets, which we got in the face of people on the Left telling us we would lose the chance forever if we put the Pershing missiles in Europe, which we got after the Soviet Union walked away from the table and we were told somehow or another we were too severe and we were not interested in arms control.

We have done that, and maybe one of the reasons was because tonight the Senate has told the Soviet Union, whatever it is you agree to, it is not important; so long as that portion of it which you comply with is agreeable to us, you can violate the rest at will. This is a ratification of Soviet behavior, this vote of the Senate's tonight. And it is a serious consequence because they sit in the balconies up here and listen to the debates on the floor of the Senate and they sit in the open hearings of the Senate and they knew that we were going to be debating this thing sometime within this time frame. And we were bold enough to be able to say, let us do it anyway because the Senate will not look, the Senate constrains Americans and arms control is the means by which the arms and the hands of Americans are controlled, not the arms and hands of the Soviet Union.

If this were a play, one would view it as silly, and I wish to God it were a play because it would be over and it would have been a story told. This is not a story told. This is an action taken. This is an action taken thoughtlessly without regard to the consequences either for arms control agreements that are extant or those that may be forthcoming.

This is a thoughtless act of people who are politicians, not leaders, people who put their fingers in the wind and

take polls, people who do not look at hard strategic facts, that are the things which threaten our country.

Whatever the provisions with which we may be required to be in compliance under this treaty, whatever they may be, Mr. President, those are not what threaten us. The actions and behavior of the Soviet Union are the things which threaten us, and the behavior has been visible. In fearing to admit what we saw, we have turned our head away. When the American people look for leaders, they find us following, and they wonder how it is we can behave this way. They must think that these are acts of little consequence because why would reasonable men not respond to them by seeking to constrain and condemn and decry the behavior of the country which did it and not their own.

That is where we are tonight, Mr. President, and that is the consequence of the vote which we have just taken.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I wonder if we might learn what the outcome of the inquiries by the distinguished Republican leader and others may have produced at this time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Has the majority leader yielded to the Senator from Virginia?

Mr. WARNER. The Senator from Virginia is responding to a question.

The PRESIDING OFFICER. Yes.

Mr. WARNER. Mr. President, in response to the question of the majority leader, I am informed that the Republican leader has but two telephone calls to be returned and then he will be able to advise the leader.

Mr. BYRD. Very well.

RECESS FROM 5:45 P.M. TO 7 P.M.

Mr. BYRD. Mr. President, I want to be present at an extremely important function this evening. I want to give all Senators an opportunity to be there from about 5:30 to 7. So, I shall ask unanimous consent that the Senate stand in recess from the hour of 5:45 to 7 p.m. My wife and I are having a reception for a very gracious lady whom we all know and love. I want all Senators and their wives to be able to attend. So that Senators might be informed that there will be a recess to accommodate that event, I make this request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request that the Senate stand in recess from 5:45 until 7 p.m. this evening?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair. I thank all Senators.

That, Mr. President, would mean that the Senate will go into recess about 1 hour and 25 minutes from now which would accommodate a vote on cloture on the Byrd-Nunn amendment, and depending on the outcome of that amendment, it is conceivable that there could be a cloture vote on the bill itself. All this could be done before the recess. I hope that we might be able to learn as early as possible as to whether or not we could get consent to do these two cloture motions, hopefully today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry: the pending business before the Senate, the Senator from Virginia is of the opinion it is the Byrd-Nunn amendment.

The PRESIDING OFFICER. That is the pending question before the Senate.

Mr. WARNER. Mr. President, momentarily I will address the amendments. But I want to say for the distinguished Senator from Wyoming that that statement by him, heartfelt, was one of the most brilliant statements that I have been privileged to hear on the floor of the U.S. Senate. I wish to associate myself with those remarks. I am deeply concerned that the missile that came over yesterday, our message today could be interpreted as a thank you note signed by 55 Senators that goes back the next day. I find this a most disturbing consequence. It is my hope that the Senate may revisit this issue before the pending matter becomes final.

Mr. BYRD. Mr. President, I hope we would not make too much of that so-called thank you note that went back with the 55 so-called signatures that were on it. I have no apologies to make for the vote I cast. I hope we will not engage in this kind of talk because we will be all afternoon and into the evening revisiting this little debate.

The votes were cast, and, Mr. President, let it be said here that the references by the distinguished Senator from Wyoming to those on the "left," I take it that means the Democrats. I do not know. I suppose that is what he meant, Democrats across the aisle to the left of where the distinguished Senator stands. I hope we will be careful not to say anything that would impugn the patriotism or the honesty of any Senator in this body. Not all Senators voted as I did. Not all Senators voted as I would wish they would vote. But I do not intend ever to impugn the patriotism or the honesty and integrity of any Senator, and I hope the Senator was not doing that.

Mr. WARNER. Mr. President, I assure my distinguished friend, the majority leader, it was not intended to impugn the patriotism of anyone.

Mr. BYRD. Very well.

Mr. WARNER. I assure him also that those of us on this side are indeed stunned by this vote because we think it sends a very serious signal. This comes at the very time when our negotiators are struggling to do the best they can to go about developing a formula to bring down the number of warheads. As the leader well knows, we tried in SALT II to grapple with the number of launchers and that formula failed. The number of warheads went from some 4,000 to 5,000, at the time that agreement was signed, to some 10,000 or 11,000 today. So, that formula was of no value.

Mr. BYRD. Mr. President, if we want to fight this battle over before the smoke has cleared, that is one thing. I hope we do not do that. I voted against the motion to table, and what I was saying is that vote was not putting my signature on any "thank-you note" back to the Soviet Union. My credentials here as an anti-Communist are as good as anybody else's. My credentials as a patriotic American here are as good as anybody else's—no better, but as good.

I have not seen anything happen this afternoon so catastrophic and cataclysmic as what I have been hearing here. What we are saying is that as long as the Soviets do not break through the central numerical sublimits, then we should not do so because if we do that, then we encourage them to do the same. The Soviet hotlines are ready, and they can produce faster and they can produce more warheads than we can immediately produce.

That is what we are saying. I was not saying by my vote that the Soviets are living up to the treaty. I was the one—not the Senator from Wyoming, or the Senator from Virginia—but I was the Senator who called Mr. Carter and said, I will not call up the SALT II Treaty. Why? Because the Soviet Union has invaded Afghanistan. The Soviets are still in Afghanistan today. Yet, we are about to enter into an agreement with the same Soviet Union on the INF. I may be one Senator who will join in a reservation to the INF treaty dealing with Afghanistan.

But all of this shedding of blood here, this shedding of tears, and these veiled insinuations about the 55 Senators who voted against tabling the Bumpers amendment, I take umbrage at such. I did not intend to say anything on this until my good friend, the distinguished Senator from Virginia, put it point blank, that those 55 Senators who vote against tabling has signed a "thank-you note" to the Soviet Union. I will not let the record stand unchallenged on that.

Mr. WARNER. Mr. President, the intention of the statement was that the vote could be interpreted in the eyes of the world, but so much for that. All of us in moments sometimes reflect on it. But my deepest concern is that this body has taken an action today in the nature of treatymaking.

There is no one that knows more about the functions of this Senate under the Constitution, and its responsibilities. But we have now reposed, by virtue of this amendment, with a simple majority of both Houses, the power to lift from a treaty that which the Senator himself refused to let this body deal.

Mr. BYRD. Mr. President, we have not done any such thing.

Mr. WARNER. Mr. President, I say to my distinguished friend, the majority leader, we have in a sense said to our President, "You will abide by the sublimits which contained exactly the same words as in the treaty that was sent back."

Mr. BYRD. We have not said that. We just said no to a motion to table the amendment. We have not and nobody is advocating ratification of a treaty that has already expired. Nobody is saying that we should ratify anything in any treaty by a majority vote.

Mr. WARNER. Mr. President, the leader is correct. We have not as yet voted up and down on the Bumpers amendment. But if we were to cast a vote in favor of the Bumpers amendment, as reflected by the motion to table of the Senator from Virginia in a sense we would be imposing on our President the sublimits as contained in the SALT II Treaty.

Mr. BYRD. We would not be imposing on our President any such thing. We would simply say let us live up to the central numerical sublimits as long as the Soviets do because once we cross that threshold they are in a much better position to more quickly increase those missiles than we are. They have the production hotlines ready to go. And that is what we are saying.

Mr. President, I have the floor. I did not intend to rehash this. But I am 1 of the 55 who voted against the tabling motion. I take umbrage when it is said here that 55 Senators today have sent a "thank you note to the Soviet Union" after one of their test missiles comes close to one of our States.

Why don't the Senators offer a resolution criticizing the Soviet Union. Offer a resolution spelling out the astonishment, the umbrage and indignation of the United States. I will join in. But let us not start impugning the patriotism of Members of this body.

Mr. President, I hope we can get an agreement to vote on the two cloture motions. We still have some time and this debate can go on afterward if cloture is not invoked.

Mr. DOLE. We are ready.

Mr. BYRD. Mr. President, the distinguished Republican leader has cleared this request.

I ask unanimous consent that at 5:45, which will be 15 minutes from now, so that all Senators have an opportunity to know that there will be a rollcall vote——

Mr. DOLE. Four forty-five.

Mr. BYRD. Mr. President, my hair has turned gray in the service of my people; now I think I am going blind. [Laughter.]

That does not mean that I do not know what I am voting on. [Laughter.]

Mr. President, I ask unanimous consent that the vote on the cloture motion offered by myself and the requisite number of other Senators on the amendment by Mr. BYRD and Mr. NUNN and other Senators occur at 4:45 p.m. today; that in the event that cloture motion fails, the Senate forthwith vote on the cloture motion by Mr. DOLE on the bill.

Mr. DOLE. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. I wonder if we might do it the other way around. I do not know how the cloture vote will be on your amendment. We can have both cloture votes; and if cloture should be invoked on the Byrd amendment, we would still have the second vote before we start back, regardless of the outcome.

Mr. BYRD. Yes.

Mr. President, I change my request in accordance with the proposal by the distinguished Republican leader. I will make it again.

I ask unanimous consent that at 4:45 p.m. today, the Senate proceed to vote on the cloture motion on the Byrd-Nunn amendment, and regardless of the outcome of that vote, the Senate then proceed to the vote on the cloture motion by the distinguished Republican leader on the bill. In the event that cloture is invoked on the Byrd-Nunn amendment, then the Senate would revert to that amendment until disposed of.

Notwithstanding the fact that cloture on the bill would, in the meantime, have been invoked, the Senate would proceed, under the rule, to the exclusion of all other business, to dispose of the Byrd-Nunn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho reserves the right to object.

Mr. McCLURE. Mr. President, I do not want to interfere at all with the arrangmeent which has been achieved between the majority leader and the minority leader with respect to the pending amendment. However, the Senator from Idaho will object unless the Senator from Idaho can be recognized for 5 minutes, not to exceed 5 minutes, between now and that time.

I wonder if the majority leader might include in the unanimous consent agreement that the Senator from Idaho be recognized for 5 minutes, not to exceed 5 minutes, between now and that time.

Mr. BYRD. Yes.

Mr. President, I include that.

The PRESIDING OFFICER. That is included in the unanimous-consent request.

Is there objection?

The Chair hears none, and it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader, and I thank all Senators.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. I will protect the rights of the Senator.

Pursuant to the unanimous-consent request, the Senator from Idaho is entitled to 5 minutes. I will recognize the Senator from Idaho pursuant to the unanimous-consent request. Then the floor will be open for other Senators to seek recognition, until the hour of 4:45.

I will protect the Senator from Texas, if he remains on his feet to be recognized.

Mr. GRAMM. Mr. President, I would be happy to step down for the distinguished Senator, but the unanimous-consent request was for 5 minutes during that time period.

The PRESIDING OFFICER. That is correct. I am going to recognize the Senator form Idaho, which will take 10 minutes; and at the end of 5 minutes, if the Senator from Texas is on his feet, the Chair will recognize his right to the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the automatic quorum preceding the first cloture vote be waived.

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

Mr. BYRD. And there would be no automatic quorum between the first and second cloture votes.

The PRESIDING OFFICER. Pursuant to the unanimous-consent request, the Senator from Idaho is recognized for 5 minutes.

Mr. McCLURE. Mr. President, I have listened to the remarks of the distinguished Senator from Wyoming, and again I wish to commend him very strongly for the statement he made. I also commend the Senator from Virginia for the remarks he made.

I am mindful of the concerns expressed by the distinguished democratic leader this afternoon about what might be characterized, or what might or might not have been characterized. I understand the Senator from Wyoming to have said he was speaking of people on the left and not of the left. I suppose he might have been standing with his back to the Chair and made the same comment, because I do not believe he was talking about people who were on his left physically, on his left in this Chamber. He was talking about a political ideology, placing it in

a political ideology, not physical placement on the floor.

I also say that the Senator from Virginia was correct, in my view, in his characterization of the way in which the action on the floor of the Senate today will be viewed with respect to commendation or condemnation to the Russians for the actions they have taken. I do not believe that those remarks in any way impugned the integrity or the patriotism of people who may have voted on that side.

I do think the Senator from Virginia was not only right but also within his rights to question the wisdom or the judgment of the action taken today, and I join in that questioning of the effect of the vote on the floor of the Senate today. I think it was a message back to the Soviet Union, Mr. President, and I say that with full knowledge that people who may have differed from my opinion with respect to that action, both in terms of the vote and its effect, may have a different opinion. But I state my own opinion, and my own opinion is that the Senator from Virginia is correct in his statement.

I would also say that, in my view, the Soviet Union was not testing a missile. It was testing the resolve of the American people.

(Mr. EXON assumed the chair.)

Mr. McCLURE. It was not designed to find out whether that missile would fly. It was designed to find out what we would do. And its aim was not some point off the shore of Hawaii; its aim was the Senate of the United States, and that missile struck that target and destroyed not a target but any illusions that we have about strong effective leadership in this body for response to Russian provocations.

That is what was at stake in that missile test, and that is what was hit and destroyed.

I hope there is no illusion left among the American public that within this body they will find the strong, effective, determined leadership necessary to protect the security of this country against those kind of actions and threatened actions on the part of the Soviet Union.

Mr. President, let us have no illusions about the reaction of the world in looking at the votes of the Senate of the United States as we have carefully constructed a scenario in which we say, yes, indeed they violate treaties; yes, indeed, it does not matter to us.

We will not even ratify treaties but we will observe them. We not only will observe their conduct to see where they have violated the provisions of that treaty which has not been ratified, but it matters not because we will do nothing if they do.

What kind of a message is that, Mr. President, for us to have sent as a result of the actions of this Senate today? I hope indeed the Senator from West Virginia is correct that it will not be read that way. My judgment tells me it will be.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, indeed those of us who voted against the motion to table did not say that it does not matter if the Soviets violate treaties. We did not say that. I did not say that. I am sorry that our friends across the aisle appear to be seeing ghosts. There is not a Communist under every desk in this Senate.

I am not content with having others characterize my vote. If they say it was an unwise vote, I have no problem with that.

The Bible says:

> Happy is the man that findeth wisdom, and the man that getteth understanding.
>
> For the merchandise of it is better than the merchandise of silver, and the gain thereof than fine gold.

Solomon prayed for wisdom and God was pleased. Solomon did not ask for power. He did not ask for riches. He asked for wisdom and understanding, so that he might judge the people. And God was pleased and gave him both riches and power and honor and wisdom.

I pray for wisdom. In my votes, it does not trouble me that other Senators may say or think me unwise. Perhaps I cast votes that are unwise in the eyes of others. I cast them according to my own lights. God did not bless me with the intellect of an Einstein. I only have what I have. But I do claim to be as patriotic as any other American. I hope that the American people who have been listening to this debate and watching it will not be misled by attempts to characterize the votes of the 55 as being votes of Senators who are willing to overlook violations of the Soviet Union and will overlook violations of the next treaty.

I hope we will all take a good look at this next treaty when it comes up here. I intend to read the fine print of it.

But I am willing to let this be enough on the subject for now. Senators may talk as long as they wish to, but if they are going to make statements that impugn or could be inferred to impugn the patriotism of other Senators here, then I will be bound, reluctant as I may be, to try to defend in as best way as I can my own integrity and patriotism and that of others.

I hope we will not do that. If Senators wish to say that I cast an unwise vote, fine. I can be wrong. I have been wrong many times. I might think that the vote of others was not wise because they did not agree with me, but I understand that every Senator here is bound to his own conscience, to his own god, and tries to represent his own constituents the best he knows how.

Many Senators did not vote with me on campaign finance reform, but I did not say that anybody was a crook in here. I did not imply that any Senator here was accepting bribes. I did not say that anybody who voted the other way was trying to buy a seat in the Senate. I did not make any such insinuations or charges.

I thought there were some unwise votes cast against cloture on campaign reform. But I can smile about that and go on with other business. I think we are all good Americans. I like to think I am. I think every Senator in here is a good American.

But I am not going to send the Soviet Union any "thank you note" for landing a missile in close proximity of Hawaii.

Mr. President, we have 2 minutes. I will yield the floor.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Texas is seeking recognition.

Mr. GRAMM. Mr. President, I ask unanimous consent that despite the fact that we set the vote that I have 5 minutes to speak.

The PRESIDING OFFICER. Is there objection to that part of the unanimous-consent request so that the Senator from Texas has a full 5 minutes? Is there objection?

Mr. KERRY. Mr. President, I reserve the right to object.

Are there any other requests for time after that?

The PRESIDING OFFICER. I will state to the Senator there has been no other requests for time. The Senator from Texas is on his feet. To that part of the unanimous-consent request, there has been a request it be set aside so he may have a full 5 minutes.

Is there objection? Without objection, it is so ordered.

The Senator from Texas is recognized for 5 minutes. Immediately thereafter we move to the vote on the cloture motion.

Mr. GRAMM. I thank the distinguished Presiding Officer.

Mr. President, we have all been treated to a rare occurrence here today. It is one that is so unusual that I could not let it pass without saying a few words about it. In the 3 years that I have been privileged to serve in the U.S. Senate, I have seen few actions that equal it.

I have often wondered as, in the midst of a budget crisis, we have debated bills, as we all spoke of the perils of the deficit, as almost all of us talked in our home States about balancing the budget, how we could then turn around and vote to fund weed research centers, beekeeper indemnity funds, and archaeological digs, calling them emergency items.

I have marveled as Members shouted their indignation at overcharges on hammers and cathode tubes and yet turned around and voted against saving hundreds of millions of dollars on what was no less waste, fraud, abuse, or theft, because it happened to be supported by some special interest group.

I had often wondered in those 3 years, Mr. President, if we had lost our ability to be outraged.

It was proven today that at least one in our body has not.

The power in the statement made by the distinguished Senator from Wyoming lay in the fact that behind it is one of the most powerful forces on Earth: an honest man speaking out at a critical moment on a righteous issue.

Now, I will not impugn anyone's motives. In any case, what we say here is not relevant, but what we do here is highly relevant to an adversary that imperils our freedom and our lives.

The Senator's statement was profound because we had just voted—after 2 days during which the Soviets have violated the SALT II agreement, where they have twice violated it in three different parts, where they have fired a test missile that fell close to the sovereign territory of a State in this country—voted to impose on the President compliance with a treaty that the Soviets have flaunted and violated today and yesterday.

Now, each of us has our own particular viewpoint as to what is happening, but I think the facts warrant a moral outrage. And now we have heard that righteous indignation expressed. It was a very powerful expression.

I am not sure that it will be covered in the news anywhere, but it was powerful and it clearly is going to have an impact. Might I say, Mr. President, on this issue and perhaps issues where I am on the other side, I believe that there are too few expressions of righteous indignation about actions that take place here, and I applaud them when they occur. Righteous indignation and moral outrage are things we need more of if we are to do the will of the people and if we are to promote the interest of the working men and women of America whose happiness is our primary objective.

I want to congratulate the distinguished Senator from Wyoming. I am proud to serve in this body with him and I count it a singular privilege to have served with him these 3 years. His leadership is needed to remind us that these votes are not meaningless political contests, that this is no debating society, that this is a great deliberative body and what we do speaks with a power that reaches far beyond the oratory abilities of any individual. It is what we did that the distinguished Senator objected to, not to the motivations of the people who may have done it, but what the action was and the context in which it took place, and that is why it was so powerful, so important, and that is why I take the opportunity to congratulate him and to thank him for his leadership.

CLOTURE MOTION

The PRESIDING OFFICER. The time of the Senator from Texas has expired. All time has expired.

Under the previous order the hour under the unanimous-consent request for the vote having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Byrd-Nunn amendment, No. 732, to the Weicker amendment, No. 712, to S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Senators Robert C. Byrd, J.J. Exon, Dale Bumpers, Tom Harkin, George J. Mitchell, Howard M. Metzenbaum, Quentin Burdick, Frank R. Lautenberg, Tim Daschle, Jim Sasser, Brock Adams, Alan Cranston, Carl Levin, Jeff Bingaman, Kent Conrad, and Wendell H. Ford.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on the Byrd-Nunn amendment No. 732 to S. 1174, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California (Mr. WILSON) is necessarily absent.

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

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—54

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Pell
Bradley	Harkin	Proxmire
Breaux	Heflin	Pryor
Bumpers	Hollings	Reid
Burdick	Inouye	Riegle
Byrd	Johnston	Rockefeller
Chiles	Kennedy	Sanford
Conrad	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Daschle	Leahy	Shelby
DeConcini	Levin	Simon
Dixon	Matsunaga	Stennis
Dodd	Melcher	Weicker
Exon	Metzenbaum	Wirth

NAYS—45

Armstrong	Grassley	Nickles
Bond	Hatch	Packwood
Boren	Hatfield	Pressler
Boschwitz	Hecht	Quayle
Chafee	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Humphrey	Simpson
D'Amato	Karnes	Specter
Danforth	Kassebaum	Stafford
Dole	Kasten	Stevens
Domenici	Lugar	Symms
Durenberger	McCain	Thurmond
Evans	McClure	Trible
Garn	McConnell	Wallop
Gramm	Murkowski	Warner

NOT VOTING—1

Wilson

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will now report the motion to invoke cloture on S. 1174.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate hereby move to bring to a close debate on S. 1174, the D.O.D. Authorization bill:

Senators Bob Dole, Malcolm Wallop, Steve Symms, Chuck Grassley, Jake Garn, Dan Quayle, Pete Wilson, Strom Thurmond, Ted Stevens, Chic Hecht, Thad Cochran, Don Nickles, John McCain, Daniel J. Evans, Paul Trible, James A. McClure, Jesse Helms, and Rudy Boschwitz.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1174, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from California [Mr. WILSON], is necessarily absent.

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

The yeas and nays resulted—yeas 41, nays 58, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—41

Armstrong	Hatch	Pell
Bond	Hecht	Pressler
Boschwitz	Helms	Quayle
Cochran	Humphrey	Roth
D'Amato	Karnes	Rudman
Danforth	Kassebaum	Simpson
DeConcini	Kasten	Stafford
Dole	Lugar	Stevens
Domenici	McCain	Symms
Durenberger	McClure	Thurmond
Evans	McConnell	Trible
Garn	Murkowski	Wallop
Gramm	Nickles	Warner
Grassley	Packwood	

NAYS—58

Adams	Ford	Mikulski
Baucus	Fowler	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Graham	Proxmire
Boren	Harkin	Pryor
Bradley	Hatfield	Reid
Breaux	Heflin	Riegle
Bumpers	Heinz	Rockefeller
Burdick	Hollings	Sanford
Byrd	Inouye	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kennedy	Shelby
Cohen	Kerry	Simon
Conrad	Lautenberg	Specter
Cranston	Leahy	Stennis
Daschle	Levin	Weicker
Dixon	Matsunaga	Wirth
Dodd	Melcher	
Exon	Metzenbaum	

NOT VOTING—1

Wilson

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The Chair recognizes the majority leader.

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

The PRESIDING OFFICER. The Senate will please be in order. Those Senators conversing will please retire from the Chamber.

The majority leader.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, the order has been entered for a recess of the Senate from 5:45 p.m. today to 7 p.m. today for an event in which all Senators and their wives, if they possibly can, will want to participate. In the meantime, the distinguished Republican leader, the two managers, I, and others have been having some discussions and we would urge that Senators stay around following the recess. There is some hope that we may be able to find a way to finish this bill before the day is over. I would not want to raise expectations too high, but I think there is that chance. So I would urge that Senators not go home following the reception and let us see what we can do.

In the meantime, Mr. MITCHELL wishes to address the Senate for a period of 15 minutes. In view of the fact that we will not be able to transact any business otherwise in the meantime, I ask unanimous consent that Mr. MITCHELL be permitted to proceed for not to exceed 15 minutes and Mr. KARNES for not to exceed 3 minutes.

Mr. WARNER. Mr. President, reserving the right to object, I shall not; is it my clear understanding that the Senate will go off the bill for the purpose of these statements and therefore no action will be taken with reference to the bill until such time as the Senate reconvenes at about 7 o'clock?

Mr. BYRD. Yes.

Mr. EXON. Reserving the right to object, I believe the majority leader and the manager on the other side will recall that the Senator from Nebraska asked for 7 minutes very early this morning. I was assured I would have that time during the bill. I did not insist on that because we ran out of time. I would like to have 7 minutes at the convenience of the Senate, and if the Senate wishes to stay in past the appointed hour for adjournment for my remarks, I would have no objection.

Mr. BYRD. Would the Senator like to have his time order in at this point? What we would do is continue, and the Senate would not recess at 5:45. The Senate would proceed until such time as the orders or short speeches had ended. I hope we would not go too long. I can either put the order in for the Senator from Nebraska to occur after Mr. KARNES, after which the Senate would recess until 7, or we can arrange it at a later time. That might be a good time.

I thank the Senator. He has been very patient. He was on the floor earlier and seeking to speak. Why do I not include him at this time?

Mr. EXON. I wish the Senator would.

Mr. BYRD. Following Mr. KARNES, there be 7 minutes for Mr. EXON. Mr. President, I ask unanimous consent that upon the conclusion of Mr. EXON's remarks, the Senate stand in recess at that point until the hour of 7 p.m. today.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine, Senator MITCHELL.

WAR POWERS RESOLUTION

Mr. MITCHELL. Mr. President, I have in the past opposed efforts to apply the War Powers Resolution to American forces deployed in the Persian Gulf, not because I believe that this deployment is either well considered or wise, but because I believe that the President has the constitutional authority to direct American military forces in situations short of war.

The structure of our Government, with power divided among three separate but equal branches, creates special problems in the use of armed force.

The Constitution grants to Congress the exclusive authority to declare war. In addition, the Congress has the responsibility to provide for the common defense, to appropriate moneys, and to make all laws necessary and proper for the powers vested in the Federal Government.

But the Constitution makes the President Commander in Chief of the Armed Forces. That authority gives him the power to direct the Armed Forces and to repel attacks against the United States. The President exercises the "Executive power" of the Federal Government, and he is obligated to execute faithfully the laws of the Nation, including defense commitments under treaties made with the Senate's consent.

Our Founding Fathers divided these war powers to enable the President to effectively lead the Armed Forces in defense of our Nation, while ensuring that Congress would concur in the weighty decision of war.

But the President's authority to send Armed Forces into dangerous or hostile situations without a declaration of war has generated great controversy, stemming largely from our Nation's recent experience in two protracted conflicts—Korea and Vietnam—which were in fact wars, but with respect to which Congress never formally declared war.

The congressional power to declare war eroded concurrently with the progressive Presidential commitment of American troops to the undeclared war in Vietnam. Congress reacted in 1973 by passing the War Powers Resolution. That was an attempt to reassert Congress' authority to decide when the United States would become involved in war.

The resolution was portrayed as an effort "to fulfill—not to alter, amend or adjust—the intent of the framers of the U.S. Constitution" to insure the collective judgment of both the Congress and the President in the decision to wage war. It seeks to do so by requiring the President to report to Congress on any decision on his part to introduce American forces "into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances;" and, if he does not obtain congressional approval of his decision within a maximum of 90 days thereafter, the forces must be withdrawn.

Unfortunately, the effect of the War Powers Resolution—specifically the language I have just cited—may be to extend Congress' power beyond the limits established by the Constitution. Not every hostile situation, not every dangerous circumstance—even those which may involve death and destruction of property—is war.

By constraining the President's authority to deploy American forces in dangerous situations, the War Powers Resolution could in some situations deny the President the flexibility necessary to successfully defend U.S. interests.

That is not what the framers of the Constitution intended. In the 1770's the Continental Congress, which then possessed joint executive and legislative powers, interfered with General Washington's conduct of the War of Independence and nearly caused disaster. The lesson was not lost on the Founding Fathers, who designated the President as Commander in Chief. They recognized that some situations of national security would require the energy, secrecy and dispatch of one responsible person, to be found only in the executive branch. Furthermore, they knew that the executive, of necessity, would be responsible for preserving the security of the Nation. The framers therefore gave the President the power to move and direct troops and respond to attack, in order to ensure that the Nation could be swiftly and effectively defended.

Seeking to restrain the President from initiating war on his own, the framers gave the legislative branch more influence over warmaking decisions than was then possessed by the English Parliament. But awareness of the problems of shared powers led the Continental Convention to reject the clause giving Congress the power "to make war;" it instead gave Congress the power "to declare war." The convention further rejected a proposal giving Congress the power to declare peace and thereby end a war, probably in the belief that this, too, was the prerogative of the executive.

But the War Powers Resolution extends Congress' power beyond that of declaring war; the resolution allows Congress—without even casting a vote—to deprive the President of his authority to deploy and move troops in situations that may fall short of war.

The courts have been reluctant to enter into the area of war-making powers, often arguing that such controversies constitute nonjustifiable political questions that the political branches must resolve.

The few relevant judicial decisions support unilateral Presidential warmaking power in some circumstances, including the protection of American citizens and property in foreign nations. These decisions are buttressed by the historical record; Presidents have long deployed American troops without congressional authorization and undeclared wars were common in the century preceeding the signing of the Constitution.

In 1982, in the case of Crockett versus Reagan, a Federal district court declined to determine whether American forces in El Salvador faced a situation of hostilites or imminent hostilities, declaring that this was an issue for the political branches to decide. The decision was affirmed by the DC Court of Appeals in 1983, and the following year the Supreme Court denied certiorari.

The court did not, however, rule out the possibility of resolving a dispute regarding the War Powers Resolution if Congress had invoked the law, or the President had reported under it.

Recent Supreme Court decisions indicate that the separation of powers doctrine is violated when one branch of Government attempts to enhance its powers at the expense of, or to the detriment of another. Applying this logic to the War Powers Resolution, the constitutional questions about the act become apparent.

Not surprisingly, no President has acknowledged the constitutionality of the War Powers Resolution. In practice, Presidents have been reluctant to report to Congress under the act—precisely because they have challenged the wisdom and constitutionality of automatic troop withdrawal deadlines. Only in the case of the *Mayaguez* rescue has a President reported under the section triggering the time clock on troop deployment.

Congress, too, has shown its reluctance to invoke the act, recognizing the dangers of limiting Presidential authority in situations of great importance to American national security.

Against this background, I state my intention to vote for the pending amendment. My support for this amendment is not an endorsement of the constitutionality of the War powers Resolution. Rather, it reflects my belief that since the War Powers Resolution is law, binding until the courts determine otherwise, the President must obey it.

Under the resolution, the President has an obligation to report to Congress within 48 hours of introducing U.S. Armed Forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances"—unless the President has received from Congress a declaration of war or other specific authorization.

Since President Reagan decided to reflag and escort Kuwaiti tankers, the United States has vastly increased its naval force in an area where war has raged, violent and unpredictable, for years.

Despite the death of 37 Americans in the attack on the U.S.S. *Stark*, and despite the August decision by the Defense Department to award danger pay to American troops stationed in the gulf, I defended the President's authority to determine whether a situation of "imminent involvement in hostilities" was present. I supported his right to interpret whether or not the War Powers Resolution applied to American actions in the Persian Gulf.

However on September 22, an American helicopter fired on an Iranian minelaying vessel, killing several crew members and taking the survivors into custody. Now clearly involved in hostilities, U.S. forces face an increasingly threatening situation in the gulf.

This is not an issue of defining defensive versus offensive action. It is not a question of supporting or opposing an American presence in the Persian Gulf. It is a question of whether or not American ships and troops have been introduced into a situation of hostilities or imminent involvement in hostilities.

Clearly, they have, and no words, by the President or anyone else, can change that fact.

Therefore, under the War Powers Resolution, the President is required to report to the Congress under section 4(a)(1).

The President, like his predecessors since the resolution was passed over Presidential veto, has refused to abide by this law. But he does not properly have that choice. The rule of law must be upheld. The President must either challenge the constitutionality of the law in court or he must obey it. He cannot simply refuse to obey it.

The pending amendment states that the circumstances in the Persian Gulf meet the conditions established in the War Powers Resolution.

While upholding the law, the amendment also avoids what could be a dangerous and possibly unconstitutional aspect of the War Powers Resolution itself—the ability of the Congress, through inaction, to require the withdrawal of American troops from a region in which it has already been determined that they face hostilities.

Under the amendment, the President is required to report to Congress on his decision to reflag and escort Kuwaiti tankers, a decision he made initially without consulting Congress. It is essential that Congress and the American people be informed of the policy's objectives and how they pertain to U.S. interests in the region, if that policy is to receive broad bipartisan support. As past foreign involvements have demonstrated, only with such support can the United States act effectively and consistently to defend its security interests.

More importantly, the amendment will not interfere with the President's constitutional authority as Commander in Chief, nor will it unnecessarily endanger U.S. troops. The amendment places no time limit on the deployment of American troops in the Persian Gulf.

The United States must maintain a military presence to defend our interests in the region. Regardless of whether one supports the President's policy of reflagging and escorting Kuwaiti tankers, or the dramatic increase in U.S. troops in the gulf, two facts are indisputable: the United States has vital interests at stake in the gulf, and our troops are already there. To re-

quire their withdrawal at a predesignated time could greatly jeopardize both the lives of our servicemen and our country's national interests.

The amendment does not interfere with the President's ability to command the Armed Forces, move troops, or direct military operations.

The amendment does place a 90-day time limit on the reflagging and escorting of Kuwaiti vessels, unless Congress specifically authorizes these activities. U.S. national security does not hinge upon the reflagging and escort of Kuwaiti's vessels. But that policy has very important potential consequences.

It involves supporting Iraq's ally in apparent contradiction of formal U.S. neutrality in the gulf war. It is unclear how much funding it will require, or how many vessels the administration ultimately plans to reflag. It appears to be an open-ended commitment. The policy deserves careful and deliberate consideration, which it has yet to receive. Therefore, Congress should have an opportunity to participate in that policy. The amendment will ensure such congressional involvement.

I do not believe that application of the War Powers Resolution is a substitute for true cooperation and consultation between the President and Congress in the crucial decisions regarding the defense of American interests abroad.

However, I do believe that no President is above the law. Unless and until the law in challenged and declared unconstitutional, it must be obeyed.

The President has only two choices: He must either challenge the constitutionality of this law, or he must obey it. He cannot properly, in our democratic system, decide for himself to disobey the law.

I believe there is a very serious question as to the constitutionality of this law, for the reasons I have stated. Therefore, I encourage the President, if he will not obey the law, to challenge it and to permit a court determination on whether or not this is a constitutional law. Unless and until that happens, the President has no alternative, if this is to remain a democracy, but to obey the law. He is bound by the law, as is every other person in our society.

RECOGNITION OF SENATOR KARNES

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the junior Senator from Nebraska [Mr. KARNES] for 3 minutes.

RESIGNATION OF TRANSPORTATION SECRETARY, ELIZABETH DOLE

Mr. KARNES. Mr. President, as the Senate is aware, the resignation of Elizabeth Dole from her post as Secretary of Transportation becomes effective today. In honor of her contributions to our transportation industry, I would like to take a moment to recognize some of Mrs. Dole's many accomplishments as a distinguished member, and the only female member, of President Reagan's Cabinet.

During Secretary Dole's 4-year tenure at the Department, our country has witnessed significant changes in our transportation industry. Great efforts have been taken to ensure safer travel in all major modes of transportation. Fatality rates in aviation, automobile, railroad, and boating have all been at record lows at some point within the past 3 years.

As a tribute to her ability to strengthen the industry, we can look to some of the steps Secretary Dole has taken to ensure that safety would not be overlooked in any mode of transportation. Early on in her position, Secretary Dole created a review task force to ensure that transportation experts would closely examine all safety aspects of our travel. This has been a critical element for the aviation industry, in particular, where dramatic growth has made it increasingly difficult to maintain adequate safety levels. Secretary Dole's air delay and inspection initiatives are testimony to her concern for efficiency in our airways. In addition, her leadership in the campaign against drug use by transportation industry employees, in her efforts against drunk driving, and in the privatization of Conrail, has laid the foundation for future improvements and efficiency in the industry.

I have great admiration for Secretary Dole for what she has been able to accomplish at the Department of Transportation. Through her long service in government, highlighted by her prior position as assistant to the President for public liaison and before that as Commissioner of the Federal Trade Commission, Elizabeth Dole has demonstrated her dedication and service to the needs of our country. I would like to take this opportunity to wish her well in her future endeavors and to express my personal appreciation for her outstanding record of public service.

RECOGNITION OF SENATOR EXON

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the senior Senator from Nebraska [Mr. EXON] for 7 minutes.

PRESCRIPTION DRUG BENEFITS ADVERTISEMENT

Mr. EXON. Mr. President, I rise today to discuss a situation which several of us, as Members of the U.S. Senate, recently faced. I am referring to the large ads recently placed in many of the Nation's daily newspapers by the Pharmaceutical Manufacturers Association concerning the prescription drug benefit amendment to be offered to the catastrophic health care bill.

Mr. President, my office in Omaha, NE, received over 900 calls in the 48-hour period immediately after the publication of that ad.

It was duplicated as I have indicated in many other States. The only significant change was the name of the U.S. Senator.

The senior citizens in Nebraska were scared—the ad told these people to call their Senator "today or get stuck with the bill tomorrow."

That was only one of the misleading statements in this ad because nothing happened the next day.

The ad tells these people that "The program may not pay for the medicine your doctor wants to prescribe. Instead, some bureaucrat in Washington will decide what medicines the Government will pay for." It is not the intent of any legislation to tell physicians what drugs they may prescribe. While this amendment does encourage the use of generic drugs for cost-containment purposes, physicians may prescribe brandname drugs simply by stating such on the prescription form. I would absolutely object, and I think most Senators would too, to the U.S. Senate or the Health Care Financing Administration getting into the business of prescribing drugs. That is not the intent of any legislation and that the Pharmaceutical Manufacturers Association inferred this in their ad is clearly deceptive action on their part to this Senator.

Now, I happen to agree with a couple of the points that the drug makers made as advertised. Mainly I am concerned about the cost of providing drugs under Medicare, which I say is certainly necessary, and I am concerned about how many people will actually qualify for reimbursement under the provisions suggested. So I am sympathetic with the message that the Pharmaceutical Manufacturers Association portrayed to senior citizens in that regard. But what I object to is that the ad does not state why the pharmaceutical manufacturers are primarily opposed to this amendment. They do not mention the fact that the increased use of less-expensive, generic drugs will cut into their profit margins.

And I submit that that was the real reason for the expensive ad. They have got enough money to run those

kinds of ads all around the country. The Pharmaceutical Manufacturers Association must be doing pretty well on their present markup on drugs.

None of us should be pressured into acquiescence by the pharmaceutical industry which has a vested business interest in this issue. Their motives are suspect. I object strenuously to these tactics. Not only have I received over 900 calls inspired by this ad, but I have also received over 500 letters generated by this same organization.

Now I know that organizations have a right to address their concerns and I know that certainly it is a duty of our constituents to tell us of their concerns, and I support that as a very important right under our constitutional form of government. But I object to the tactics used by this organization in their attempt to scare citizens and blatantly coerce legislators. They have resorted to scare tactics and they have been less than fully informative in their attempt to advance their own hidden agenda in this matter which is primarily their profits from drugs. Today I am appealing for honesty, thoughtfulness, and truth in advertising.

I have sent a letter to every Nebraskan who responded to the ad that states quite clearly my displeasure with this campaign by the Pharmaceutical Manufacturers Association. I have also protested to the association directly. I hope that those who also feel this way will let the Pharmaceutical Manufacturers Association know that you do not appreciate their tactics.

Mr. President, I ask unanimous consent that the newspaper ad that I have referred to in these remarks be printed immediately following my remarks.

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

(See exhibit 1.)

Mr. EXON. Mr. President, I suggest that all await the recommendations of the American Association of Retired Persons, AARP, before we take positions on the Medicare drug issue.

I assure all that AARP do not subscribe to the Pharmaceutical Manufacturers Association position. There can be no question that the AARP truly represents the interest of the senior citizen and that the Pharmaceutical Manufacturers Association does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

EXHIBIT 1

SENIOR CITIZENS—CALL SENATOR EXON TODAY OR GET STUCK WITH THE BILL TOMORROW

Do you, a friend, or a loved one participate in Part B of Medicare (the physician care section)?

The U.S. Senate is about to vote on increasing your Medicare premium for a new prescription drug program that six out of seven Nebraska seniors won't come out ahead on.

That will mean the average Nebraska senior will be forced to pay for a program that he or she may never get to use.

Some deal!

This deal is put forth as an amendment to the catastrophic health care bill the Senate is now considering.

Consider what this amendment will mean to you:

NOT VOLUNTARY

It's not voluntary. If you pay for Part B, you'll have to pay more for the drug program, even if you don't want it.

HIGH DEDUCTIBLE

Unless you qualify for the Medicaid poverty program, you'll have to spend more than $600 a year on prescription drugs before you'll see one cent of benefits under this program.

SKYHIGH COSTS

No one knows exactly how high the costs of this new program will go. Estimates range from $1 billion to $7 billion annually, with seniors slated to pay the whole bill. And, if the bureaucrats have guessed low, guess who'll pay more? You will.

BUREAUCRATIC INTERFERENCE

The program may not pay for the medicine your doctor wants to prescribe. Instead, some bureaucrat in Washington will decide what medicines the government will pay for.

It's time for all Nebraskans to say to our Senators: "Stop! Enough!"

Call Senator Exon today.

Tell whoever answers that you want your Senator to vote no on this unneeded drug amendment.

Please call today, so you don't get stuck with the bill tomorrow.

RECESS UNTIL 7 P.M.

The PRESIDING OFFICER. Under the previous order the Senate will now stand in recess until 7 p.m.

Thereupon, the Senate at 5:54 p.m. recessed until 7 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

Mr. WARNER. Mr. President, the Senator from Virginia, the chairman of the committee, and the two leaders, are about to have a meeting. I wonder if the Senators here will protect the floor in the interest of both parties.

Mr. BENTSEN. Mr. President, I assure my distinguished friend I will protect the floor as long as it takes for me to make a few comments concerning this issue, and I am sure the distinguished Senator from Nebraska will be in full accord.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I strongly support the Byrd-Nunn amendment to rechannel American policy in the Persian Gulf toward one in which the Congress and the President share the risks and responsibilities of these most serious decisions.

I believe—as this amendment declares—that the United States should maintain a presence in the Persian Gulf and should stand for the right of all nonbelligerent shipping to have safe passage through its waters. That policy entails risks and even the possibility of conflict. But such a policy reflects fundamental U.S. interests and is consistent with our historic principles.

The one I strongly disagree with, though, is the reflagging of the Kuwaiti tankers. I frankly think what that does is narrow our options. It does not give us the flexibility that we would have otherwise. You have a situation where the mayor of Kuwait can be jerking our chain when it comes to foreign policy. If you decide as a President or as a government that you are no longer in accord with policies of a little country like Kuwait, and now you decide that you want to take those flag off, you have yourself a high-profile diplomatic incident.

Much better to choose day by day those tankers you want to escort and those tankers you do not and the day that you are not allowed to bring your supplies through a country, to base your sailors in a country, the day that you do not have a conformity of objectives, a correlation of objectives, that is the day you turn your ships aside and you no longer escort that country's tankers and they get the message and you do not have the kind of high-profile diplomatic incident that you have with this foreclosure of your options and putting the American flag on those Kuwaiti tankers.

I noticed that our other allies, the French and the English, are also in there with their naval vessels and they are escorting ships, but they are not putting their flags on tankers other than their own national tankers.

So that is why I think this amendment does a job.

This amendment allows us to reconsider that policy in the light of recent developments, especially the escalating threats to shipping in the Gulf. It allows the President an opportunity to fashion a strong bipartisan policy which protects our interests while reducing our vulnerabilities. This measure also bases our actions on the joint decision of those who, under our Constitution, share the responsibility for choices which involve the risk of war.

This is not a "turn-tail, cut and run" policy. Rather, it is a "get smart" policy which puts us back in control of our own fate.

By agreeing to the Kuwaiti request to reflag and protect its tankers, the United States surrendered its flexibility to that nation. We have reduced our options. We have had to expose our sailors to hostile fire whenever

Kuwait chose to move its tankers. We linked ourselves to one side in this prolonged and deadly war, thus limiting our ability to work for a diplomatic end to the fighting. We have upped the ante and gambled the prestige of the United States on the willingness of the Ayatollah's followers to back away from a confrontation with us.

When we embarked on this policy, the military threats were considered low to moderate and the overriding diplomatic goal was to keep the Soviet Union from improving its position with the Gulf states.

Instead, what we see now is that the Kuwaitis are trading us off against the Russians, that they are leasing tankers from the Russians, thus giving them an enhanced role in the diplomacy of the region, and we found that the U.S. Navy was ill-prepared to overcome an old-fashioned threat of mines. Those developments also make it important for us to reconsider the policy we have been following in the gulf.

This amendment forces the administration to review its policy, to answer the questions which have been troubling so many of us, such as the costs and the risks and the way this action fits with our broader security objectives, and then to report back to the Congress with its recommendations.

This measure forces this reassessment by requiring the termination of the reflagging and of the naval escorts of reflagged ships in 3 months—unless Congress enacts a specific law authorizing such actions.

Mr. President, I really commend those who fashioned this piece of legislation in a way to protect our constitutional prerogatives while minimizing the challenge to our President. This amendment tracks the process of the War Powers Resolution without specifically invoking its strictures. It lets the President try to win congressional approval of his chosen policy with expedited procedures. It mandates a change in our current actions without forcing the President to admit the flaws and dangers of current policy.

Nevertheless, the situation envisaged by the War Powers Resolution is present in this case. We have a large flotilla of over 40 ships in or near the gulf. They are equipped for combat, and some of them have already been involved in hostilities. Just this week we learned of a new mine field off the coast of Dubai.

Before the situation becomes more dangerous, before more Americans come under attack, we need to pause for consultation, cooperation, and try to develop a consensus. Frankly, I think war is too important a matter to be decided by just one man. As the framers of our Constitution realized, that heavy responsibility is one which ought to be shared by the President and the Congress alike.

To prevail in the gulf, we must be strong. To be strong, we must be united and prepared. To be united and prepared, we need a policy that links our actions and capabilities to U.S. interests rather than to the whims and wishes of others.

Mr. President, I believe that the United States has important reasons for being in the gulf, for trying to prevent the domination of that region by the zealots in Teheran, for helping to protect our economy and that of our allies from the consequences of an interruption in the oil supplies from that area.

And I understand that this country has a small percentage of its imports coming from the Persian Gulf but that situation is beginning to escalate insofar as our dependence and even with a small percentage. If you closed down that supply of oil, oil is fungible, you have a situation where allies that were denied that kind of oil from that source would be competing with us and other foreign markets and we would have an economic chaos we would find visiting our shores.

So those are the interests that I think should govern us in trying to determine how we can minimize the risk to American sailors, soldiers, and airmen in the Middle East. This amendment would weigh those factors that make the needed change in our current policy. I strongly support it.

Mr. President, I yield back the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. DODD). The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to engage the distinguished chairman of the Armed Services Committee, Senator NUNN, in a brief colloquy regarding an Air Force program designed to ensure the accuracy of military aircraft navigational aids.

The program, known as C-FIN (Combat Flight Inspection Aircraft) involves a small number of aircraft which are specially equipped to validate the accuracy of NAVAIDS such as TACANS, ILS's, and VOR's. The mission of these aircraft is essential to the safe operation of all other military aircraft.

Just recently, the last C-140 which performed this mission was retired.

Earlier this year, the Air Force had proposed to fund five replacement aircraft through a reprogramming request. Unfortunately, that request was effectively denied last night when the funds identified for the program expired as the fiscal year ended.

We now have a situation, Mr. President, in which we have no aircraft to perform this vital mission, and no funds available to buy replacement aircraft.

It is my hope, Mr. President, working with our distinguished ranking member, Senator WARNER, and the distinguished chairman, who has been most helpful in this effort, that the Air Force will carefully review its requirements during the new fiscal year and make every effort to find those funds necessary to support another reprogramming request to procure the vitally needed C-FIN aircraft.

I yield to my colleague, the distinguished chairman.

Mr. NUNN. Mr. President, I thank the Senator from Arizona.

Let me offer a few comments. First, the Senator from Arizona has been diligent in pushing this program. As the Senator noted, this was a reprogramming request. The Senator talked to me about it several times. I also talked to Senator DECONCINI about it, and I have discussed it with other Senators. But Senator MCCAIN, who is a valued member of our committee, has been very concerned about this program, and I think appropriately so.

Mr. President, this issue came to my attention just in the last 2 weeks, while we were on the floor in debate on this bill. It has been rather difficult to get all the facts concerning this request, and that has been one of the problems.

The Air Force currently operates six old and rather obsolete aircraft as flight inspection aircraft. I think the Senator has already alluded to that. These aircraft are used to check and calibrate ground-based electronic systems that are used for navigation of aircraft.

These aircraft are critical for major air operations. For example, if we had to have a major airlift operation and the major airlift aircraft—the C-5's, C-131's, C-130's, and so forth—were called into operational readiness and action, these flight inspection aircraft would go in advance to the destination where they would confirm that the local radars and the navigation devices worked properly so the flow of the transportation aircraft could proceed at maximum efficiency.

The six aircraft currently operated by the Air Force are obsolete. I think all of us would agree that they need to be replaced in some fashion. The current aircraft are expensive to operate and increasingly difficult to support logistically.

The committee had a reprogramming request from the Air Force to modernize these aircraft. The total programming cost would have been $100 million. And I believe we had a $81 million reprogramming request pending. Our committee did not take action on this request and, of course, the funds lapsed last evening.

We did not take action because there were Senators concerned about the program. I think the Appropriations Committee had serious concerns about it. That concern, I believe, was well founded based on the situation we were in at the last minute. Nonethe-

less I think there also was a consensus that somthing needs to be done.

The Air Force has never put this program in its budget. We expect them to address the problem now and address it in the normal budgetary fashion and come before our committee. There is certainly no prejudice intended to the program that the Air Force had planned.

We invite the Air Force to come forward with a program and put it in the regular budget cycle. I think there will be a great deal of receptivity to that kind of program in the committee, because we all know, as the Senator from Arizona has observed, that something has to be done. The status quo is not acceptable.

Mr. McCAIN. Mr. President, I wish to express my sincere appreciation to the chairman for his personal interest in this issue. There are a myriad of programs—planes, ships, tanks, guns—that come to the attention of the committee. I feel confident that, with the attention of the chairman, we will be able to arrive at a resolution to this very important problem and challenge that faces the Air Force.

I appreciate very much the chairman's interest and concern in this issue.

Mr. NUNN. I thank the Senator from Arizona. I pledge I will continue to work very closely with him and with the Air Force in trying to see that this problem is addressed properly and resolved.

Mr. WARNER. Mr. President, I have worked with the distinguished chairman of our committee on this matter. It was the judgment that we should have gone ahead, which I think should have been done in the Armed Services Committee. But for other reasons in the last few minutes the agreement failed.

Mr. NUNN. Mr. President, I will say the Senator from Virginia did urge the approval of that request. We thank him for his advice on that. Our committee did take action on that reprogramming request. We had gotten information that another committee was opposed to it and any action we took would have been moot because reprogramming would not have been culminated without approval of all the committees involved, the House and the Senate.

Mr. WARNER. Mr. President, the chairman is correct. The chairman and I met on that several times during the course of yesterday and communicated with each other up until just a few minutes before midnight.

Mr. EXON. Mr. President, at the present time, the majority leader, minority leader, and the chairman and ranking member of the Armed Services Committee are meeting to try and come up with a resolution to the difficulty that faces the Senate. I have been advised that they are likely to be on the floor very shortly.

If there are any other Senators who wish to speak on this subject before the Senate, or anything else, they are welcomed to do so at this time.

But, seeing no Senator seeking recognition, at this time 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. NUNN. 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. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Byrd amendment in the second degree to the Weicker amendment.

AMENDMENT NO. 837

Mr. NUNN. Mr. President, I ask unanimous consent that I may offer an amendment which has been agreed to on both sides. It is simply a report. It has nothing to do with a mandate or action as far as substance is concerned. It is a report from the Pentagon.

I ask unanimous consent that the pending amendment be temporarily laid aside for the purpose of taking up this amendment offered by Senator WARNER and myself.

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

Mr. NUNN. I ask that the amendment be made in order.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. WARNER, proposes an amendment numbered 837.

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

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

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . REPORT ON ELIMINATION OF BALLISTIC MISSILES.

(a) Not later than 30 days after the date of enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives examining the military consequences of any arms control agreement that would provide for the elimination of all U.S. and Soviet strategic ballistic missiles.

(b) Such report shall be submitted in classified and unclassified form and shall include a discussion of the strategic, budgetary and force structure implications of this proposal for:

(1) U.S. and allied conventional defenses in Europe, the Far East and other regions vital to U.S. national security;

(2) U.S. tactical nuclear deterrence in such areas;

(3) U.S. strategic offensive retaliatory systems not affected by this proposal, including U.S. bomber forces and cruise missiles;

(4) U.S. air defenses needed to counter Soviet bomber forces and cruise missiles;

(5) Strategic Defense Initiative programs designed to provide possible defenses against strategic ballistic missiles; and

(6) Any new programs which may be deemed necessary to maintain the position of the United States in light of the relative advantage conferred by this proposal on other nuclear powers, including the People's Republic of China, whose strategic ballistic missiles would not be limited.

Mr. NUNN. Mr. President, this amendment provides that no later than 30 days after the date of enactment of this act, the Chairman of the Joint Chiefs of Staff shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives examining the military consequences of any arms control agreement that would provide for the elimination of all United States and Soviet strategic ballistic missiles.

Mr. President, this is a report that we need in the Armed Services Committees not only to evaluate our arms control position, but also our arms modernization.

Mr. WARNER. Mr. President, this is a very important subject. I commend the chairman for working on this amendment and originating it. I am delighted to cosponsor it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

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

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

The motion to lay on the table was agreed to.

AIRCRAFT CARRIER REPLACEMENTS

Mr. TRIBLE. Mr. President, I rise to underscore my strong support for authorizing two new aircraft carriers in this defense authorization act.

Carriers from the cornerstone of the 600-ship Navy. They are the most visible symbol of our naval power and the best general purpose naval weapons system in the world. America relies on the carrier as a flexible, powerful instrument of policy in times of peace, in times of crisis, and in times of conflict.

To meet out national needs we must have—at a minimum—15 deployable carriers. This minimum level has been endorsed by experts, the Joint Chiefs of Staff, and by the Chief of Naval Operations.

In order to maintain a level of 15, our aging carriers must be replaced.

That's why this bill authorizes funding for two new Nimintz-class nuclear-powered aircraft carriers.

Even with extensive overhaul and modernization, the experts tell us a carrier reaches the end of its useful service life in 45 years. The *Midway*, commissioned in 1945, is now 42. If we begin building a replacement carrier today, the *Midway*, will be 51 years old by the time a new carrier is available. We cannot delay, we must start the procurement process now.

Beginning the process of replacing carriers makes sense from a strategic viewpoint. And, it makes sense from a budgetary viewpoint as well.

Simply put, we must replace carriers and beginning now saves us money in the future. Studies indicate that each year of delay increases the cost of each proposed carrier by a minimum of $250 million in real, inflation-adjusted terms. Starting work on two new carriers now will save at least $700 million on their cost. That's a minimum savings estimate. After careful examination, the Navy concluded that by requesting the carriers now, the taxpayers will actually save $3 billion.

Mr. President, these figures are not merely speculative. They can be verified by examining the Navy's recent experience in construction outlays. Newport News shipbuilding recently delivered the U.S.S. *Theodore Roosevelt* to the Navy 16 months ahead of schedule and under projected costs. This outstanding shipyard is currently building the U.S.S. *Abraham Lincoln* and the U.S.S. *George Washington* using the same construction schedule used for the *Roosevelt*. These carriers will be delivered much earlier than originally scheduled and at a cost more than $1 billion under appropriated levels.

Mr. President, Newport News Shipbuilding employs a highly skilled and productive work force. These men and women have worked together for years and have clearly demonstrated their considerable skills and craftsmanship. They stand nearby to build these ships and help America promote the cause of peace and freedom around the world.

DIPLOMATIC CRIME

Mr. HELMS. Mr. President, last Friday I offered as an amendment to S. 1174, the Department of Defense authorization bill, a proposal to restrict diplomatic immunity in cases of violent and other crimes committed by family and support staff of foreign diplomats. The proposal was defeated, 48 to 46.

I am hopeful that, upon further study and reflection, Senators who opposed the proposal will recognize its merit and the need for prompt action.

In that regard, I call to the attention of the Senate an editorial which appeared in the Wall Street Journal of yesterday, and ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 30, 1987]

DIPLOMATIC CRIME

Last month, the 20-year-old son of Senegal's ambassador to the U.S. was released by Washington, D.C., police after he allegedly left the scene of a traffic accident in which he had injured two people. Although he was cited for reckless driving, a police statement said Sidy Kane was "not arrested because . . . he's protected by diplomatic immunity."

Like the 37,000 other members of the foreign diplomatic community living in the U.S., Mr. Kane enjoys diplomatic immunity and cannot be arrested, prosecuted or sued for damages in connection with any crime.

Under a bill introduced by Senator Jesse Helms of North Carolina, diplomatic immunity would be limited only to foreign diplomats and consular officials. Relatives, dependents and staff members attached to diplomatic missions could be prosecuted for drug trafficking, reckless driving and certain violent crimes.

Diplomatic immunity is a useful principle that enables emissaries to work abroad without being harassed. But why extend such privileges to people whose closest link with foreign policy may be chauffeuring an ambassador about town? Chuck Ashman, coauthor of a recent book on the misuse of diplomatic immunity, says most crimes are committed by the sons, daughters, spouses and aides of diplomats. "They are all briefed by their country's officials before they come here," he says, "and they are told our laws can't touch them. As soon as a policeman comes to the scene, they claim diplomatic immunity."

Peter Christiansen, a retired police detective, told a Senate hearing last month that after weeks of work he arrested a man linked to at least 15 rapes in the New York City area. Although the suspect was positively identified by two victims, he had to be released because he was the son of Ghana's ambassador to the United Nations. The man spent 45 minutes in custody and left the police station laughing. He later returned voluntarily to his homeland.

The State Department has recorded only 31 cases of crimes committed under diplomatic immunity, but the American Federation of Police, a nonprofit group of law-enforcement officers, says hundreds of other cases aren't reported because they are dropped on the spot by local police in Washington, New York and the 37 other cities with consulates.

The State Department argues that diplomatic immunity must be granted to all foreign members of the diplomatic community in order to ensure that foreign governments don't retaliate by filing trumped-up charges against U.S. diplomats. But under the 1961 Vienna diplomatic convention, the U.S. has the right to question the fairness of a foreign judicial system—as it did in the case of Turkey in the 1960s—and negotiate to use its own legal rules. In addition, the U.S. already waives its immunity for the crimes specified in Senator Helms' bill, thereby following the principle of international reciprocity and minimizing potential resentment abroad.

Last Friday, Senator Helms attempted to attach his limitation on diplomatic immunity to a defense appropriations bill, but the move was tabled by a vote of 48-46. He plans to bring up the issue again soon both in the Foreign Relations Committee and on the Senate floor.

U.S. diplomats need to feel secure as they go about their business abroad, but the American principle of equal justice under law also needs to be upheld. Closing a legal loophole that allows foreign citizens who aren't diplomats to avoid responsibility for their actions would both deter future incidents and send a message that in this country respect for the rule of law prevails.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EXON. 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. EXON. Mr. President, the Senator from Nebraska indicated on the floor earlier for the information of other Senators, so that we do not keep these things secret, that the chairman and the ranking member of the Armed Services Committee were off meeting with the minority leader and the majority leader, attempting to have a resolution to work ourselves out of the difficulty we find ourselves in now.

Could the chairman of the Armed Services Committee bring us up to date? Is the meeting still going on? Is it not being held? Could we have a little explanation of what we might expect for the rest of this evening, if it is not a secret?

Mr. NUNN. I will say to my friend from Nebraska, the good news is you can have an explanation; the bad news is we do not have it resolved. We have been with the majority and the minority leaders. We still have two substantive matters before the body, the War Powers Act and the SALT II extension. We have had a good discussion, a good meeting. The minority leader has gone back to talk to his side of the aisle with Senators interested in the two subjects. The majority leader is having another meeting in his office with those interested. Once we have both met with our respective Senators interested in this on both sides of the aisle, we hope to get back together this evening and try to propound a unanimous-consent request. The idea is to find a formula where we could handle or complete both of these matters in one fashion or another and pass this bill either tonight or tomorrow morning. That is the goal.

Mr. EXON. I thank my friend and I appreciate the explanation.

Mr. NUNN. I thank the Senator.

Mr. President, I want to thank the Senator from Nebraska for the tremendous leadership he has given our committee this year. He has done a fantastic job with one of the most dif-

ficult subcommittees we have. He has exercised exemplary leadership. He has created solutions to problems that we never thought we would find solutions for, certain problems that were almost unsolvable. That is the reason we have been able to go this far. I do thank the Senator from Nebraska, the chairman of the Strategic Subcommittee, for that effort and I also thank him for assisting me as manager of this bill during the entire 3-week period.

Mr. President, we have had, I believe, more hours on this bill than any bill we have had in a long number of years. I will be making a statement on that tomorrow. It has been a very long and a very important debate. The Senator has played a very important role and I thank him for his work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRESIDENT ARIAS' VISIT

Mrs. KASSEBAUM. Mr. President, last week, the day before President Oscar Arias of Costa Rica addressed the Congress, the state of Kansas was honored by his visit. On Monday, President Arias delivered the 77th Landon Lecture at Kansas State University.

President Arias' message in Kansas, which evoked a standing ovation, was similar to his message to us here in Congress. His message was simple and direct. President Arias made a strong appeal for U.S. support for the Central American peace plan.

This is a message we cannot afford to ignore, particularly from a leader of a country which has valued true democracy and individual freedom.

Promoting democracy has long been a U.S. foreign policy goal, but over the past 6 years, this has become a high priority, particularly in our policy toward Central America.

On August 7, the five presidents of the war torn Central American region took an unprecedented, courageous step by signing the Central American peace accord. The five presidents decided to put their regional differences aside and make a coordinated effort for peace and democracy. Despite the risks, the five presidents came together to redirect the future of their region toward peace and development.

As President Arias said, this is an historical moment, and it is one that directly responds to our own efforts to promote democracy, peace, and stability in Central America. I would like to underscore President Arias' statement that we stand at the crossroads of peace and development or war and poverty and that neither we nor the Central Americans can undertake this struggle separately.

Mr. President, this is the heart of the challenge facing our policy today. We cannot undertake this struggle alone, nor can the Central Americans. Our success in supporting the nascent democracies in the Central American region over the past several years is largely due to the fact that we worked with and supported the efforts of the Central American people. And these efforts had bipartisan support here in the United States. We must have the same response to the regional peace plan.

Mr. President, time is running on the Central American accord. And we need to get our act together. We must rise to the challenge that the Central American accord presents and respond with the sophisticated and bipartisan policy which it demands.

This is what our allies in the region are asking us. President Cerezo of Guatemala echoed President Arias' message to us in his address at the United Nations. He to asked us to "respect" the wishes of the Central American leaders and support the Central American peace accord. It behooves the United States as an ally and major power to respond positively.

Our policy, during this very critical time period, must be one of support and respect which includes an appropriate amount of skepticism, not vice versa.

This is exactly how the main crafters of the Central American accord have responded to their own agreement. President Arias acknowledged during his visit in Kansas that there are loopholes in the peace plan and that the road from signature to execution is fraught with stumbling blocks. He has warned his own countrymen not to rejoice prematurely.

But, he has also emphasized that there is political will in the region to comply. Given this political will, he did not see why all these loopholes and doubts could not be dealt with constructively.

Since the August 7 signing, we have seen positive, and constructive steps taken. Peace talks will start in El Salvador on October 4, the Sandinista government has pledged to reopen La Prensa and Radio Catolica without censorship.

But we have also seen actions that cause concern and add to our doubts about whether an accord that ensures a lasting democracy can be finalized. Among these is the Sandinista government's unilateral cease-fire announcement.

A binding cease-fire which moves Nicaragua on the path of national reconciliation cannot be satisfied by a unilateral cease-fire announcement. But under the peace accord, there is still well over a month before the cease-fire must be in place. During this time, we should be urging both sides to respond constructively and flexibly on this issue, as we have seen so far in El Salvador, to work out a formal cease-fire acceptable to both sides.

This is just one of many issues that must be addressed under the Central American accord. We also have our own national security concerns which we need to address constructively within the framework of the accord, including Soviet aid to the Sandinista government and our support for the Nicaraguan resistance.

I would urge the administration to approach these issues constructively and to work and consult closely with the Congress so that we do not squander this important opportunity for peace in the region.

I commend Speaker JIM WRIGHT and House Minority Leader BOB MICHEL for their recent bipartisan efforts to resolve the issue of humanitarian aid for the Contras between now and November 7. The Senate has now endorsed the same efforts, and I think it was a very constructive approach.

Whether Members voted for Contra aid or not, support for the Contras has been our official policy. Although I do not think we should address the military aid question at this time, we do have a responsibility to the Contras as allies during this critical phase in the negotiation process.

Mr. President, as President Arias has pointed out, much remains to be done. Time is short and our allies in the region are asking for our support and respect. I urge that we answer their call positively and with one voice.

ELIZABETH DOLE, SECRETARY OF TRANSPORTATION

Mrs. KASSEBAUM. Mr. President, Elizabeth Dole leaves office today as Secretary of Transportation, having served there 4½ years, with great distinction. I have had the pleasure of working with her both as chairman of the Aviation Subcommittee of the Commerce Committee as well as ranking member of that subcommittee.

I believe her record as Secretary of Transportation has been extraordinary in the field of safety. That is what she dedicated herself to when she became Secretary of Transportation.

I believe over the tenure of her service she has focused on that subject on highways, aviation, and railroads. It is to her great credit that she really galvinized all of the transportation modes to the importance of safety. She will be missed in that spot as she leaves, as she said, to take on another cause,

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which is campaigning with her husband BOB DOLE. I am supportive of that cause as well.

I do know that whatever course Elizabeth Dole will follow, she will follow it with much dedication, integrity, distinction, perseverance, and good will, and I wish her well on all of the challenges which she will undertake in the future.

Mr. President, I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION, 1988

CHANGE OF VOTE BY SENATOR DOMENICI ON ROLLCALL VOTE NO. 288

Mr. DOMENICI. Mr. President, with reference to rollcall vote No. 288 on the Interior appropriations bill (H.R. 2712) the Senator from New Mexico is officially recorded in the negative. According to the tally in the well my vote should have been "aye." I believe I voted "aye," and I was improperly recorded as "nay." I ask unanimous consent that the RECORD be corrected to reflect an affirmative vote on the subject that I just described to the Senate. This will not affect the outcome of the vote in that on the vote there were only five negative votes, including my erroneous negative vote.

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

Mr. EXON. Mr. President, I would like to say there is no objection on this side to that. I understand that happens from time to time. As hard as they try up there, either we say the wrong thing or they make mistakes. We are happy to accommodate my friend.

Mr. DOMENICI. I thank my friend from Nebraska.

(The corrected rollcall vote is as follows:)

[Rollcall Vote No. 288 Leg.]

YEAS—92

Adams	Fowler	Mitchell
Armstrong	Garn	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Graham	Nickles
Biden	Grassley	Nunn
Bingaman	Harkin	Packwood
Bond	Hatch	Pell
Boren	Hatfield	Pressler
Boschwitz	Hecht	Pryor
Bradley	Heflin	Quayle
Breaux	Heinz	Reid
Bumpers	Hollings	Riegle
Burdick	Humphrey	Rockefeller
Byrd	Inouye	Rudman
Chafee	Johnston	Sanford
Chiles	Karnes	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Shelby
Conrad	Kennedy	Specter
Cranston	Kerry	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Leahy	Stevens
Daschle	Levin	Symms
DeConcini	Lugar	Thurmond
Dixon	Matsunaga	Trible
Dole	McCain	Wallop
Domenici	McClure	Warner
Durenberger	McConnell	Weicker
Evans	Melcher	Wilson
Exon	Metzenbaum	Wirth
Ford	Mikulski	

NAYS—4

Gramm	Proxmire
Helms	Roth

NOT VOTING—4

Dodd	Simon
Gore	Simpson

So, the bill (H.R. 2712) was passed.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE BORK NOMINATION

Mr. HUMPHREY. Mr. President, as a supporter of the Bork nomination, I was sorry to hear the speech of the junior Senator from Pennsylvania today. But the Senator, as a member of the Judiciary Committee, was at the hearing. And I would have to acknowledge in his case, and that of other Members, there was no need for a great deal of additional time-consuming study on his part.

I would hope other Senators would take a little more time in making a decision. The transcript of the hearing is very long, after all. The hearings comprised nearly 3 weeks. The committee has not even had time to issue a report. And a Supreme Court nomination is a very, very weighty matter. One hopes Senators will spend time studying the transcript and the committee report before taking a stand on the nomination.

Due process is a phrase that came up a number of times in the hearing. We have due process of our own in this body. It involves committee hearings and committee reports. It involves floor debate. All of this due process is designed to facilitate wise decisions by Senators. I know Senators want to act wisely in this matter. Surely, then, Senators will not want to short circuit the due process by which this body is supposed to function. Surely careful study and deliberation is in order.

I know some Senators are under immense pressure. The distinguished columnist, George Will, wrote recently about the political pressures on Senators in the Bork confirmation process. And there are immense political pressures. Pressures generated by a political campaign of unprecedented proportions in the context of Supreme Court confirmation votes. Indeed, so politicized has become this confirmation vote, George Will wrote, that some are "pioneering a constitutional wrinkle the framers neglected to provide—popular election of Supreme Court Justices."

Let us ponder those words for a minute. Let us savor those words for a minute because while the passage is brief, it is weighted with significance and meaning as is often the case with this writer, the columnist, George Will. Mr. Will notes in connection with all of this campaigning for and against Bork, and Will wrote that some are "pioneering a constitutional wrinkle the framers neglected to provide—popular election of Supreme Court Justices." It rings true to this Senator. This process has become so politicized in the last month that indeed the pressure on some Senators amounts to an attempt to institute the popular election of Supreme Court Justices. George Will is right, I believe. George Will's observation is correct, I am sorry to say. Special interest groups have generated so much pressure, Senators may well be swayed by such pressures rather than by a careful reading of the transcript built at a cost of so much labor by the Judiciary Committee of the U.S. Senate.

Will said:

> Reasonable people can disagree about the propriety of Bork's beliefs and the proper role of the Senate in confirmations. But surely some things * * * are lost when the ethic of routine political competition and transactions is extended to the solemn task of constituting a court.
>
> Today, fund-raising campaigns are financing media blitzes to shape opinion-poll results that will, the interest groups hope, reduce enough Senators to the status of passive electors in an electoral college sitting in the Senate Chamber.

Again, let us weigh those words. They ring true to this Senator:

> Today, fund-raising campaigns are financing media blitzes to shape opinion-poll results that will, the interest groups hope, reduce enough Senators to the status of passive electors in an electoral college sitting in the Senate Chamber.

Certainly, to the extent that we yield to such pressures, the pressures of special-interest groups who have sallied into this confirmation process, we become simple electors and the Senate becomes simply an electoral college. That is not the concept of the Senate. Electors do not need 6-year terms. We could serve for a few days only and fulfill the responsibility and function of electors. That is not our function. But it appears to George Will and to this Senator, and I suspect to many observers, that this politicization of the confirmation process indeed is turning Senators, to some extent, into simple electors and the Senate into a simple electoral college.

The vacancy to which we will consent or refuse to consent is not a vacancy on the U.S. "Court of Special Interests." It is a vacancy on the Supreme Court of the United States.

George Will goes on to say:

> Today's attempt to break the Supreme Court to the saddle of manufactured ficticious opinion is a more fundamentally radical attack of the Court than FDR's attempt to pack the Court by enlarging it. Packing was to be a one-time tactic that could not have been repeated regularly unless the Court's bench was going to be replaced by bleachers.

Mr. Will clearly implies here that if this new attack on the Court succeeds, there is no limit to future use of the

same campaign tactics whenever there is a vacancy on the Court.

Mr. President, I will have remarks to deliver in due time about my position on Judge Bork's confirmation. But I thought it well on this day, when a number of Senators have come to the floor and announced their position—prematurely, I believe, with all due respect—to dwell for a moment on the concerns of George Will and many others of what is becoming of this confirmation process.

This concern is one shared by many wise and temperate men and women of all parties. Will speaks of Senators becoming simple electors, of the U.S. Senate becoming a simple electoral college, completely in contravention of its independent role. He speaks of a radical attack on the Court. I believe it is something for us to think about.

Each Senator will come to his or her conclusion on the Bork nomination, but let us proceed with decorum and care. We have seen an effort by special interest groups to stampede this body, but let us not be stampeded. Let us at least take the time to examine the transcript of the hearings. Let us at least wait until a committee report is available. If we let pressure groups stampede us, we can be sure that the tactic will be repeated with ever greater intensity and with ever more political, ever more expensive campaigns mounted to influence the vote of Senators.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion piece by George Will, to which I have alluded in my remarks.

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

THE SCALE AND INTENSITY OF THE ANTI-BORK CAMPAIGN

Sen. Bob Packwood, an Oregon Republican, is an evenhanded moralist who, with fine impartiality, apportions his fervor on several sides of some issues. Today he is among those who are pioneering a constitutional wrinkle the Framers neglected to provide—popular election of Supreme Court justices.

Robert Bork's opponents are of three sorts: those who say he is dangerous because he is an "inflexible ideologue" (flexible ideologues are, presumably, preferred), those who say he is too changeable and those who, suffering cognitive dissonance in the service of their country, say both. Packwood, who will filibuster if necessary, says Bork is intolerable regarding "privacy," meaning abortion.

Now, no one expects Packwood or any other politician to be a martyr on the altar of consistency, but this is a bit thick coming from the man who, when opposed in an election by an anti-abortion candidate, was operatic in his denunciation of single-issue politics. Jack Minor, a reader of the Portland Oregonian, writes in a letter to the editor: "Is this the senator who said that the voters should not oppose him last election solely because of his pro-abortion stance because it should not be a one-issue campaign? Do I smell a hypocrite?"

Not really. Packwood's opposition to single-issue politics certainly does vary too much with the issue. But he also is showing fidelity.

He has sincerely supported and has received generous financial support from feminists. What is, however, dismaying about Packwood's current politics is the disappearance of an important inhibiting distinction. It is the distinction between fighting for friendly and worthy interests in purely political controversy, as Packwood did for Oregon's timber industry regarding tax reform, and putting one's political power at the service of constituents and others eager to guarantee certain results from judicial processes.

Reasonable people can disagree about the propriety of Bork's beliefs and the proper role of the Senate in confirmations. But surely some things—for starters, the ability to debate reasonable distinctions—are lost when the ethic of routine political competition and transactions is extended to the solemn task of constituting a court.

Today, fund-raising campaigns are financing media blitzes to shape opinion-poll results that will, the interest groups hope, reduce enough senators to the status of passive electors in an Electoral College sitting in the Senate chamber. Bork's supporters are now driven, against their correct sense of decorum, to arm themselves of a campaign, or else concede defeat. Such is the dialectic of the degradation of judicial institutions.

The scale and intensity of the anti-Bork campaign refute the premise that is supposed to legitimize the campaign. The premise is that there is nothing new going on, that the Senate has always "considered a nominee's judicial philosophy," as though that is what is going on.

This process has had its moments of unintended hilarity, as when the painter Robert Rauschenberg testified (by Lord knows what authority) on the tears and tremblings of America's artists—every paint-smeared one of them. In a statement that used words the way Rauschenberg uses paint (it was the rhetoric of random splatter), Rauschenberg announced that America's artists, who once cultivated an aura of Bohemian nonconformity, are remarkably "unanimous" in opposition to Bork. (Talk about a herd of independent minds.)

The anti-Bork army, which sometimes has attributes of a mob, has been swollen with organizations such as the Epilepsy Foundation of America, the United Cerebral Palsy Association, the Retarded Citizens Association, among others. Many Americans would be surprised to learn that their charitable support has been conscripted for the liberal onslaught on Bork.

The ease with which such groups have been swept together for the first time in such a campaign reflects, in part, the common political culture of the people who run the headquarters of the compassion industry.

Today's attempt to break the Supreme Court to the saddle of manufactured or (as in the Rauschenberg case) fictitious opinion is a more fundamentally radical attack on the court than FDR's attempt to pack the court by enlarging it. Packing was to be a one-time tactic that could not have been repeated regularly unless the court's bench was going to be replaced by bleachers.

The transformation of the confirmation process into a contest between massed battalions is a perverse achievement of people who, like Packwood, claim to be acting to protect the court from Bork's jurisprudence, which they say would leave all our liberties to be blown about by gusts of opinion.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may proceed as in morning business for about 5 minutes.

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

IN MEMORY OF ROBERT G. BLAIR

Mr. MURKOWSKI. Mr. President, Robert Blair died September 14, 1987, at the age of 62 in Kodiak, AK. I rise today in tribute to his life. Bob Blair's philosophy was hard work, love of family and love of his fellow man. He saw his share of adversity. His first child died at an early age. His first wife was killed in an automobile accident. He was a businessman, and his business ventures felt the effect of the roller coaster that marks the American economy. Bob reacted to adversity by renewing his life with even greater commitment and by devoting himself to his community. He expanded his ventures, and he helped those in need. He gave of his energy, his enthusiasm and his compassion; and his community, as well as his family and nation, were the beneficiaries of his life.

Bob's concern was as specific as ensuring a widow in his community had milk to drink, or helping rebuild the burned-out home of a neighboring family. His concern was as general as his active involvement in the American Legion, the Elks, Lions, VFW, Moose, and other organizations.

His commitment to life and his willingness to implement that commitment in the most personal way is perhaps best illustrated by his family. After remarrying, he and his wife raised 3 children from his first marriage, 5 from his second, and 20 Amerasian children he either adopted or sponsored. Twenty-eight children in all, Mr. President, named, James, Robin, Douglas, Kathy, Tony, Darrell, Raeann, David, Danny, Karen, Joe, Bobby, Lex, Dwayne, Steven, Heidi, Edward, Andrew, Sam, Norman, Alan, John, Dottie, Richard, Robert, Raymond, Gary, and Tommy. I can think of no finer way to transmit to the future the values of compassion and enterprises that embodied Bob Blair's life. Taking children into his home and raising them as his own was not a gesture; it was a commitment.

Mr. President, Bob Blair's philosophy was made concrete and tangible by his contributions to his community. And, perhaps more importantly, his philosophy was demonstrated in the intangible ways that touch the souls of those who knew him and took on

some of his spirit. He was the source of great inspiration.

Bob earned many of the awards and rewards that come to those who strive for and achieve excellence. But his most important legacy will be written in the hearts of those who have been fortunate enough to know and learn from him. Time can erode and tarnish the sturdiest monument or memorial of stone or steel. But the monument carved in the souls of those who follow in Bob's footsteps will grow and flourish as it is passed on to the following generations. Bob Blair's most lasting memorial will be in the memories of those who knew him.

Mr. President, Alaska is a better place for Bob Blair having selected it as his home. However, the values of his life transcend time or place, and I commend those values to the U.S. Senate.

CHARTER OF UNITED STATES-FLAG VESSELS TO KUWAIT

Mr. MURKOWSKI. Mr. President, today I received news from the Maritime Administration that beginning this November, the first U.S.-crewed, U.S.-flag vessel will begin carrying oil for Kuwait in the Persian Gulf. This is an extraordinary and very significant event, in view of the debate that has centered around the issue of reflagging.

We have talked about reflagging the vessels of other countries and protecting them with our Navy in the Persian Gulf in a convoy concept. But today's announcement marks the first time that we will begin protecting in the gulf an American vessel, flying an American flag, and manned by an American crew.

MarAd advised me that the Chesapeake Shipping Co., a United States subsidiary of the Kuwait Oil Tanker Co., was the winning bidder for the charter of the United States vessel, the *Maryland.* Kuwait will be chartering the *Maryland* from MarAd for 2 years at a cost of approximately $5 million. The terms of the charter call for the vessel to be operated under the U.S. flag and fully manned by U.S. citizens.

Mr. President, on several occasions I have addressed this body to express my concerns over the policy implications of reflagging Kuwait vessels. I have urged the administration to pursue other alternatives as a means of accomplishing our objectives in the Persian Gulf, which clearly to keep the flow of oil. In July, this body adopted by unanimous consent my amendment to the trade bill urging the President to pursue the lease or charter of vessels of the U.S. tanker fleet as one alternative to reflagging.

I am pleased that the agreement reached between MarAd and the Chesapeake Shipping Co., demonstrates the administration's willingness to act on the concern expressed by this body. This is the right decision in defining our policy in the Persian Gulf.

I understand and support the President's desire the help Kuwait make sure its oil gets to market despite the threats by Iran. But until now, we have been providing the American flag for lease and our Navy's protection to ships that really remain Kuwaiti ships. They have Kuwaiti crews, with the exception of the master and the radio operator.

Further, under the application of the reflagging of those ships, it is legitimate under the law, but it is a bit of a subterfuge, because they can be reflagged with the U.S. flag with a U.S. master and a U.S. radio operator, until they touch a U.S. port, and then they must, of course, meet the requirements of putting on a U.S. crew. The subterfuge is simply that there is no intention that those ships will ever touch a U.S. port.

So the reality is that no matter what kind of legal fiction we have been engaged in regarding reflagging, now, for the first time, we are talking about a much more appropriate way to go about our objective in the Persian Gulf. It is to use the ships of our own idle tanker fleet, some 40 of which were built with U.S. construction subsidies, and involve ourselves in the carriage of this oil and appropriately protect that movement with our Navy.

This is simply what the British and the Soviets have been doing for an extended period of time and this is an approach that makes sense and it is an approach that I think supports the axiom that charity begins at home.

Certainly, our Navy must play a role in insuring that the sealanes of the gulf remain open for all free nations. However, a policy to deal with such important threats cannot depend for its cornerstone on transparent, legal fiction. Reflagging up until this point has been a transparent legal fiction.

We all know in this body, Mr. President, that the American flag is not just a piece of cloth available to be leased or for loan for convenience. There is a reason why our men and women in uniform commit themselves to defend it. You need only walk on the fantail of a destroyer sailing in harm's way to know what our flag represents. But the policy of loaning the flag away set a terrible precedent and greatly diminished its meaning.

When the U.S. owned, U.S. crewed vessel *Maryland* begins service in the gulf next month, escorted by the U.S. Navy, we will have made a significant step and a correct step forward.

I commend the administration for the action taken today. I trust that Kuwait will continue to pursue additional agreements to charter U.S.-flagged tankers and ultimately restore the true meaning of the reflagging in the sense of utilizing the American flag on U.S. ships with U.S. crews.

Mr. President, I ask unanimous consent that today's announcement from MarAd of the details of the charter agreement with Kuwait be printed in the RECORD.

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

U.S. DEPARTMENT OF TRANSPORTATION, MARITIME ADMINISTRATION

October 1, 1987.

TANKER "MARYLAND" CHARTERED FOR KUWAIT OIL SHIPMENTS

The Maritime Administration (MarAd) today announced that it has agreed to bareboat charter the 264,000-deadweight-ton tanker *Maryland* for a two-year period to Chesapeake Shipping, Inc., subject to certain terms and conditions. Chesapeake is a Delaware-based U.S. subsidiary of the Kuwait Oil Tanker Company and will operate the vessel in the Persian Gulf crude oil trade.

The agency had put the vessel up for sale or charter in late August after acquiring the vessel in foreclosure proceedings against Boston VLCC VI, a subsidiary of Seatrain Lines. Boston VLCC VI had defaulted on its government-guaranteed mortgage obligations.

Of the six bids received by the Sept. 4 cutoff date, Chesapeake's provided the greatest financial return to the government. It offered to charter the vessel for the two-year period for $5 million. The charter rate covers the reimbursement to MarAd of an estimated $2.5 million in drydocking and repair costs to put the ship in operation. Under the bareboat charter, all operating costs, including crew, fuel, insurance and subsequent maintenance and repair expenses, and positioning the ship in the Persian Gulf, are borne by the charterer.

Of the five other bids received, four were for the purchase of the tanker and one was for chartering.

The *Maryland* will be operated for Chesapeake by Gleneagle Shipping Management of Houston, Tex. The terms of the charter require the vessel to be operated under the U.S.-flag and fully crewed top to bottom by U.S. citizens.

The *Maryland* is scheduled for drydocking in late October for U.S. Coast Guard and American Bureau of Shipping surveys and attendant repair work. The vessel is expected to depart for the Persian Gulf in mid-November.

Mr. MURKOWSKI. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

THE IMPORTANCE OF SECURITY ASSISTANCE TO THE ISLAMIC REPUBLIC OF PAKISTAN

Mr. HUMPHREY. Mr. President, over the coming weeks, Congress will examine the relationship between the United States and the Republic of Pakistan.

Under current law, the President may extend foreign assistance to Pakistan only if Congress acts to waive

prohibitions on United States foreign assistance to countries that acquire nuclear enrichment technology and do not place it under the inspection and safeguards system of the International Atomic Energy Agency.

In 1981, the Congress extended that waiver authority for 6 years. At midnight last night, the waiver expired. The President has asked the Congress to restore his waiver authority to continue assistance to Pakistan, and the request is now pending before the Congress.

Mr. President, approval of the President's request for economic and security assistance to Pakistan is critical to ensuring the security of both Pakistan and Southwest Asia.

Pakistan today is directly threatened by the Soviet Union. Afghanistan once provided a buffer between Pakistan and the Soviet empire. Today, 115,000 Soviet troops armed with the most modern weaponry are waging war in Afghanistan, much of it very near Pakistan's 1,200-mile border.

There is no place in the world today where Soviet aggression is more naked than Southwest Asia. In testimony before the congressional task force on Afghanistan, former U.S. Ambassador to the United Nations, Jeane Kirkpatrick, stated:

> The Soviet goal in Afghanistan is effective incorporation of Afghanistan and achievement of a warm water port and geopolitical access to Iran and Pakistan.

In Afghanistan, the Soviets have resorted to massive slaughter of civilians through air and ground attack upon villages. The death toll is near 1 million. Think of it. If you apply that proportion to our own population, it means 16 million dead Americans. Try to imagine 16 million dead Americans. For the Afghans, 1 million dead is not a matter of imagination, but a matter of daily and cruel reality. Fully one-third of the Afghan people have been driven into exile. Imagine 80 million Americans driven into foreign exile and you get some concept of the scope of this catastrophe visited upon the people of Afghanistan by the Soviet Army.

Throughout this horror, Mr. President, Pakistan has stood firmly behind the people of Afghanistan. Clearly, were it not for Pakistan, by now Moscow would have succeeded in dragging a bleeding Afghanistan into the Soviet empire.

For her courage and principle, Pakistan has come under direct attack by Moscow's puppet in Kabul. As far back as 1980, the Soviet-Puppet Regime in Kabul was responsible for nearly 200 airspace violations. In the past 2 years, they tripled their level of violence. Last year alone, the Soviet-Puppet Regime violated Pakistani airspace on 757 separate occasions—256 of these violations involved outright attacks upon Pakistani territory in which 45 innocent civilians were killed and 77 were wounded.

Mr. President, earlier this year, the situation along the border was much worse, as hundreds of innocent Afghans and Pakistanis were killed by almost daily bombing raids along the border.

Recently, the Soviets have increasingly supported wanton acts of terrorism within Pakistan. The vicious car bomb attack in Karachi earlier this year killed more than 70 people. Another bomb near Peshawar recently killed 14 innocent people. Last year, there were 233 acts of sabotage resulting in 162 deaths and more than 500 wounded.

This year the level of violence in these acts of terrorism has escalated.

Mr. President, despite the escalated threats and violence, Pakistan has stood her ground courageously. Standing firm as a bulwark against Soviet imperialism in an extremely complex and troubled region of the world, she has provided refuge to more than 4 million Afghan refugees—today, the world's largest refugee population.

Mr. President, the program of economic assistance and defense assistance President Reagan has requested will greatly help Pakistan continue the progress made over the past several years in economic development and growth. The economy has been growing at an average of 7 percent per year, while inflation has remained low.

The security assistance program will provide a level of assistance which is roughly the same as what Pakistan now receives.

Mr. President, I understand the concern occasioned by the recent arrest of a Canadian citizen who is accused of attempting to export to Pakistan materials which, under law, may not be exported. However, President Zia has unequivocally stated that the Government of Pakistan was in no way involved in the attempted export. The trial of the accused person has yet to begin, facts have not been proven or disproven, nor has guilt.

In any event, the central concern which Senators share, I believe, is proliferation of nuclear weaponry. Pakistan has recently and repeatedly assured us that it has not and will not build a nuclear weapon. Some may dispute the bounds of the Pakistan research effort, but what is clear is the United States should do those things which will encourage Pakistan to refrain from joining the nuclear club. Likewise, what is clear is we should avoid doing those things which will encourage Pakistan to exercise the option of building a weapon.

In this context, it seems to this Senator any action on our part which even appears to reduce the American commitment to Pakistan's well-being and security is an action that will work against our wish to limit the nations which possess nuclear weapons. Let us put ourselves in the shoes of our friends in Pakistan. A mighty and often ruthless imperial power occupies Afghanistan which borders Pakistan to the northwest. A large, and, unfortunately, hostile nation lies to the east. If Pakistan perceives American support for her survival weakening, will she be more inclined or less inclined to opt for force-multiplier weapons, including the nuclear option? The answer is perfectly obvious. She will be more inclined, not less.

Last July, I joined with the distinguished Senator from Ohio in drafting a resolution that placed the unclear question where it belongs: in the regional context. That resolution endorsed the position of the Government of Pakistan, in that it:

> Urges the President to pursue vigorously an agreement by India and Pakistan to provide for simultaneous accession by India and Pakistan to the Nuclear Nonproliferation Treaty, simultaneous acceptance by both countries of complete International Atomic Energy Agency safeguards for all nuclear installations, mutual inspection of one another's nuclear weapons through a joint declaration of the two countries, and the establishment of a nuclear weapons free zone in the subcontinent.

Mr. President, I should add that President Zia advanced these five proposals to India, in an address before the United Nations 2 years ago. These proposals have also been discussed directly between President Zia and the Indian Prime Minister.

Mr. President, yesterday the State Department stated:

> While we share Congress' concern over Pakistan's nuclear program, we are concerned that Congress' failure to act on the Symington authority sends the wrong signal about the continuing U.S. commitment to Pakistan's security.

Sends the wrong signal, indeed, it surely does.

The Soviets are listening with great interest. Any weakening of American friendship for Pakistan means greater opportunities for Soviet imperialism in South Central Asia. Just as the Soviets seem interested in withdrawal from Afghanistan, are we going to back away from Pakistan at this juncture? I hope not. And, of course, even apart from the noble and courageous role Pakistan has played in helping the people of Afghanistan, Pakistan is a very important country in its own right and one which lies along the narrow end of the funnel leading into the Arabian Sea and the Persian Gulf.

What message will the Congress and the United States send to friends and adversaries alike when it addresses the President's request for the Pakistan Aid Program? Will it be the message of strength and steadfastness in support of an ally standing courageously as a bulwark against naked and brutal Soviet imperialism, or will it be the

message too often tragically sent by this Nation in recent years, the message of equivocation, the message of retreat? We can be sure Moscow is as anxious to know the answer as is Islamabad.

I yield the floor and 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. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued the consideration of the bill.

Mr. NUNN. Mr. President, has anyone asked for third reading on this bill?

The PRESIDING OFFICER. Third reading has not yet been requested.

Mr. NUNN. Mr. President, I hope we will be able to do so within the next few hours, at least by tomorrow morning. We have had a meeting and the majority leader will be coming out in a few minutes. I hope he will be propounding some kind of unanimous-consent request that will be agreed to by the Senate.

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

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

Mr. BYRD. Mr. President, shortly I anticipate presenting a unanimous-consent agreement to the Senate with respect to the DOD authorization bill and the amendments thereto. But while awaiting the arrival of Senators who are involved in that agreement, I should like to proceed with certain bills that are on the calendar and see if we can dispose of those.

THE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader if the following calendar orders have been cleared on that side of the aisle: Calendar Orders numbered 266, 333, 337, 338, 340, 341, 342, 344, 347, 349, 352, and 355.

Mr. GARN. Those have been cleared on the Republican side.

Mr. BYRD. They have been cleared?

Mr. GARN. They have been cleared.

Mr. BYRD. I thank the distinguished Senator.

REQUIRING DOCUMENTATION FOR PAYMENTS AND REIMBURSEMENTS FROM THE CONTINGENT FUND OF THE SENATE

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 266.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 258) to require documentation for payments and reimbursements from the contingent fund of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 838

(Purpose: To amend rule XLI of the Standing Rules of the Senate relating to political fund activities by staff assistants)

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), on behalf of Mr. FORD, proposes an amendment numbered 838.

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

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

The amendment is as follows:

At the end of the resolution, add the following new section:

SEC. 2. Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended in the second sentence by striking out "two assistants" and inserting in lieu thereof "three assistants".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 838) was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on agreeing to the resolution.

The resolution (S. Res. 258), as amended, was agreed to, as follows:

S. RES. 258

Resolved, That (a) no payments or reimbursements for expenses shall be made from the contingent fund of the Senate, unless the vouchers presented for such expenses are accompanied by supporting documentation.

(b) The Committee on Rules and Administration is authorized to promulgate regulations to carry out the purpose of this resolution and to except specific vouchers from the requirements of subsection (a) of this resolution.

(c) This resolution shall apply with respect to vouchers submitted for payment or reimbursement on and after October 1, 1987, or upon the adoption of this resolution if such adoption occurs at a later date.

(d) Senate Resolution 170, 96th Congress (agreed to August 2, 1979), is repealed as of October 1, 1987, or upon adoption of this resolution if such adoption occurs at a later date. Any regulations adopted by the Committee on Rules and Administration to implement Senate Resolution 170 shall remain in effect, after the repeal of Senate Resolution 170, until modified or repealed by such committee, and shall be held and considered to be regulations adopted to implement this resolution.

SEC. 2. Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended in the second sentence by striking out "two assistants" and inserting in lieu thereof "three assistants".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the remaining bills, Calendar Order Nos. 333, 337, 338, 340, 341, 342, 344, 347, 349, 352, 355.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Wait. The fastest gun on Capitol Hill.

The PRESIDING OFFICER. I try.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the foregoing measures; that they be considered en bloc, that amendments where shown be agreed to en bloc, that agreements to the preamble be agreed to en bloc, and that the measures all be agreed to en bloc; that the motion to reconsider en bloc be laid on the table and that statements, where shown by Senators, may be included in the RECORD at the appropriate place as though read.

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

CIVIC ACHIEVEMENT AWARD PROGRAM

The Senate proceeded to consider the joint resolution (H.J. Res. 309) providing support for the Civic Achievement Award Program in honor of the Office of the Speaker of the House of Representatives which had been reported from the Committee on Rules and Administration, with an amendment:

On page 6, line 9, strike "such sums", through and including line 10, and insert in lieu thereof "$680,000 for the fiscal year ending September 30, 1989."

The amendment was agreed to.

The amendment was ordered to be engrossed, the joint resolution was read the third time, and passed.

The preamble was agreed to.

The joint resolution, as amended, and the preamble, are as follows:

H.J. RES. 309

Whereas the continuing strength and vitality of American democratic traditions depend on the civic awareness of future generations;

Whereas there is a need to improve the level of civic literacy of American elementary school students and to better their understanding of American history, government, geography, economics, and current events;

Whereas students in the fifth grade through the eighth grade are at a critical stage for development of values, character, and attitudes;

Whereas school libraries and local libraries, as repositories of the record of American history and democratic traditions, are appropriate focal points for civic literacy education;

Whereas in view of the central role of the House of Representatives in our system of government, it is appropriate, in conjunction with the Bicentennial of the House of Representatives and in honor of the office of Speaker of the House of Representatives, to support a national civic achievement award program for students, classes, and schools;

Whereas the Library of Congress, as a national symbol of learning, literacy, and culture, is an appropriate institution to assist in this endeavor; and

Whereas the Close Up Foundation, a nonpartisan, nonprofit, educational organization for citizen involvement in government, is an appropriate organization to conduct such a program: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT FOR THE CIVIC ACHIEVEMENT AWARD PROGRAM IN HONOR OF THE OFFICE OF SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The Librarian of Congress is authorized to make disbursements to the Close Up Foundation, a nonpartisan, nonprofit organization incorporated under the laws of the District of Columbia. Such disbursements—

(1) shall be made upon application by the Foundation and in such form and manner as the Librarian may prescribe by regulation; and

(2) shall be solely for the purpose of assisting the Foundation in conducting the Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives described in section 2.

SEC. 2. DESCRIPTION OF THE PROGRAM.

(a) IN GENERAL.—The Civic Achievement Award Program in Honor of the Office of Speaker of the House of Representatives shall be conducted by the Close Up Foundation, in cooperation with the National Association of Elementary School Principals. The program—

(1) shall be designed to inspire learning of American history, government, geography, economics and current events in the fifth, sixth, seventh, and eighth grades;

(2) shall recognize achievement in civic literacy by students, classes, and schools throughout the Nation;

(3) shall be based upon a specially designed set of learning materials and activities that will allow students to develop and demonstrate civic knowledge and skills; and

(4) may include such program elements as individual and group projects, mastery of academic materials, development of library skills, and community service.

(b) AWARDS.—The Close Up Foundation shall provide annual awards for the program. The awards, in the form of certificates signed by the Speaker of the House of Representatives and other persons designated by the Speaker, shall be presented in the following categories:

(1) Individual students who satisfy award standards.

(2) Classes with a specified percentage of students who satisfy award standards.

(3) Schools with a specified percentage of students who satisfy award standards.

(c) NATIONAL ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Speaker of the House of Representatives (in consultation with the minority leader of the House of Representatives) shall appoint 11 persons who, together with the Librarian of Congress, one representative of the Close Up Foundation, and one representative of the National Association of Elementary School Principals, shall constitute a national committee to advise the Close Up Foundation on the structure and administration of the program. The 11 persons appointed under the preceding sentence shall serve at the pleasure of the Speaker.

(2) EXPENSES.—Members of the committee shall serve without compensation, except that, while away from their homes or regular places of business in the performance of services for the committee, members shall be allowed expenses in the same manner as persons employed intermittantly in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(d) PARTICIPATION BY LIBRARIES.—School libraries and local libraries shall, to the extent practicable, serve as the primary centers for the distribution of materials and the coordination of testing and evaluation for the program.

SEC. 3. AUDITS AND REPORTS.

(a) AUDITS.—The Comptroller General shall conduct annual and other necessary audits of the program and shall submit reports of such audits to the House of Representatives and to the Librarian of Congress.

(b) REPORTS.—The Close Up Foundation shall submit to the House of Representatives and to the Librarian of Congress semiannual reports of the activities of the program as follows: (1) not later than July 31 of each year, a report relating to the 6-month period ending on the preceding June 30; and (2) not later than January 31 of each year, a report relating to the 6-month period ending on the preceding December 31.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution not more than $680,000 for the fiscal year ending September 30, 1988 (of which not more than $100,000 shall be available for reimbursement of expenses of the program incurred during the period beginning on July 1, 1987, and ending on September 30, 1987), and $680,000 for the fiscal year ending September 30, 1989.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN FOREST SERVICE LANDS

The bill (S. 253) to convey Forest Service land to Flagstaff, AZ, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b)(1) of section 1 of Public Law 96-581, relating to land conveyances in the State of Arizona, is amended by striking out "Any conveyances" and inserting in lieu thereof "Except as provided in subsection (c), any conveyances".

(b) Subsection (c) of section 1 is amended to read as follows:

"(c)(1) Of the tract of land described in subsection (a) of this section, the Secretary shall offer to sell at the fair market value as determined on December 23, 1980, to the Flagstaff Medical Regional Center, Flagstaff, Arizona, not to exceed 18.25 acres immediately adjacent to said Flagstaff Medical Regional Center and shall convey, without consideration, except for administrative costs associated with the preparation of title and legal description, to the city of Flagstaff, Arizona, 134.57 acres, under special use permit in effect on the date of enactment of this Act to the city of Flagstaff.

"(2) Title to any real property acquired by the city of Flagstaff pursuant to this section shall revert to the United States if the city attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes specified in paragraph (3) of this section.

"(3) Real property conveyed to the city of Flagstaff pursuant to this section shall be used for public open space, park and recreational purposes.

"(4) Except for any land to be conveyed to the Flagstaff Medical Regional Center and the city of Flagstaff, the Secretary shall solicit public offers for the remaining lands and improvements authorized under subsection (a) of this section. All offers shall be publicly opened at the time and place stated in the solicitation in accordance with the administrative requirements of the Secretary. The Secretary shall consider price and land values before entering into agreements or land exchanges with any party whose offer conforming to the solicitation notice is determined by the Secretary to be the most advantageous to the Government. Notwithstanding any other provision of this Act, the Secretary may reject any offer if the Secretary determines that such rejection is in the public interest.".

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

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

The motion to lay on the table was agreed to.

DESIGNATION OF TRAIL OF TEARS NATIONAL HISTORIC TRAIL

The Senate proceeded to consider the bill (S. 578) to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

Mr. FORD. Mr. President, I rise in support of passage of S. 578, to amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail.

The bill would, in some small measure, pay tribute to the strength and dignity of the Cherokee Nation. The bill would, in some small measure, recognize the wrong done the Cherokee Nation some 150 years ago.

In 1830, with the support of President Andrew Jackson, Congress passed the Indian Removal Act.

Between 1830 and 1832, all but the Cherokees signed treaties and moved west to what is presently eastern Oklahoma. Twice the Cherokees fought their battle to the Supreme Court. Although the Court's second decision declared that the U.S. Government must protect the Indians, Jackson failed to enforce the decision, and State and local officials confiscated Indian lands. In 1835, a minority faction, speaking for the whole tribe, signed the removal treaty and moved west. During 1837 and 1838, Government soldiers moved the Indians into stockades and then moved them west by land and by water. Hundreds, even thousands, died along the "Trail of Tears."

Mr. President, the National Park Service has had the lead responsibility for the study of the Trail of Tears. The Department of the Interior has filed a favorable report on the study and on S. 578.

A working group considered the trail's eligibility for the designation, trail designation issues, management opportunities or constraints, and assured public involvement in the study process. In addition to the NPS working group, a Study Advisory Committee was organized with representatives from the Cherokee Indians, each of the nine States (Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma) within the study area, Federal agencies and historians. The Advisory Committee furnished pertinent information to the working group, reviewed draft study report material, and assisted with public involvement.

The study effort identified a general "trail corridor"; evaluated the historic, cultural and national attributes through the corridor; determined broad landownership patterns; analyzed present and future land use; explored potential trail administration; examined the possible environmental impacts of national designation; and considered an array of trail alternatives.

Mr. President, I recommend that the Congress recognize the great Cherokee Nation and its trials and tribulations by enactment of S. 578 and request that a Department of the Interior communication endorsing the bill be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC. August 12, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 578, a bill "To amend the National Trails System Act to designate the Trail of Tears as a National Historic Trail."

We recommend the enactment of S. 578.

Public Law 98-11, approved March 28, 1983, amended section 5(c) of the National Trails System Act to authorize a study of the Trail of Tears, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansa, to the vicinity of Tahlequah, Oklahoma. The Trail of Tears refers to the routes taken by members of the Cherokee Indian Nation, in June of 1838 and during the fall and winter of 1838-39, from their traditional tribal territory in Georgia to Oklahoma. We have completed our study, and based on its findings we recommend that the Trail of Tears be designated by Congress as a component of the National Trails System.

The National Park System Advisory Board has determined that the Cherokee Trail of Tears is of national historical significance.

Our study report recommends designation of trail corridors comprising two routes: the water routes used for the removal of 3,000 Cherokees during the summer of 1838, and a principal overland route taken by most of 13,000 Cherokees during the fall and winter of 1838-1839. Three side or connecting trails would also be designated.

Under section 5(d) of the National Trails System Act, the Secretary is required within one year of designation to appoint an advisory council for the trail representing Federal land-managing agencies and States through which the trail passes, landowners, and interested private entities. Under section 5(f) of the Act, we are required within two years to prepare and submit to certain Congressional Committees a comprehensive plan for the management and use of the trail. With the help of the advisory council, the plan will identify historic sites and locations for interpretive exhibits which are authorized under section 7(c) of the act. No additional Federal land acquisition is contemplated.

We note that the bill would require us to give careful consideration to interpretive sites in the vicinity of Hopkinsville, Kentucky. The study report did find that interpretive facilities would be appropriate at Paducah or Hopkinsville, Kentucky, and our plan will reflect consideration of these areas. We estimate that the cost of preparing the plan will be approximately $150,000.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

SUSAN RECCE,
Acting Assistant Secretary.

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

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(14)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

"(B) In carrying out his responsibilities pursuant to subsection 5(f) and 7(c) of this Act, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky".

SEC. 2. Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)(2)) is amended by striking out "(13)" and inserting in lieu thereof "(14)".

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

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

The motion to lay on the table was agreed to.

STUDY OF DESOTO TRAIL

The Senate proceeded to consider the bill (S. 1297) to amend the National Trails System Act to provide for a study of the DeSoto Trail, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 1297

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "De Soto National Trail Study Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Hernando de Soto landed in the vicinity of Tampa Bay on May 30, 1539;

(2) de Soto then led his expedition of approximately 600 through the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, and Arkansas;

(3) de Soto died on the banks of the Mississippi River in 1542;

(4) the survivors of de Soto's expedition went on to Texas, then back through Arkansas, and into Louisiana in search of a route to Mexico;

(5) the de Soto expedition represented the first large group of Europeans to explore so deeply into the Southeastern region;

(6) archeologists have recently uncovered, in Tallahassee, Florida, what may have been de Soto's first winter camp;

(7) the State of Florida has completed identification and marking of close to three-fourths of de Soto's trail in that State; and

(8) several other states are in the process of identifying and marking de Soto's trail within their borders.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernando de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to [its] *the trail's* suitability for designation not later than one calendar year [from] *after* the date of enactment of this paragraph.".

The amendments were agreed to.

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

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

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

The motion to lay on the table was agreed to.

CONVEYANCE OF CERTAIN PUBLIC LANDS

The bill (H.R. 242) to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

DONATION OF CERTAIN LANDS TO THE GETTYSBURG NATIONAL MILITARY PARK

The bill (H.R. 797) to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN CERTAIN LANDS

The bill (H.R. 1205) to direct the Secretary of Agriculture to release a reversionary interest of the United States in certain land located on Putnam County, FL, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such land to the State of Florida, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

DESIGNATION OF KERN RIVER AS A NATIONAL WILD AND SCENIC RIVER

The Senate proceeded to consider the bill (S. 247) to designate the Kern River as a national wild and scenic river, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"( ) (A) NORTH FORK KERN RIVER, CALIFORNIA.—The segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June, 1987; to be administered by the Secretary of Agriculture; except that portion of the river within the boundaries of the Sequoia National Park shall be administered by the Secretary of the Interior. With respect to the portion of the river segment designated by this paragraph which is within the boundaries of Sequoia National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portion need not be published in the Federal Register. Such revision to the general management plan for the park shall assure that no developments or use of park lands shall be undertaken that is inconsistent with the designation of such river segment.

"(B) SOUTH FORK KERN RIVER, CALIFORNIA.—The segment from its headwaters in the Inyo National Forest to the southern boundary of the Domelands Wilderness in the Sequoia National Forest, as generally depicted on a map entitled 'Kern River Wild and Scenic River—Proposed' and dated June 1987; to be administered by the Secretary of Agriculture.

"(C) Nothing in this Act shall affect the continued operation and maintenance of the existing diversion project, owned by Southern California Edison on the North Fork of the Kern River, including reconstruction or replacement of facilities to the same extent as existed on the date of enactment of this paragraph.

"(D) For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not to exceed $100,000, to the Secretary of Agriculture for development and land acquisition.".

The amendment was agreed to.

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

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

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

The motion to lay on the table was agreed to.

DESIGNATION OF A SEGMENT OF THE KINGS RIVER AS A WILD AND SCENIC RIVER

The Senate proceeded to consider the bill (H.R. 799) to designate a segment of the Kings River in California as a wild and scenic river, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 799

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

SECTION 1. DESIGNATION OF KINGS RIVER.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(62) KINGS, CALIFORNIA.—The Middle Fork of the Kings River from its headwaters at Lake Helen between Muir Pass and Black Giant Mountain to its confluence with the main stem; the South Fork, Kings River from its headwaters at Lake 11599 to its confluence with the main stem; and the main stem of the Kings River from the confluence of Middle Fork and the South Fork to the point at elevation 1595 feet above mean sea level. The segments within the Kings Canyon National Park shall be ad-

ministered by the Secretary of the Interior. The remaining segments shall be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public and within one year after the enactment of this paragraph, the respective Secretaries shall take such action as is required under subsection (b) of this section. In the case of the segments of the river administered by the Secretary of the Interior, the requirements of subsection (b) shall be fulfilled through appropriate revisions to the general management plan for Kings Canyon National Park, and the boundaries, classification, and development plans for such segments need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of park lands shall be undertaken that is inconsistent with the designation of the river under this paragraph. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated such sums as may be necessary [to carry out the purposes of this paragraph.".] *but not to exceed $250,000, to the Secretary of Agriculture for development and land acquisition.".*

(b) RENUMBERING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1247(a)) is amended by redesignating the paragraphs relating to the Cache La Poudre River, the Saline Bayou, Black Creek, the Klickitat, and the White Salmon as paragraphs (57) through (61), respectively.

SEC. 2. SPECIAL MANAGEMENT AREA.

(a) ESTABLISHMENT.—In order to provide for public outdoor recreation use and enjoyment of certain areas within the Sierra National Forest and the Sequoia National Forest, to protect those areas' natural, archaeological, and scenic resources, and to provide for appropriate fish and wildlife management of those areas, there is hereby established the Kings River Special Management Area (hereinafter in this Act referred to as the "special management area"). The special management area shall be administered by [the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") as a separate unit of the Sierra National Forest. The boundaries of the Sierra National Forest and the Sequoia National Forest shall be adjusted accordingly.] *the Secretary of Agriculture (hereinafter in this Act referred to as "the Secretary") through the Sierra National Forest.*

(b) AREA INCLUDED.—The special management area shall consist of the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kings River Special Management Area," dated April 1987. The map shall be on file and available for public inspection in the offices of the National Forest Service, Department of Agriculture. The Secretary of Agriculture may from time to time make minor revisions of the boundary of the special management area.

(c) ADMINISTRATION.—The Secretary shall administer the special management area in accordance with this Act and with the provisions of law generally applicable to units of the national forest system. In the case of any conflict between the provisions of such Acts, the provisions of this Act shall govern. In the administration of the special management area the Secretary may utilize such statutory authority as may be available to him for the conservation of wildlife and natural resources as he deems necessary to carry out the purposes of this Act. Nothing in this Act shall be construed to prohibit grazing within the special management area to the same extent, and in accordance with the same rules and regulations as applicable in the absence of this Act. The Secretary may permit the cutting of timber within the special management area only in those cases where in the judgment of the Secretary the cutting of such timber is required in order to control the attacks of fire, insects, or diseases or to otherwise conserve the scenery or the natural or historical objects in the area.

(d) MINING AND MINERAL LEASING.—Subject to valid existing rights, lands within the special management area are withdrawn from location, entry, and patent under the mining laws of the United States, from the operation of the mineral leasing laws of the United States and from operation of the Geothermal Steam Act of 1970.

(e) HUNTING AND FISHING.—The Secretary shall permit hunting, and fishing on lands and waters within the special management area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management or public use and enjoyment. Except in emergencies and regulations issued by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(f) MANAGEMENT PLAN.—After consultation with the State of California, the Secretary shall publish a management plan for the special management area within three years after the enactment of this Act. The plan shall provide for public outdoor recreation use and enjoyment of the special management area, protect area's natural, archeological, and scenic resources, and provide for appropriate fish and wildlife management within the area. The plan shall contain provisions for management of vegetation within the area designed to enhance the wildlife carrying capacity of the area. The plan shall permit off-road vehicular use of off-road trails to the same extent and in the same locations as was permitted before enactment of this Act. The plan shall provide for the development of hiking trails in the special management area and shall include a trail from Garlic Creek to Little Tehipite Valley.

(g) ACCESS TO PRIVATE LANDS.—If any State or privately owned land or any valid claim or other valid occupancy is within the special management area, or if State or private subsurface rights underly public lands within the special management area, the Secretary shall provide the State or private owner, claimant, or occupier and their successors in interest such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the site concerned. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of the special management area, taking into account the traditional and customary means of access used prior to the enactment of this Act.

(h) SPECIFIC PROTECTIONS.—In recognition of the dispute that exists over whether a dam project should be constructed in the segment of the Main Stem of the Kings River from the point at elevation 1595 feet above mean sea level downstream in the point at elevation 990 feet above mean sea level, Congress declares its intention at this time not to designate that segment of the Kings River as a component of the Wild and Scenic Rivers System. Notwithstanding any other provisions of law, no Federal lands may be used for the construction of any dam or diversion within the boundaries of the special management area without specific authority of the Congress. In order to protect the natural, cultural, recreational, fishery, and wildlife values of the river segment referred to in this subsection, that segment shall be subject to the provisions of section 7(a) of the Act of October 2, [1986] *1968* (82 Stat. 906) in the same manner as if it were designated. Nothing in this Act shall preclude the Kings River Conservation District from conducting studies as it may deem appropriate.

Mr. WILSON. Mr. President, will the distinguished chairman of the Public Lands, National Parks and Forests Subcommittee yield for a question?

Mr. BUMPERS. I am happy to yield to my friend, the junior Senator from California.

Mr. WILSON. Section 2 of H.R. 799, as passed by the House of Representatives and reported by the Energy and Natural Resources Committee, would establish the Kings River special management area. Subsection 2(c) of the bill effectively prohibits timber cutting within the special management area except in limited circumstances. My question for the chairman of the subcommittee is whether or not the language of subsection 2(c) will permit the U.S. Forest Service to proceed with the sale of timber killed by the so-called "Deer Creek Fire" in this area in 1986?

Mr. BUMPERS. During the hearing held by the Public Lands Subcommittee on May 21, 1987, we were told that several million board feet of salvageable sawtimber lying within the boundary of the special management area was indeed killed by the "Deer Creek Fire" in 1986. Officials of the Sierra National Forest have advised us that unless they are cut and removed, these fire-killed trees pose a hazard to healthy trees on adjacent lands. Therefore, it is my belief that subsection 2(c) of the pending legislation does provide sufficient authority to the Forest Service to salvage the fire-killed timber assuming that such a sale is economically viable.

Mr. WILSON. I appreciate the Senator's assurances on this point. I am told that the timber in question can be salvaged with low-impact logging methods and without the construction of additional roads. I believe it is important to remove these fire-killed trees in order to protect the healthy trees within the special management area and to reforest this area, so that it can be restored to the conditions which existed prior to the fire.

The amendments were agreed to.

The amendments were ordered to be engrossed, the bill was read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

TECHNICAL AMENDMENTS TO LAWS RELATING TO INDIANS

The Senate proceeded to consider the bill (H.R. 2937) to make miscellaneous technical and minor amendments to laws relating to Indians, and for other purposes, which had been reported from the Select Committee on Indian Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2937

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

SECTION 1. This Act may be cited as the "Indian Law Technical Amendments of 1987".

SEC. 2. Section **[**That section**]** 2 of the Act of June 25, 1910 (36 Stat. 856) as amended, is further amended by deleting the phrase "the age of twenty-one years, or over" and inserting, in lieu thereof, the phrase "the age of eighteen years or older".

SEC. **[**2.**]** *3.* (a) The Act of September 14, 1961 (75 Stat. 500) is amended by—

(1) deleting the phrase "Section 5, lots 7 and 8;" in section 1, and

(2) inserting the phrase "Section 5, lots 7 and 8;" after the phrase "Township 15 north, range 3 east:" in section 2.

(b) Subsection (e) of section 2 of the Act of October 28, 1986 (100 Stat. 3243) is hereby repealed.

SEC. **[**3.**]** *4.* Section 1 of the Act of October 19, 1973 (87 Stat. 466) is amended by—

(1) inserting "(a)" before the word "That";

(2) deleting the phrase "any interest earned thereon" and inserting, in lieu thereof, the phrase "any investment income earned thereon"; and

(3) adding the following new subsections—

"(b) Except as provided in the Act of September 22, 1961 (75 Stat. 584), amounts which the Secretary of the Interior has remaining after **[**implementation**]** *execution* of either a plan under this Act, or another Act enacted heretofore or hereafter providing for the use or distribution of amounts awarded in satisfaction of a judgment in favor of an Indian tribe or tribes, together with any investment income earned thereon and after payment of attorney fees and litigation expenses, shall be held in trust by the Secretary for the tribe or tribes involved if the plan or Act does not otherwise provide for the use of such amounts.

"(c) This Act may be cited as the 'Indian Tribal Judgment Funds Use or Distribution Act'.".

SEC. **[**4.**]** *5.* Paragraph (2) of section 2 of the Old Age Assistance Claims Settlement Act (98 Stat. 2317) is amended by inserting a colon after the phrase "trust property" and the following proviso—

"*Provided,* That, except for purposes of section 4, the term also includes the reimbursements for welfare payments identified in either the list published on April 17, 1985, at page 15290 of volume 50 of the Federal Register, as modified or amended on November 13, 1985, at page 46835 of volume 50 of the Federal Register, or the list published on March 31, 1983, at page 13698 of volume 48 of the Federal Register, as modified or amended on November 7, 1983, at page 51204 of volume 48 of the Federal Register".

SEC. **[**5.**]** *6.* (a) Paragraph (1) of section 3 of the White Earth Reservation Land Settlement Act of 1985 (100 Stat. 61, 62) is amended to read as follows—

"(1) 'Heir' means a person who received or was entitled to receive an allotment or interest as a result of testate or intestate succession under applicable Federal or Minnesota law, or one who is determined under section 9, by the application of the inheritance laws of Minnesota in effect on March 26, 1986, to be entitled to receive compensation payable under section 8.".

(b) Subsection (b) of section 5 of the White Earth Reservation Land Settlement Act is amended to read as follows—

"(b) The 'proper county recording officer', as that term is used in subsection (a) of this section, shall be a county recorder, registrar of titles, or probate court in Becker, Clearwater, or Mahnomen Counties, Minnesota.".

(c) Notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to transfer to the White Earth Economic Development and Tribal Government Fund, out of funds in the Treasury of the United States not otherwise appropriated, an amount equal to the sum of—

(1) $55,917 for the interest that would have accrued on the settlement funds appropriated pursuant to section 15 of the White Earth Reservation Land Settlement Act of 1985 if such funds had been properly invested during the period beginning on November 17, 1986, and ending on January 12, 1987, plus

(2) an amount equal to the interest that would have accrued on $55,917 during the period beginning on January 12, 1987, and ending on the date the transfer required under this subsection is made by the Secretary of the Treasury if $55,917 had been invested as part of the White Earth Economic Development and Tribal Government Fund on January 12, 1987.

Amounts transferred to the White Earth Economic Development and Tribal Government Fund under this subsection shall be treated as interest accrued on such Fund.

SEC. **[**6.**]** *7.* The Secretary of the Interior shall calculate and certify to the Secretary of the Treasury for payment *out of funds in the judgments, awards, and compromise settlements account of the United States Treasury* to Cook Inlet Region, Inc., pursuant to section 2(a) and (e) of Public Law 94-204 (89 Stat. 1146), as amended by section 1411 of Public Law 96-487 (94 Stat. 2497) and section 22 of Public Law 99-396 (100 Stat. 846), a final determination of interest on funds withheld from revenues owed to Cook Inlet Region, Inc. under section 14(g) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1613(g), and paid to the Treasury as windfall profits taxes on oil production from the Swanson River and Beaver Creek units in Alaska of which Cook Inlet Region, Inc. may be regarded as a producer under 26 U.S.C. 4996(a)(1), as though such funds had been withheld before conveyance to Cook Inlet Region, Inc. of interests in leases within those units. Such interest shall be calculated and paid for the period from the dates on which such funds otherwise would have been paid to Cook Inlet Region, Inc. to the date of refund of the principal amounts withheld.

SEC. 8. Section 1514 of the Higher Education Amendments of 1986 (20 U.S.C. 4421) is amended—

(1) by striking out "During the 2-year period beginning on the date referred to in subsection (f) of this section" in subsection (d) and inserting in lieu thereof "Unless the Board provides otherwise",

(2) by inserting ", until October 1, 1989," after "Secretary of the Interior shall" in subsection (d), and

(3) by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e)(1) The transfers required under subsection (b) shall be completed by no later than June 1, 1988.

"(2) The Institute shall be under the direction and control of the Secretary of the Interior until the earlier of—

"(A) June 1, 1988, or

"(B) a date agreed to by the Board and the Secretary of the Interior.

"(f)(1) Before the later of October 15, 1987, or the date that is 10 days after the date of enactment of the Indian Law Technical Amendments of 1987, the Secretary of the Interior shall enter into a contract with the University of New Mexico, the terms of which shall—

"(A) include all administrative systems which are customary to the operation of a national art institute,

"(B) require the provision by the University of New Mexico of technical assistance to the Institute, including the monitoring of the transfers that are required to be made under subsection (b),

"(C) provide for the establishment by the University of New Mexico of an advisory council that makes recommendations to the University of New Mexico with respect to the operation of the contract,

"(D) allow the University of New Mexico to fulfill its obligations under the contract through subcontracts that are entered into in accordance with section 7 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450e),

"(E) provide for the expiration of the contract on the date that is 6 months after the date the contract is entered into, but the Board and the University of New Mexico may mutually agree to extend the contract for an additional 2-month period,

"(F) provide that any materials furnished to the Secretary of the Interior by the University of New Mexico, or any subcontractor of the University of New Mexico, under the contract shall become the property of the Institute, and

"(G) include such other terms as the Secretary of the Interior determines to be necessary.

"(2) The advisory council that is required to be established under the contract entered into under paragraph (1) shall be composed of—

"(A) a delegate of the executive director of the National Congress of American Indians,

"(B) a delegate of the president of the American Indian Higher Education Consortium, and

"(C) at least 5 individuals possessing knowledge and experience in Indian arts and culture and in postsecondary education, a majority of whom shall be Indians.".

SEC. 9. Subsection (e) of section 3 of the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (100 Stat. 675) is amended—

(1) by striking "Payments" in paragraph (4)(B) and inserting in lieu thereof "Except as otherwise provided in paragraph (5), payments",

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and

(3) by inserting after paragraph (4) the following new paragraph:

"(5)(A) The Tribal Council may accelerate the payment of the aggregate sum of $3,000 to those members of the tribe certified under paragraph (3) who—

"(i) are certified by a physician to be—

"(I) terminally ill, or

"(II) at least 50 percent permanently disabled, or

"(ii) are at least 60 years of age.

"(B) Notwithstanding any other provision of this Act, the Tribal Council may use interest accrued on the Investment Fund for the purpose of making accelerated payments under subparagraph (A).".

SEC. 10. The Frank's Landing Indian Community in the State of Washington is hereby recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as eligible to contract, and to receive grants, under the Indian Self-Determination and Education Assistance Act for such services, but the proviso in section 4(c) of such Act (25 U.S.C. 450b(c)) shall not apply with respect to grants awarded to, and contracts entered into with, such Community.

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

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

The motion to lay on the table was agreed to.

LOWELL NATIONAL HISTORICAL PARK

The bill (HR. 2035) to amend the act establishing Lowell National Historical Park, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

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

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

The motion to lay on the table was agreed to.

EXTENSION OF CERTAIN VETERANS HOUSING PROGRAMS

Mr. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1691.

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

Resolved, That the bill from the Senate (S. 1691) entitled "An Act to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan," do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SECTION 1. EXTENSIONS.

(a) FORMULA.—Notwithstanding section 2512(c) of the Deficit Reduction Act of 1984 (Public Law 98-369), the provisions of section 1816(c) of title 38, United States Code, shall continue in effect through November 15, 1987.

(b) FEES.—Notwithstanding subsection (c) of section 1829 of such title, fees may be collected under such section with respect to loans closed through November 15, 1987.

SEC. 2. SALE OF VENDEE LOANS.

Section 1816(d)(3) of title 38, United States Code, is amended to read as follows:

"(3) The Administrator may sell any note securing such a loan—

The amendments were agreed to.

The amendments were ordered to be engrossed, the bill was read the third time, and passed.

"(A) with recourse; or

"(B) without recourse but only if the amount received is equal to an amount which is not less than the unpaid balance of such loan.".

Amend the title so as to read: "An Act to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan, and for other purposes.".

S. 1691: INTERIM EXTENSION OF VETERANS' ADMINISTRATION HOME LOAN PROGRAM PROVISIONS AND RESTRICTIONS ON SALES OF VENDEE LOANS WITHOUT RECOURSE

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge that the Senate agree to the House amendments to S. 1691 and clear this bill for the President in the most expeditious manner. As amended by the House this morning, the bill would provide interim, 45-day extensions of the 1-percent fee on Veterans' Administration-guaranteed home loans and of the statutory formula—known as the no-bid formula—governing whether the VA acquires properties at liquidation sales, both of which expired on September 30, 1987, as well as permanently restrict the VA's sale of its vendee loans without recourse.

I wish to express my gratitude to my good friend, the ranking minority member of the Veterans' Affairs Committee, the Senator from Alaska [Mr. MURKOWSKI] for his invaluable support and cooperation in this effort. I also wish to acknowledge the cooperation of our counterparts in the House of Representatives, House Veterans' Affairs Committee Chairman "SONNY" MONTGOMERY and ranking minority member GERALD SOLOMON, as well as House Veterans' Affairs Subcommittee on Housing and Memorial Affairs Chairwoman MARCY KAPTUR and ranking minority member DAN BURTON, in acting on the Senate measure to preserve the fee and protect the operation of the VA home loan program.

Mr. President, on September 16, Senator MURKOWSKI and I introduced S. 1691 to provide 90-day extensions, through December 31, 1987, of the general requirement in section 1829 of title 38, United States Code, for the collection of a 1-percent fee on those receiving a housing loan guaranteed, insured, or made by the VA and of the provisions of section 1816(c) of title 38 establishing the no-bid formula for determining whether the VA acquires, or does not acquire, at a liquidation sale the property securing a VA-guaranteed loan that is in default.

These provisions were enacted in section 2512(a) of the Deficit Reduction Act of 1984—Public Law 98-369—and expired yesterday, September 30.

The House-passed version of S. 1691 would reinstate the 1-percent fee and the no-bid formula through November 15, 1987. It also would prohibit the VA from selling loans made to purchasers of VA-acquired foreclosed properties—known as "vendee loans"—without recourse, unless such loans are sold for par value.

As I noted in my introductory statement on S. 1691, the House has passed in H.R. 2672 on August 3 and the Committee on Veterans' Affairs has ordered reported—in S. 9, the proposed Omnibus Veterans' Benefits and Services Act of 1987—a 2-year extension of the fee and extensions of the "no bid" formula. As my colleagues in the House are well aware, because it had become clear by mid-September that there was not sufficient time to obtain Senate passage of the provisions in S. 9, resolve the differences with the House, and enact an extension in the context of those bills before the fee expired, we introduced S. 1691 as an interim measure in order to allow the continuous operation of these important home loan provisions pending enactment of a final, comprehensive home loan bill.

The administration strongly supports extensions of, indeed making permanent, the collection of a VA loan fee and the no-bid formula.

Although I have reservations regarding the imposition of a fee on what I am committed to preserving as a benefit program, unfortunately, the significant financial problems now facing the VA home loan program, in combination with the towering Federal deficits which are a burden to all taxpayers and all Government programs, require that we continue at least for the next 2 years the 1-percent fee on VA-guaranteed loans. I would note that the extension of the fee is assumed in baseline figures underlying the fiscal year 1988 congressional budget—House Concurrent Resolution 93.

A substantial hiatus in the collection of the fee would both be inequitable to

those required to pay the fee before and after the hiatus and would jeopardize the solvency of the VA's loan guaranty revolving fund, and create a need for additional appropriations—currently about $20 million for each month the fee is not collected—to pay the claims of the holders of defaulted VA-guaranteed loans.

Every business day which passes without collection of the fee will cost the Federal Government about $1 million in foregone revenues, which will have to be made up by appropriations.

Mr. President, the formula governing VA acquisition of properties securing loans being foreclosed has been in effect for 3 years and provides principles, well-known throughout the housing and banking industries, by which the VA must abide. I believe that it is important to extend the termination date of this current no-bid formula in order to allay concerns among mortgage bankers and various concerned parties that the rules governing acquisition may be changed during the period between September 30 and the enactment of legislation to extend, and, possibly, revise the formula.

As I mentioned earlier, the House amendment also would prohibit the VA from selling vendee loans without recourse unless the purchase price at least equals the unpaid balance of the loan—that is, unless 100 percent of par value is obtained. The administration has announced that it is requiring, beginning in fiscal year 1988, that all vendee loans be sold without recourse. The administration is further requiring that, over the next 3 fiscal years, $900 million of loan assets from the VA's loan portfolio be sold on that basis. In May 1987, the VA attempted one sale of vendee loans without recourse. Despite extensive advertising of and major preparations for the sale, the results were a disastrous failure. The VA received bids for only about $8 million of the $84 million of the vendee loans it planned to offer for sale, and the amount of those bids ranged from only 15 percent to 65 percent of the par value of the loans. As a consequence, the VA withdrew all of the loans from sale.

The administration's plan is designed to make a series of reductions of the budget deficit over the next 3 years. However, it is of questionable policy justification particularly as applied to the $900 million in older VA loans. Not only will the sale of 30 percent of the VA's accumulated loan portfolio over each of the next 3 fiscal years greatly reduce payments—in the form of interest and principal—into the loan guaranty revolving fund, but, as the attempted sale in May indicates, in order to sell vendee loans without recourse the VA will have to discount these loans greatly. Thus, any revenues achieved through such sales will likely be far less over the long term than they would have been if the loans were sold with recourse. The House's amendment is designed to ensure that nonrecourse sales can be made only if the VA obtains fair value for the loans. However, it goes too far in a number of respects.

The House's amendment would have the effect of permanently prohibiting the VA from ever selling the loans it makes to purchasers of VA-acquired foreclosed properties—known as vendee loans—without a repurchase agreement which would make the VA ultimately liable for a subsequent default by the new purchaser. A sale under such conditions is termed a "without-recourse" sale. I do not believe such a permanent and rigid limitation on without-recourse sales is good public policy. There is nothing wrong with a without-recourse sale as long as the sale price of the loan is not discounted substantially from what the price would be if the loan were sold with recourse.

I know that Senator MURKOWSKI agrees with me in this regard. However, despite our strong objection to this sweeping prohibition, we have felt compelled to accept it in order to preserve the loan fee and the solvency of the loan guaranty revolving fund which secures home loan guaranties. This morning the House committee leadership, during debate on S. 1691, indicated that if the short-term extension of the fee is not enacted they will not agree to reinstate it. Thus it is our intention if S. 1691 is enacted to work closely with the Administrator of Veterans' Affairs to find a way in the context of forthcoming legislation to repeal or substantially modify the objectionable without-recourse sale provision.

In view of the delay in filing the report for S. 9, due in part to the size and complexity of the bill—containing over 90 legislative provisions, including 15 provisions pertaining to the home loan program—Senator MURKOWSKI and I are recommending to our committee that we move forward separately with the home loan legislation which our committee has already approved as a part of S. 9. We hope to send these provisions to the Senate floor in the near future in a separate bill—most likely to be taken up in the context of the House-passed measure, H.R. 2672.

Finally, Mr. President, I wish to thank the joint leadership for their outstanding cooperation in expediting this evening's consideration of this measure.

Mr. BYRD. Mr. President, I move the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

ORDER TO PLACE 649 ON THE CALENDAR

Mr. BYRD. Mr. President, I move the Committee on Energy and Natural Resources be discharged from further consideration of S. 649 and that the bill be placed on the calendar.

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

S. 1012 INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent Calendar Order No. 348 be indefinitely postponed.

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

SENATE RESOLUTION (S. RES. 294)—CALLING FOR AN END TO THE 10-DAY-OLD PRO FOOTBALL STRIKE

Mr. GARN. Mr. President, I send a resolution to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 294) calling for an end to the 10-day-old pro football strike.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

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

(The name of Mr. KARNES was added as a cosponsor, by unanimous consent.)

The Senator from Utah.

Mr. GARN. Mr. President, I have a statement that I would like to read on behalf of Senator DOLE. It is brief.

IT'S TIME FOR THE 2 MINUTE DRILL: LET'S NEGOTIATE AN END TO NFL STRIKE

Mr. DOLE. Mr. President, no doubt about it—Americans love their sports. That has been demonstrated during the past 10 days, as a Nation of diehard pro football fans experiences withdrawal symptoms.

Now, on a day where we have debated the subject of nuclear weapons, it might seem strange that we are considering a resolution dealing with a sports labor dispute.

But it just seems to me that there is more than enough heavy news to go around these days. When the weekend rolls around—let us face it—Americans are ready to relax. And millions of Americans relax by watching the NFL.

LET'S ADMIT IT—WE MISS IT

Judging by the fans' reaction to the strike, they're more than ready to start relaxing again. Let us admit it—we miss pro football.

Now, I am not taking sides in the strike. Nor is the Senate. But in a resolution I am introducing today, I am urging the key players in the ongoing dispute—the "NFL Players Association" and the "Management Council"—to get together again in a good faith effort to negotiate a settlement.

TIME FOR TWO MINUTE DRILL

Mr. President, I am signaling both sides in the strike to begin a "2 minute drill", that classic NFL hurry-up offense which often leads to "paydirt" just before the clock runs out.

So I urge my colleagues to support this resolution. And I have a feeling there will be a few million cosponsors joining you on this one.

The PRESIDING OFFICER. Is there further debate on the resolution?

Mr. LEAHY. Will the Senator yield?

Mr. GARN. I am happy to yield.

Mr. LEAHY. Mr. President, the only reason I rise to say anything is I know we are waiting on the distinguished Republican leader on another matter so it is not delaying the Senate.

I can imagine, knowing how good the U.S. Senate is in keeping to schedules and pushing things through and making it possible for things to go that way, that once they hear about this resolution, by golly, we will have football by Sunday. [Laughter.]

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 294) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 294

CALLING FOR AN END TO THE 10-DAY OLD PRO FOOTBALL STRIKE: SENATE RESOLUTION 294

Whereas American sports fans waited patiently all spring and summer for the opening of the 1987 National Football League season;

Whereas millions and millions of faithful fans spent the first 2 weeks of the NFL season at their favorite stadiums, or glued to their TV screens;

Whereas excitement and expectations were growing for yet another hardhitting adventure on the road to the Superbowl;

Whereas on the way to week No. 3, the NFL season was abruptly halted by the NFL players strike;

Whereas the strike will have an adverse economic impact on the teams surrounding communities;

Whereas those who care most for the game of football and the traditions of the NFL, the fans, are powerless to put an end to the strike;

Now, therefore, be it

Resolved, That the United States Senate hereby calls on the National Football League Players Association and the NFL Management Council to return to the bargaining table in a spirit of good faith to resolve their differences for the good of the players, management, and—most especially—the fans.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the acting Republican leader if the following nominations on the Executive Calendar have been cleared. Calendar No. 351, Calendar No. 352, and Calendar No. 353.

Mr. GARN. That is correct, they have been cleared.

Mr. BYRD. I thank the Senator.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the aforementioned calendar items; that they be considered en bloc, confirmed en bloc, a motion to reconsider en bloc be laid on the table, and that the President be immediately notified of the confirmation of the nominees.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

John K. Meagher, of Virginia, to be a Deputy Under Secretary of the Treasury.

O. Donaldson Chapoton, of Texas, to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Alan F. Holmer, of Virginia, to be a Deputy United States Trade Representative, with the rank of Ambassador.

STATEMENT IN SUPPORT OF THE NOMINATIONS OF JOHN K. MEAGHER, OF VIRGINIA, TO BE UNDER SECRETARY OF THE TREASURY, AND O. DONALDSON CHAPOTON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY

Mr. BENTSEN. Mr. President, I would like to say a few words on these two nominations. The Treasury Department's Offices of Tax Policy and Legislative Affairs are ones with which the Finance Committee and the Senate as a whole closely interact. That is why it is important that top-notch appointments fill those central posts. Having worked closely with both Mr. Chapoton and Mr. Meagher, I can speak highly of their abilities and qualifications.

Mr. Chapoton has been nominated to be the Assistant Secretary of the Treasury for Tax Policy, the Treasury's top tax position. Mr. Chapoton is currently acting in that post. He is a graduate of the University of Texas and the University of Texas Law School. He was a law clerk to Judge Brown of the fifth circuit court of appeals. For more than 20 years, he was an attorney with the Baker & Botts law firm in Houston. He first joined the Treasury Department as the Deputy to Assistant Secretary Roger Mentz in 1986. In that capacity, he worked closely and ably with the Congress in putting together the conference report on the tax reform bill last year.

The second nomination is Mr. John K. Meagher to be Under Secretary of the Treasury for Legislative Affairs. My colleagues and I on the Finance Committee have had the pleasure of working with John on legislative matters for the last 6 years, since John left the Ways and Means Committee staff to join the LTV Corp. LTV is a valued corporate constituent of mine, and I personally have had a particularly close and beneficial relationship with John. Mr. Meagher has more than 15 years of Government experience. He served for 5 years as legislative assistant to Representative Alexander Pirnie. He also served for 10 years as minority counsel and staff director to the Ways and Means Committee. At LTV, he has served as vice president for government relations, overseeing all of LTV's activities involving government. From personal experience, I know Mr. Meagher to be a tenacious advocate. If he represents the Treasury Department as effectively as he has represented LTV, the Treasury will be well served.

Mr. President, I have worked closely with both of these men. They both have valuable experience in government and tax law matters that will make them important assets in the Treasury Department. My colleagues in the Finance Committee join me in commending them both to the Senate, and we strongly recommend their confirmation.

LEGISLATIVE SESSION

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

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

RECESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, the Senate, at 9:54 p.m., recessed until 9:59 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DASCHLE).

BICENTENNIAL MINUTE

OCTOBER 1, 1963: SENATE FLOOR PRIVILEGES FOR FORMER PRESIDENTS

Mr. DOLE. Mr. President, 24 years ago today, on October 1, 1963, the Rules of the Senate were revised to extend floor privileges to former Presidents of the United States. It was an idea that had been proposed from time to time by many Members, as far back as 1944, but it was not adopted until 1963.

Senator CLAIBORNE PELL introduced the rules change, arguing that it would add luster to the Senate to encourage the occasional participation of former Presidents in significant debates. "To be specific," said Senator PELL, "I think it would have been useful indeed if former Presidents Hoover, Truman, and Eisenhower had given their views to the Senate relative to the Test Ban Treaty right here on the Senate floor." Senator PELL also suggested that this rules change would be "a step in the direction of bridging the schism between our legislative and executive branches."

Despite the change in the rules, however, no former President has formally requested permission to deliver an address on the Senate floor. Former Presidents Truman and Ford did make brief remarks in this Chamber, in connection with their visits to the Capitol, but neither made any reference to policy matters then before the Senate.

One can speculate on the reasons why former Presidents have not taken advantage of this offer. There is no tradition of Presidential speeches in the Senate, but instead a strong history of separation of the branches. Former Presidents generally have had little trouble finding forums elsewhere for airing their views on current issues. And until recently, an address in the Senate Chamber would be limited to an audience in the galleries. Televising of Senate proceedings may make this option more attractive for former Chief Executives, as Senator PELL and others hoped in 1963.

TRIBUTE TO SECRETARY ELIZABETH DOLE

Mr. DURENBERGER. Mr. President, I rise today to pay my respects and express my appreciation to an outstanding public servant, Elizabeth Dole. In my mind, she is the epitome of a responsive and hard-working Cabinet Secretary, who serves her people and her President with equal distinction. While she leaves the public payroll today, I am sure that she will remain a visible and committed worker for the public good, to which she has devoted her life.

In a time of increasing cynicism and scrutiny of the person behind the position, Elizabeth Dole stands as a shining example to Americans of what a public person can be. I remember vividly her stirring address to the National Prayer Breakfast in 1986, at which she gave the major speech. She talked about the stresses of public life and the spiritual resources she draws on to serve wisely and conscientiously. Like Esther, on whom she spoke, Elizabeth Dole understands her duty to serve others, and in spite of the personal risks, strives to do it.

On behalf of the people of Minnesota, I will miss her unfailing responsiveness and eagerness to meet legitimate needs of the people of my State. Her successor has a tough act to follow.

I suspect that over the next several months that she will experience the transportation system of the United States to an almost unprecedented degree and I wish her "journey's mercies."

With all my colleagues here in the Senate, I hope she finds her new endeavor exciting and fulfilling. And I know I am joined at least by the Republican leader, in wishing her success.

AGENT ORANGE UPDATE

Mr. CRANSTON. Mr. President, last week I made a lengthy statement regarding questions arising from veterans' exposure in Vietnam to the herbicide agent orange and its highly toxic contaminant, dioxin, and the possible long-term adverse health effects resulting from that exposure—page S12392 of the RECORD for September 18. A major focus of my efforts and those of the Committees on Veterans' Affairs in both Houses has been research which might eventually lead to a greater understanding of the health effects of agent orange exposure and how best to address the special needs of those veterans who may have been exposed to it.

As I stated in detail last week, the Centers for Disease Control's [CDC] agent orange study has been stalled since January 1986 pending the outcome of efforts to determine if assumptions made on the basis of a review of military records about a veteran's exposure to agent orange for purposes of assigning the veteran to a particular study cohort can be validated. CDC refined a methodology from detecting residuals of dioxin in blood samples which, it was believed, could be used to validate a very intricate exposure-measuring methodology, developed by the Department of Defense in consultation with CDC, based on military records. This blood-testing methodology of determining dioxin exposure has also been validated and used successfully in other studies, including studies of Vietnam "Ranch Hand" veterans and civilians with known exposure to dioxin.

In preliminary results published on July 24, 1987, in the CDC's Morbidity and Mortality weekly Report, Volume 36, No. 28, the CDC serological study found no significant dioxin exposure among the Vietnam veterans studied regardless of whether their military records indicated high, intermediate, or low dioxin exposure; moreover, all of the Vietnam veteran participants, with one exception, had dioxin levels below so-called background levels—that is, the upper limit for United States residents without known dioxin exposure.

As I noted last week, the CDC agent orange study cannot begin until the Office of Technology Assessment [OTA] approves the protocol for it. In connection with this responsibility, OTA reviewed the CDC serological study.

This week I received a letter dated September 25 from OTA Director Dr. John H. Gibbons, which enclosed an OTA staff paper setting forth OTA's views following a review of the CDC serological study. OTA found generally that the CDC study was well designed and well carried out. Most noteworthy in this review are the following two OTA conclusions, based on the CDC's efforts and prior activity carried out by the Department of Defense's Environmental Support Group:

First, OTA concluded that "There is no support for the rationale for a large-scale epidemiologic study—that a large percentage of ground troops were heavily exposed to agent orange."

Second, OTA concluded that "There cannot be a general study of agent orange effects on ground troops."

As far as I am aware, the executive branch, as represented by the White House Domestic Policy Council, has yet to make a statement concerning either the results of the CDC serological study or the future of the agent orange study.

The Congress is currently awaiting the results of an evaluation of the CDC findings by the Agent Orange Working Group. The Working Group is scheduled to take up this matter at its October 6 meeting. When the executive branch reaches its conclusion and sends a recommendation to the Congress, OTA will be reviewing it. The Veterans' Affairs Committee will be very closely monitoring all of these activities.

Mr. President, the staff paper enclosed with Dr. Gibbon's letter also included views and comments following a review of the protocol for the "Women Vietnam Veterans Health Study"—mandated by Public Law 99-272—which had been prepared for the Veterans' Administration. OTA, at this point, has declined to approve the protocol for this study, as it must, pursuant to law, before the study can go forward. However, in view of the OTA Director's statement that "* * * there is

still a way to go with the study of women veterans, but I believe that a good study can be designed and carried out, in accord with the congressional mandate," I trust that the VA will be working closely with OTA, to take its questions and concerns into account so as to produce a protocol that the OTA can approve.

In keeping with my policy of updating my colleagues and the public as to the progress of research regarding agent orange and OTA's and other entities' evaluations of studies on the possible long-term adverse health effects resulting from veterans' service in Vietnam, I ask unanimous consent that the report of the preliminary results of the CDC serological study and Dr. Gibbon's letter, with the enclosed staff paper prepared by the Special Projects Office of OTA, be printed in the RECORD at this point.

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

SERUM DIOXIN [1] IN VIETNAM-ERA VETERANS—PRELIMINARY REPORT

Agent Orange, a defoliant used in Vietnam, was a mixture of 2,4-D [2] and 2,4,5-T[3]. During manufacture 2,4,5-T was contaminated with TCDD [1], a compound with marked toxicity in some species of experimental animals (1-4). In 1979, the U.S. Congress responded to concerns of Vietnam veterans by passing Public Law 96-151 mandating epidemiologic studies of the possible health effects on veterans of exposure to herbicides and their associated dioxin contaminants. In 1983, CDC developed a protocol (5) for a historical cohort study (the Agent Orange Exposure Study) of U.S. Army veterans who had served in heavily sprayed areas of Vietnam. The protocol specified that the degree of exposure to Agent Orange be based on a score estimating the "likelihood of exposure" and calculated from information in military records.

Men who served in the III Corps military region (around Saigon) during the period 1967-1968 were selected for study because this region was heavily sprayed during that time. The U.S. Army and Joint Services Environmental Support Group (ESG) found that 65 U.S. Army combat battalions had spent at least 18 months in the III Corps area during the period 1967-1968. The ESG abstracted daily locations of companies within these battalions from military records and obtained personnel records of men who had served in those companies. Using existing records of each application of Agent Orange by fixed-wing aircraft, helicopter, or ground-based equipment and ESG troop location data, CDC developed several different methods for computing exposure scores for each man. These methods were based on each man's daily proximity (in time and space) to recorded Agent Orange applications.

Subsequent evaluation of military records by CDC and ESG revealed that daily tracking of individual soldiers was not always possible. The ESG evaluation also suggested that many helicopter and ground-based sprays, which were often near troops, were not recorded. Consequently, CDC has conducted a validation study using current TCDD levels in serum as a biological marker to determine whether scores based on military records or on veterans' self-assessed exposures to herbicides could identify those veterans who had received heavy exposure in Vietnam.

During 1986, CDC's Division of Enviornmental Health Laboratory Sciences, Center for Environmental Health, developed a method for measuring TCDD in human serum. The measurement, which is based on lipid weight, is highly correlated with paired measurements of TCDD in adipose tissue (r=.98) (6,7). The same laboratory subsequently used paired sera (drawn in 1982 and 1987) to estimate the half-life of the TCDD body-burden in man as approximately 6-10 years (CDC, unpublished data). The sera came from Air Force personnel involved in spraying Agent Orange in Vietnam during 1968. Some of these sera still show markedly elevated TCDD levels in 1987. These new developments suggest that only about 2 to 2.5 TCDD half-lives have elapsed since potential exposure in Vietnam and that serum TCDD can serve as a biological marker for previous Agent Orange exposure. These findings are the basis for the study of U.S. Army veterans reported here.

Vietnam veterans invited to participate in this study had served in at least one of the 65 selected battalions between October 1966 and March 1969. They were chosen from the 9,727 men whose records were sufficiently complete for exposure scoring and who met the original selection criteria proposed in 1983 (e.g., only a single tour of duty in Vietnam and pay grade of E1 to E5 at discharge). The exposure score used to select Vietnam veterans participants was the total number of occasions on which the veteran's unit was within 2 km of a documented Agent Orange spray within 6 days after that spray. This score is based on the assumption that TCDD undergoes rapid degradation on vegetation (8-10). All but 10 [4] of the 314 men with a high exposure (a score of 5 or more) were invited to participate in this study. A stratified random sample of 235 of the 1,351 men with a score from 1 to 4 were invited, and a sample of 440 of the remaining 8,062, all of whom had a score of 0, were invited. These men averaged over 300 days of service in Vietnam. A stratified random sample of 200 non-Vietnam veterans of the same era were invited as a comparison group. While they did not have Vietnam-related exposure to Agent Orange, their demographic and other personal characteristics were similar to the Vietnam veterans.

Of the 979 invited Vietnam veterans, 871 (89%) completed telephone interviews, and 665 (68%) also completed medical examinations and gave blood for TCDD measurement at CDC. Those reporting health problems in the telephone interview were more likely to participate in the examinations and blood sampling than were those reporting good health. Of the 200 non-Vietnam veterans invited, 103 (52%) participated fully. This lower participation rate does not affect exposure scores or TCDD levels in Vietnam veterans. Each participant underwent a detailed interview regarding military and civilian exposures to herbicides. Table 1 shows selected characteristics of the participants by exposure groups. While 25% of Vietnam veterans reported direct exposures (present during spraying or handled spraying equipment) and 70% reported indirect exposure (walked through defoliated areas), 6% of non-Vietnam veterans reported such exposures. Those who were both interviewed and examined were similar with respect to the characteristics shown in Table 1 to those who were interviewed only.

The preliminary TCDD distributions, which are shown in Figure 1 and are based on the first 519 specimens processed, represent a 68% random sample of the participants. All of these men except one had TCDD levels (based on lipid weight) below 20 parts per trillion (ppt), which is considered the upper limit for residents of the United States without known TCDD exposure (6, 7, 11, 12). There was no significant difference among the three Vietnam veteran exposure groups selected on the assumption of short environmental availability of TCDD (p=.83). Likewise, no association was found between TCDD levels and two other methods of scoring exposure that were chosen to reflect a longer environmental persistence of TCDD (one method accounted for the distance from the spray, without regard to the time since spraying, and the other accounted for total days spent in heavily sprayed areas. Finally, no association was found between TCDD levels and self-perceived herbicide exposure in the military (either direct exposure or delayed exposure). The median TCDD levels for all exposure groups were between 3.5 and 4.3 ppt. Furthermore, TCDD medians for Vietnam veterans (median=3.9 ppt) and non-Vietnam veterans (median=3.9 ppt) were virtually the same. A full report will be published after TCDD measurements have been completed for all participants and the full report has been reviewed by the Agent Orange Working Group of the Domestic Policy Council (Executive Branch) and by the Congressional Office of Technology Assessment.

Reported by: Agent Orange Projects, Div. of Chronic Disease Control, Div. of Environmental Health Laboratory Sciences, Center for Environmental Health, CDC.

Editorial note: The purpose of this study was to determine whether estimates of exposure based on military records on or interviews of U.S. Army veterans can identify those with heavy exposure to TCDD. Serum TCDD levels measured in 1987 were not associated with any of the indirect exposure scoring methods evaluated. Because of the purpose of the study, men with higher exposure scores were deliberately over-sampled. The distribution of TCDD levels reported here cannot be generalized with confidence to all U.S. Army Vietnam veterans since the study did not use a random sample of all such veterans.

While CDC was processing sera from the U.S. Army veterans reported here, it was concurrently processing sera from other groups with known occupational exposure to dioxin prior to but not after 1970. Some of those who were occupationally exposed had TCDD levels more than 30-fold higher in 1987 (CDC, unpublished data) than the median levels of approximately 4 ppt reported here for Vietnam veterans.

The distribution of TCDD levels for the Vietnam veterans, with all but one below the upper limit for unexposed U.S. residents, suggests that few of the participants in this study have had unusually heavy dioxin exposure. No threshold level has

[1] 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) of "dioxin".

[2] 2,4-dichlorophenoxyacetic acid (2,4-D).

[3] 2,4,5-trichlorophenoxyacetic acid (2,4,5-T).

[4] Ten men who were given scores of less than 5 at the time that invitations were issued were later assigned scores of 5 or more on the basis of corrected company location and military service data provided by ESG.

been determined as yet for the health effects of TCDD on humans.

[Table and figure not reproducible for the RECORD.]

CONGRESS OF THE UNITED STATES,
OFFICE OF TECHNOLOGY ASSESSMENT,
Washington, DC, September 25, 1987.

Hon. ALAN CRANSTON,
Chairman, Committee on Veterans Affairs, U.S. Senate, Washington, DC.

DEAR ALAN: OTA met with its Agent Orange Advisory Panel on August 27, 1987, to review the results of the Centers for Disease Control study, "Comparison of Serum Levels of 2,3,7,8-TCDD with Indirect Estimates of Agent Orange Exposure in Vietnam Veterans," and a proposed protocol for the "Women Vietnam Veterans Health Study," prepared under contract to the Veterans Administration in accord with the mandate of Public Law 99-272. The enclosed staff paper summarizes OTA's findings on these two items.

CDC's validation study and the dioxin half-life study provide convincing evidence that it is not possible to design a large-scale epidemiologic study to look for effects of Agent Orange in ground troops who served in Vietnam. There is no support for the rational for such a study—that a large percentage of ground troops were heavily exposed to Agent Orange—in the results of these studies and in the results of extensive studies of spray patterns and troop movement that have been carried out by the Environmental Support Group over the past several years. There cannot be a general study of Agent Orange effects on ground troops.

As difficult as it has been to arrive at the current state of knowledge, disseminating these findings to the veterans and the public at large in a meaningful way is likely to be at least as difficult. OTA believes that the Congress would benefit by being informed by the Executive Branch of the details of planned dissemination activities.

The "Women Vietnam Veterans Health Study" protocol was prepared by the New England Research Institute, chosen on the basis of a proposal submitted in a competitive process. The protocol we reviewed included several interlocking studies: a cohort study of a range of health outcomes, a case-control study of reproductive outcomes, a substudy of post traumatic stress disorder, and several "validation" studies.

The general consensus of the Advisory Panel was that considerable work is necessary before OTA could approve a protocol. A major problem identified in this review is that the protocol does not present a clear description of the basic study designs or the populations to be studied. Perhaps of greater concern is that the rationales for testing specific hypotheses are not well described or supported.

OTA, therefore, does not approve the protocol for the "Women Vietnam Veterans Health Study" as submitted in August 1987. There is a need to clarify the aims of the study and to refocus the study design in line with the aims decided upon. The VA may wish to pursue other avenues for having the study designed and carried out.

I firmly believe that significant progress has been made in our understanding of the Agent Orange issue, and that CDC is to be commended on this most recent effort. There is still a way to go with the study of women veterans, but I believe that a good study can be designed and carried out, in accordance with the Congressional mandate.

If you have further questions or comments, please do not hesitate to call on me (at 4-3695) or on Hellen Gelband, OTA's Project Director for Agent Orange Activities (at 8-6590).

Sincerely,

JOHN H. GIBBONS.

"COMPARISON OF SERUM LEVELS OF 2,3,7,8-TCDD WITH INDIRECT ESTIMATES OF AGENT ORANGE EXPOSURE IN VIETNAM VETERANS" (A STUDY BY THE CENTERS FOR DISEASE CONTROL AUGUST 1987)

PROPOSED PROTOCOL FOR THE "WOMEN VIETNAM VETERANS HEALTH STUDY" PREPARED BY NEW ENGLAND RESEARCH INSTITUTE, INC. AUGUST 1987

INTRODUCTION

The Office of Technology Assessment (OTA) held an open meeting of its Agent Orange Advisory Panel on August 27, 1987 to review the results of CDC's study, "Comparison of Serum Levels of 2,3,7,8-TCD with Indirect Estimates of Agent Orange Exposure in Vietnam Veterans," and the proposed protocol for the "Women Vietnam Veterans Health Study," prepared by New England Research Institute, Inc., under contract to the Veterans Administration. Panel members had reviewed the written documents before the meeting. The CDC report was supplemented on the day of the meeting by updated tables and figures provided by CDC. Five members of CDC's Agent Orange Projects staff attended the OTA meeting to present an overview of the study results and answer questions. The principal investigator for the study of women Vietnam veterans also attended and answered questions about the protocol. There were also a number of observers at the meeting, including Congressional staffers, members of the press, the veteran community, and researchers.

These reviews, while solely the responsibility of OTA, reflect the advice and opinions of the Panel, which, in its sixth year, is the longest-serving Advisory Panel in the history of OTA.

OTA COMMENTS ON CENTERS FOR DISEASE CONTROL STUDY: "COMPARISON OF SERUM LEVELS OF 2,3,7,8-TCDD WITH INDIRECT ESTIMATES OF AGENT ORANGE EXPOSURE IN VIETNAM VETERANS"

Introduction

OTA approved CDC's protocol for this study in October 1986. The need for a study to relate level of dioxin in veterans to information from miltary records arose when meticulously researched military records of troop movements and herbicide spraying suggested that the vast majority of ground troops in Vietnam had little opportunity for heavy exposure to Agent Orange. This depiction of exposure was in sharp contrast to the broadly held view of veterans and the public that most ground troops in Vietnam were in frequent and heavy contact with Agent Orange.

Several comparisons of current blood serum dioxin levels were made in this study. CDC used five methods to rank Vietnam veterans according to likelihood of exposure to Agent Orange, including four methods dependent on military records and one in which veterans were asked to assess their own exposures. Dioxin levels were compared across these groupings. The entire group of Vietnam veterans was also compared to a group of veterans who were similar but did not serve in Vietnam.

The results showed no overall differences between Vietnam veterans and non-Vietnam veterans in average current serum dioxin levels and in the distribution of levels (see CDC's updated Figure 2, included in this review). In both groups, the levels are generally within the "background" range expected in the U.S. population. The rankings resulting from the five methods used within the Vietnam veteran group were not mirrored in gradations of dioxin levels; i.e., for each method, men classified as likely to have had higher exposures did not have systematically higher dioxin levels. Two Vietnam veterans (out of 573 completed tests) had dioxin levels of 25 and 45 parts per trillion (ppt), somewhat above the level of 20 ppt and CDC has thus far arbitrarily designated as the upper limit of "background" levels. Neither of these men had a "high" exposure ranking. None of the 88 tested non-Vietnam veterans had a level above 20 ppt, the highest measured at 15 ppt.

In contrast to the ground troops tested, a group of 30 Ranch Handers with known direct exposure to Agent Orange during the same time period in which the ground troops served, have much higher current serum dioxin levels. About half of them had levels greater than 100 ppt, and several were about 300 ppt.

OTA agrees with CDC's interpretation of these results as failing to show an association of the indirect exposure assessments evaluated and current dioxin levels. We would, however, put greater emphasis on a broader interpretation of these studies taken together with evidence from other research. In this broader context, we conclude that current dioxin levels for this group of veterans as a whole do strongly validate the records-based assessment that the probabilities of exposure of these veterans were very small. Within the low level of exposure and the very limited range of exposures of subjects in the study, it would not be expected that an important internal correlation between serum dioxin levels and the indirect exposure estimates could be recognized. It remains possible that military records do allow a valid estimate of exposure, but that the range of exposure in this population is too small to permit evaluation.

In a separate study, blood samples from the Ranch Handers that had been stored since 1982 were compared with 1987 samples to estimate a half-life of dioxin in the body. Based on this analysis, CDC estimates a half-life of between 7 and 8 years (according to the August update, 7.1 years).

Study design

The report from CDC actually describes two studies: the main "validation" study and a separate but related study to gather information about the half-life of dioxin in the human body.

In the validation study, 665 Vietnam veterans and 103 non-Vietnam veterans were interviewed, examined, and had blood drawn for dioxin analysis. Of the Vietnam veterans, 307 were in the "low hits" category (zero hits); 164 were in the "medium hits" category (1-4 hits); and 194 were in the "high hits" category (5 or more hits). The number of hits is an estimate of the probability of Agent Orange exposure based on military records of company-level day-by-day locations in Vietnam, which are applied to the individual men in those companies. Specific definitions are given below.

Men in the Vietnam veteran cohort were chosen from among the battalions whose records had been intensively studied by the Army and Joint Services Environmental Support Group (ESG) in an effort to identi-

fy a group of "highly-exposed" men. Non-Vietnam participants were sampled from among the later groups of non-Vietnam veterans interviewed (but not chosen for the physical examination) in the Vietnam Experience Study.

The study to determine the half-life of dioxin compared 1982 dioxin blood levels in a group of Ranch Handers with their levels in 1987. The rate of decline of dioxin blood levels was calculated based on the difference between the two samples. This study was possible because the Ranch Hand investigators had stored small samples of blood drawn during the first Ranch Hand Study physical examination in 1982 and were able to call upon selected participants to have blood drawn specifically for this half-life study this year. The men were selected by the Ranch Hand investigators as having had probable "high" Agent Orange exposures, based on their experiences in Vietnam. The study was necessarily limited to Ranch Hands with relatively high exposures. Because only small amounts of blood had been stored in 1982, and because the analytic technology for measuring dioxin levels has lower limits, only men with levels of at least 10 ppt in 1982 were included. There is no information, therefore, about the rate of change in dioxin levels among men whose previous levels were already in the "low background" range.

Agent Orange exposure estimate scales

Men were categorized using four measures of estimated Agent Orange and "unknown agents" exposure and one measure based on self-reported exposure. The methods are described briefly below.

1. Agent Orange hits: A hit is scored if a company is located, at any time during a given day, within two kilometers of a recorded Agent Orange spray (Ranch Hand or other) that took place anytime during the previous six days. If the company is within two kilometers of more than one spray, a hit is scored for each spray. Hit scores for each day a man was in Vietnam are added together to give his total individual hit score. Low, medium, and high hit scores were arbitrarily set at 0, 1–4, and 5+ hits.

Men were selected into this validation study on the basis of the Agent Orange hit scores, in order to assure an adequate distribution of men across the categories.

2. Agent Orange E3: E3 scores attempt to account for possible exposure to dioxin that may have remained in soil for long periods of time after Agent Orange spraying. If a company was near an area that had previously been sprayed with Agent Orange, regardless of how distant in time the spraying, some E3 score was computed. Scores decreased with increasing time since spraying. As with the hits score, each man's daily scores were totaled for his own individual E3 score. (Based on what is known about the concentration of dioxin in Agent Orange, the rate at which the herbicide was sprayed, and the fate of dioxin in the environment, soil concentrations after Ranch Hand sprays would be expected to fall well below 1 ppb, a level at which there is no reason to expect any health risk.)

3. Area Score: Five large areas of III Corps in Vietnam are known to have been sprayed with Agent Orange consistently throughout the late 1960's. Each veteran's area score is proportional to the number of days his unit spent in any of those five areas.

4. "Unknown agent" scores: Both hits and E3 scores were computed using information about all recorded herbicide sprays for which the chemical was not specified in the military records.

5. Self-assessed exposure: Study participants were asked during telephone interviews and at the time of the physical examinations about their in-service and post-service exposures to herbicides. In-service exposure was further broken down into "direct" and "indirect," representing actual contact with Agent Orange and presumed contract based on being in areas where Agent Orange was thought to have been sprayed. The categories given were "none," "low," "medium," and "high."

Results

CDC compared blood dioxin levels, a surrogate for Agent Orange exposure, across the spectrum of exposure groupings for each of the methods of categorization described above. In an August 27, 1987 update, CDC presented analyses that included blood dioxin levels for 573 Vietnam veterans and 88 non-Vietnam veterans, out of the total of 665 Vietnam veterans and 103 non-Vietnam veterans whose blood had been drawn. CDC was continuing to analyze the remaining samples, and will provide the completed analysis when it is finished. Since samples were analyzed in random order, no major changes in the findings are anticipated, but a final judgment will rest on the final analysis.

The median dioxin level (the level at which 50% of the sample values are above and 50% below) for the Vietnam veteran group as a whole was identical to that of the non-Vietnam group: 3.8 parts per trillion (ppt). The distributions of exposures in the two groups were nearly identical. Within the group of Vietnam veterans, there was no correlation between dioxin levels and any of the categories of exposure based on military records. Categories of self-reported direct exposure also showed no correlation with dioxin levels. For self-reported indirect exposure, CDC did find an association of dioxin levels with categories. The trend of higher dioxin levels with higher reported indirect exposure is very weak, however, both the "low" and "medium" exposure groups having lower dioxin levels than the "none" group.

The median half-life of dioxin determined from the paired Ranch Hand blood samples was 7.1 years. (The half-life calculation was based on the assumption that dioxin clearance from the body follows "first order kinetics," meaning that, for a given period of time, a constant fraction of the dioxin body burden is eliminated. There is some support for that assumption, but no corroboration from the Ranch Hand sample itself of the clearance kinetics during an early period after exposure.) The half-lives for individual men ranged from just under 5 years to very high, with half-lives measured in decades. In none of the men was there a high level in the 1982 sample and a very low level in the 1987 sample. Therefore, there is no reason to believe that the ground troops, whose dioxin levels were quite low, would have had high dioxin body burdens while in Vietnam or more recently.

In the Ranch Hands tested, 59 percent had dioxin levels above 20 ppt, about half had levels over 100 ppt and four had levels greater than 300 ppt.

OTA comments

OTA found the CDC study well designed and well carried out. It appears the study included appropriate quality control and standardization measures to assure reliability of the reported laboratory results reported; OTA accepts those assurances.

OTA's comments are directed largely at the interpretation of the study results as presented in CDC's discussion and conclusions. CDC's conclusions are reproduced below.

1. The results of the Ranch Hand half-life study, Missouri civilian study, and the NIOSH occupational study all suggest that current serum TCDD levels provide a reasonable reflection of heavy exposures to TCDD 15 to 20 years ago.

2. None of the indirect methods of exposure assessment evaluated in this study of U.S. Army Vietnam veterans showed any association with current serum TCDD levels.

3. The findings of this study and the conclusions from the AOWG Science Sub-Panel report on exposure assessment (June 1986) do not identify any method for utilizing military records or self-reported exposure to distinguish between exposed and unexposed Vietnam veterans, as would be needed for a cohort study of possible health effects.

4. Among the Vietnam veterans interviewed in this study, 32% reported direct exposure to Agent Orange in Vietnam, 71% reported indirect exposure, and 28% said that they have had a subsequent medical problem that they believe might be due to that exposure. Yet only 5% of the 510 Vietnam veterans reported here have current serum TCDD levels above 8 ppt, levels consistent (based on a half-life of 7.4 years) with definite elevations of TCDD in 1969. This perceptual gap requires careful consideration.

OTA is in full agreement with conclusion 1, based on the Ranch Hand half-life study and the Missouri civilian study, which we reviewed last year. We have not reviewed the NIOSH results, which have not yet been released.

We agree with conclusion 2 in its strict interpretation of the indirect exposure assessments used in this study. However, the study illuminates a clear reason for the lack of association in the very limited range of exposures of the subjects studied. In a broader context, the finding of uniformly low dioxin levels matches the expectations we had after examining the records-based exposure assessments in 1985. It was suggested by an OTA Advisory Panel member that the exposure categories used in the validation study might have been better termed "low," "lower," and "lowest," rather than "high," "medium," and "low." In this respect, we believe that the results of the dioxin analyses do validate the information in the military records. This validation study confirms a low probability for meaningful Agent Orange exposures for Vietnam veterans as a group.

Within the group of veterans included in the validation study, all with relatively low dioxin levels, we would not expect that the contribution of exposure from sprayings in Vietnam could be distinguished from other exposures that these veterans might be expected to have had in the normal course of life. The findings in these veterans, who were chosen as representative of a very large part of the total Vietnam veteran group, imply that the proportion of veterans with significantly increased dioxin levels is very small. Furthermore, these veterans were chosen as being potentially exposed in the period of greatest frequency of spraying. Men who had been in Vietnam in other years would be similarly expected to include a very small proportion with high dioxin levels.

We agree with the spirit of conclusion 3, that the type of large-scale epidemiologic study suggested by the laws mandating this

research, and which was originally planned by CDC, is not feasible. Furthermore, the definition of the problem is changed by the results of the validation study and by all the records research that preceded it. All the existing data support the fact that most ground troops in Vietnam did *not* have heavy Agent Orange exposure, and that those who might have would be exceptions. No future studies should be contemplated without a clear acceptance of this. If studies are proposed, they should be narrowly focused on specific, testable hypotheses, and cannot have the aim of generalizability to all or most ground troops.

Conclusion 4 identifies one of the most important points of the group of Agent Orange studies, namely, the high frequency of exposure reported by veterans and the low frequency of elevated dioxin levels in the validation study. However, the term "perceptual gap" has a pejorative cast to the veterans. We strongly urge that this phrase be dropped and the problem stated more directly, e.g., as a gap between the perceived exposure and the exposure estimated from analytical measures. A similar gap between perceived exposure and what was suggested by military records, previously noted by OTA, was one of the motivating forces behind the validation study.

In one other section, on page 18 of the July 1987 "Provisional Report," we find the language to be confusing. This section attempts to explain why the study was not designed to detect "biologically meaningful" differences in dioxin levels. First, the term "biologically meaningful" is not defined, and it could be subject to various interpretations. The explanatory points listed are unclear. Point 2 states that it is not possible to extrapolate back 20 years to when exposure might have taken place because the tissue half-life of dioxin is not known, yet this is precisely what CDC does later in the paper. Without further explanation, the relevance of point 3 is also obscure. It sounds as though it is possible that components of Agent Orange other than dioxin might have affected health even in the absence of finding higher-than-expected dioxin levels in veterans. While it is possible that a component of Agent Orange other than dioxin could possibly affect health, it would not have been possible to have been exposed only to that component, without dioxin exposure.

Because of the differences in interpretation mentioned above, OTA would like an opportunity to review final drafts of reports of these studies before CDC submits them for publication in the open literature.

Summary

CDC's validation study and the dioxin half-life study provide convincing evidence that it is not possible to design a large-scale epidemiologic study to look for effects of Agent Orange in ground troops who served in Vietnam. There is not support for the rationale for such a study—that a large percentage of ground troops were heavily exposed to Agent Orange—in the results of these studies and in the results of extensive studies of spray patterns and troop movements that have been carried out by the Environmental Support Group over the past several years. There cannot be a general study of Agent Orange effects on ground troops.

As difficult as it has been to arrive at the current state of knowledge, disseminating these findings to the veterans and the public at large in a meaningful way is likely to be at least as difficult. OTA believes that the Congress would benefit by being informed by the Executive Branch of the details of planned dissemination activities.

OTA COMMENTS ON PROPOSED PROTOCOL FOR THE "WOMEN VIETNAM VETERANS HEALTH STUDY" PREPARED BY NEW ENGLAND RESEARCH INSTITUTE, INC., SEPTEMBER 1987

STUDY DESIGN

Several interlocking studies are proposed in the protocol: a cohort study of a range of health outcomes, a case-control study of reproductive outcomes, a substudy of post traumatic stress disorder, and several "validation" studies.

Cohort Study. The protocol describes a cohort study comparing women who served in Vietnam (cohort A), with a group of service- and military occupation-matched women who served during the Vietnam era in areas other than Vietnam, plus a control group of Air Force nurses (cohort B). About 70 percent of the women in cohort A are former Army nurses. According to the protocol, most of the matched control Army nurses in cohort B dealt with serious Vietnam casualties who had been evacuated from Vietnam during part of their service experience. They were, the investigators reasoned, exposed to aspects of the Vietnam war without actually having been in Vietnam. The Air Force nurses, who will be selected to exclude those who were in Vietnam or spent time treating heavy Vietnam casualties, were added for a comparison group without any "Vietnam experience."

The cohorts are partitioned further for certain aspects of the study. Four "data sets" are described:

1. All women in cohorts A and B.
2. All women in cohorts A and B alive at the time of the study.
3. All Army nurses from cohorts A and B, plus the Air Force nurses.
4. All living nurses in data set 3.

Members of the entire cohort (data set 1), or proxies for those who have died, will be asked to participate in a telephone interview. Those who agree will be asked for permission to obtain their medical records and those of their offspring. Questions that will provide information about the following categories of outcomes will be asked during the interview:

1. General physical health: physical disease diagnoses and hospitalizations.
2. General mental health: major psychiatric illnesses, hospitalizations, and institutionalizations.
3. Reproductive function: menstrual history.
4. Reproductive outcomes: complete reproductive history.

The hypotheses included in the protocol for the cohort study are somewhat vague, but generally appear to involve potential associations of the "Vietnam experience," as a whole, and exposure to war wounded specifically (for nurses, data sets 3 and 4), with a range of physical and mental health outcomes.

Case-Control Study of Reproductive Outcomes. "Cases" include all live women in cohort A (data set 2) reporting a pregnancy resulting in a child with a congenital anomaly, and women reporting two or more spontaneous abortions "not clearly attributable to an identified cause." "Controls" will be selected from live cohort A women *not* reporting either congenital anomalies or multiple spontaneous abortions, matched on age and reproductive history.

For this study, it is proposed that participants' blood be tested to determine 2, 3, 7, 8-TCDD (dioxin) levels. All live children of women in the study would be examined to verify the presence or absence of congenital anomalies.

The hypothesis to be tested in this study involves a potential link between exposure to dioxin (from phenoxyherbicides or hexachlorophene) and subsequent adverse reproductive outcomes.

Substudy of Post Traumatic Stress Disorder (PTSD). This study is restricted to data set 4: living Army nurses from cohorts A and B and the cohort B Air Force nurses. Based on questions asked during the telephone interview, women will be classified as having:

1. Acute PTSD,
2. Delayed PTSD,
3. Chronic PTSD, or
4. No evidence of PTSD.

Samples of nurses with acute, delayed, and chronic PTSD, and with no evidence of PTSD will be selected from cohort A, and a sample of women without evidence of PTSD will be selected from cohort B. Women who are in the reproductive outcome substudy would be excluded from this study.

Each participant who agrees would be given memory and neurobehavioral tests (in person) and would have blood drawn for a dioxin measurement.

The hypotheses proposed to be tested are 1) that phenoxyherbicide or hexachlorophene exposure is related to PTSD, and 2) that PTSD is related to neurobehavioral function. Presumably, the relationship of war-related stress to the occurrence of PTSD will be assessed from the results of the main questionnaire.

Validation Studies. Five studies have been proposed to examine the reliability of various pieces of information. These have mainly to do with checking reported information against medical and military records. The areas covered include: reproductive outcomes, selected disease diagnoses (including some cancers, cardiovascular events, various conditions of reproductive organs, and some psychiatric conditions), other health events (some surgical procedures, prolonged amenorrhea, attempted suicide, tropical diseases), validation of phenoxyherbicide exposure from military records, and validation of the completeness of the lists of female veterans used in this study.

OTA CRITIQUE

The general consensus of the Advisory Panel was that considerable work is necessary before OTA could approve the protocol. A major problem identified in this review is that the protocol does not present a clear description of the basic study designs, populations to be studied, and hypotheses. This may be attributable more to the way the protocol is organized and written than to a lack of clarity on the part of the investigators about the intended studies, but it did hamper the discussion. Dr. McKinlay, the principal investigator, answered many clarifying questions at the meeting, which aided our understanding.

In general, we agree that a cohort study is an appropriate approach. The appropriateness of the comparison groups described will depend, ultimately, on the aims of the study. As the protocol now stands, it is not possible to gauge accurately the characteristics of the Army and Air Force comparisons groups suggested. For the Army comparison women, reference is made to lists developed for the VA mortality study, the scope of which is not described, so it is difficult to

judge their comparability with the Vietnam veterans. If, as is implied in the protocol, the non-Vietnam veteran army nurses actually had war-related experiences similar to those of the Vietnam veterans, and the Air Force nurses differ in significant ways (e.g., more of them likely to have chosen a career in the military), it is possible that neither group provides an adequate comparison for a hypothesis-testing study, though they could be useful in a descriptive study. A third possibility is to use a civilian comparison group, a path which the investigators apparently explored and found infeasible. Depending upon the direction the study finally takes, the issues related to choice of comparison groups should be reexamined.

The objectives of the studies are not entirely clear. They are presented as largely hypothesis-testing exercises, yet the rationales underlying the stated hypotheses are not well described. An alternative approach that could be of great value would be a study that describes both the pre-Vietnam characteristics and mental, reproductive, and general health experience of women Vietnam veterans, in comparison with military women who did not go to Vietnam and, for the nurses, with those who did not enter the military. In a study such as this, differences in health experience between groups might or might not be attributable to the Vietnam Experience, but if differences were found, it might be possible to focus more closely on studying those specific differences. Since research on the experience of women veterans is so scarce, such a study would be a major contribution. (If this approach were taken, a civilian control group would increase the value of the results.)

Particularly in light of CDC's findings in the dioxin validation study, OTA finds a rationale for the substudies of reproductive outcomes and PTSD to be lacking. The major hypothesis proposed in both of those studies had to do with dioxin exposure. Even if there were such exposure, however, it would be hard to justify the studies on any scientific basis.

Reproductive Outcomes—Cases-Control Study and Questionnnaire. It is unclear why a case-control study of reproductive outcomes would be contemplated before finding out whether there is an excess of adverse outcomes in the Vietnam veteran group. If there were no excess, the logical conclusion would be that the Vietnam experience had not adversely affected reproduction, therefore no further study would be necessary. If there were an excess, it would probably be better to design a follow-up study focusing more specifically on the types of problems identified in the cohort study.

Some specific comments were made on this study by advisory panel members. Some of these are applicable generally, and some would apply only if this subsidy is retained in the final design. First, the estimate of one percent adverse birth outcomes may be low. Two to four percent is a more commonly used figure, with the prevalence increasing as length of follow-up increases and such conditions as mental retardation and learning disabilities become apparent.

The consideration of "multiple spontaneous abortions" only may cause the study to miss a real increase in spontaneous abortions. The average number of children desired by American families is low enough that a woman could be at high (25 percent or greater) risk for abortion and still achieve two successful pregnancies with one or no abortions. Also, the decision to exclude karyotypic abnormalities is not well-supported.

Additional questions on pregnancy history may prove useful. For instance, there are no questions about drugs or other exposures or illnesses during the pregnancy. Questions about work during pregnancy might also help to refine exposure information.

In terms of reviewing abnormal outcomes, several suggestions are offered. First, would it be useful to have educational testing records to document such things as mental retardation and learning disabilities? In addition to hospitalizations, other types of records would be needed for a thorough investigation, e.g., ophthalmology, hearing, cardiology, genetics (counselors, test laboratories), orthopedics, neurology, plastic surgery. Releases for all of these records would be required, so names of all appropriate providers would be needed.

It is not clear why a pediatric neurologist has been chosen for the physical examinations of offspring. A dysmorphologist or pediatric geneticist might be a better choice. The physical examination described is for a neonate only. Most children will be older. A protocol for older patients and one for records review are needed. In addition, a way to compare examinations at different ages is required (e.g., use of percentiles instead of measurements). Would psychometric testing be carried out at the time of the physical examinations to verify claims of developmental disabilities?

Information about deceased offspring, including the presence of congenital anomalies and the cause of death is not sought in the questionnaire. Since congenital anomalies are a major cause of death, valuable information may be lost by this omission.

PTSD Substudy and Related Questionnaire Items. The hypothesized link between dioxin exposure and PTSD lacks support, though there are more fundamental questions that could be answered about PTSD. Perhaps the most important first step is to determine the incidence and/or prevalence of PTSD in women veterans. In addition, descriptive information about the types of events responsible for developing PTSD and the consequences it has had for the affected women would be valuable. The value of the proposed neurobehavioral testing is not so clear. OTA was unable to evaluate exactly how PTSD (acute, delayed, chronic) would be diagnosed, because, as reported by Dr. McKinlay, the instrument they intend to use is not yet available. It is, however, reported to be a 30-minute questionnaire that will be part of the telephone interview. OTA's experience with another study, the mandated PTSD study which is currently underway, suggests to us that such an instrument is unlikely to be a sufficient diagnostic tool to rely on for this study. If it is decided that determining actual rates of PTSD in women veterans is important, perhaps more effort could be made to validate diagnoses in at least a sample of women identified by the questionnaire as having PTSD.

In the medical history section of the questionnaire, psychiatric diagnoses are not specifically asked for. They might be offered by a participant, but they might not. In addition, while participants will be asked whether they have seen counselors or mental health professionals, the names of those providers are not requested. If diagnoses are to be verified, these names and addresses will be needed.

The medical history form lists "alcoholism" and "drug dependence" as possible diagnoses. Alcoholism might be expanded to alcohol dependence or abuse, or "drinking problem," to include the range of diagnoses. Also, questions on drug addiction seem skimpy given the relatively high prevalence of drug use by nurses in general. The lifestyle section might include "abuse of prescription drugs," or "other" as a category under drug use.

Validation Studies. The validation studies for medical information and to check on the completeness of the cohorts to appear to be worthwhile, but their final form will probably depend on the final protocol for the main study.

Other Comments. There was general agreement on the value of measuring blood-dioxin levels in a sample of women. This could take the form, for example, of a random sample of Vietnam and non-Vietnam participants. The information will be of value in itself, and need not be done in a hypothesis-testing mode. This determination would be expected to show no evidence of exposure, and the study should lay to rest fears that women in Vietnam were exposed to Agent Orange. There is no reason to consider hypotheses related to Agent Orange in a new protocol.

There was some concern among advisory panel members that sufficient medical records would not be available because of the passage of time since many events of interest (e.g., early births). Pilot testing of some of the proposed techniques for obtaining records might be worthwhile before the full study is launched.

SUMMARY

OTA does not approve the protocol for the "Women Vietnam Veterans Health Study" as submitted in August 1987. There is a need to clarify the aims of the study and to refocus the study design. We request a revised protocol and questionnaire to consider for approval.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

ANNUAL REPORT ON THE NATIONAL PROGRAM FOR SOIL AND WATER CONSERVATION—MESSAGE FROM THE PRESIDENT—PM 73

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the

Committee on Agriculture, Nutrition, and Forestry.

To the Congress of the United States:

Transmitted herewith is the annual report required by Section 7(b) of the Soil and Water Resources Conservation Act of 1977 (P.L. 95-192) as amended by P.L. 99-198.

The Soil and Water Resources Conservation Act of 1977 (RCA) requires the Secretary of Agriculture to appraise the condition of the soil, water, and related resources on the non-Federal lands of the Nation, and to develop a national soil and water conservation program for assisting landowners and land users in their future conservation activities on these lands.

The first appraisal, completed in 1980, was based primarily on the Department of Agriculture's (USDA) 1977 Natural Resources Inventory (NRI). The 1977 NRI was the most comprehensive and refined body of such data that had ever become available. It provided a solid foundation for the appraisal of the program.

The first program report, a National Program for Soil and Water Conservation, was completed in 1982. It set national conservation objectives and priorities, focused corrective action on the areas of the country with the most critical problems, and strengthened the existing partnership among local and State agencies, organizations, and the Federal Government for dealing with resource problems. Guided by this program, USDA has extended more technical and financial assistance than ever before in areas with the most serious problems of soil erosion and dwindling water supplies.

The USDA has been reshaping its conservation programs, using the 1980 appraisal and 1982 program as its blueprint. In addition, these two vital tools have enabled the USDA to analyze how its other programs, aside from those specifically for conservation, affect the condition of soil and water resources.

This annual report summarizes fiscal year 1986 soil and water conservation programs and activities, and progress being made under the 1982 National Program for Soil and Water Conservation. Accomplishment data included in the report are consistent with those reported in the 1988 budget request and the accompanying explanatory notes. I would like to reaffirm my support for the ongoing effort against soil erosion and other resource problems. I am confident that further progress can be made towards the goal of reasonable and judicious use of this country's important natural resources.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1987.*

REPORT ON DEFERRAL OF CERTAIN BUDGET AUTHORITY MESSAGE FROM THE PRESIDENT—PM 74

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, the Committee on Armed Services, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 13 deferrals of budget authority totaling $1,776,737,627.

The deferrals affect programs in the Funds Appropriated to the President and the Departments of Agriculture, Defense (Military and Civil), Health and Human Services, State, Transportation, and Treasury.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *October 1, 1987.*

MESSAGES FROM THE HOUSE

At 2:13 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, with amendments, in which it requests the concurrence of the Senate:

S. 1691. An act to provide interim extensions of collection of the Veterans' Administration housing loan fee and of the formula for determining whether, upon foreclosure, the Veterans' Administration shall acquire the property securing a guaranteed loan.

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

H.R. 1495. An act to designate certain lands in Great Smokey Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes.

ENROLLED JOINT RESOLUTIONS SIGNED

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 84. Joint resolution to designate October 1987 as "National Down's Syndrome Month"; and

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day."

The enrolled joint resolutions were subsequently signed by the Acting President pro tempore (Mr. CONRAD).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1495. An act to designate certain lands in Great Smokey Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTIONS SIGNED

The Secretary of the Senate reported that on today, October 1, 1987, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 84. Joint resolution to designate October 1987 as "National Down's Syndrome Month"; and

S.J. Res. 142. Joint resolution to designate the day of October 1, 1987, as "National Medical Research Day."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1934. A communication from the President of the United States, transmitting, proposed amendments to the request for appropriations for fiscal year 1988 for the Legislative Branch and offsetting amendments for the Department of the Interior; to the Committee on Appropriations.

EC-1935. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, notice of a waiver of requirements for inclusion of the examination of records by the Comptroller General (Apr 84) clause; to the Committee on Armed Services.

EC-1936. A communication from the Assistant Secretary of the Army (Installations and Logistics), transmitting, pursuant to law, notice of recent discovery and emergency disposal of two suspected chemical mortar projectiles and a suspected chemical bomlet at Dugway Proving Ground, UT; to the Committee on Armed Services.

EC-1937. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report on foreign policy export controls relative to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-1938. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund [ESF] for fiscal year 1986; to the Committee on Banking, Housing, and Urban Affairs.

EC-1939. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the effectiveness of penalties levied prior to and after the Motor Carrier Safety Act of 1984; to the Commit-

tee on Commerce, Science, and Transportation.

EC-1940. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "1986 Annual Report on Low-Level Radioactive Waste Management Progress;" to the Committee on Energy and Natural Resources.

EC-1941. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report containing recommendations for the future use and development of the southern portion of Ellis Island; to the Committee on Energy and Natural Resources.

EC-1942. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notification of proposed refunds of certain offshore lease revenues where a refund recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1943. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "Final Regulations for the Endowment Challenge Grant Program;" to the Committee on Labor and Human Resources.

EC-1944. A communication from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, pursuant to law, notification of proposed refunds for certain offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-1945. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on the Trail of Tears, ; to the committee on Energy Natural Laws.

EC-1946. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "The Secretary's Annual Report to Congress, 1986;" to the Committee on Energy and Natural Resources.

EC-1947. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Lowell National Historic Park Analysis Certification of Expenditures Statement;" to the Committee on Energy and Natural Resources.

EC-1948. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "National Dioxin Study;" to the Committee on Environment and Public Works.

EC-1949. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the "1987 Interstate Substitution Cost Estimate;" to the Committee on Environment and Public Works.

EC-1950. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, a draft of proposed legislation to amend 5 U.S.C. 8440 and 26 U.S.C. 7701(j) to exempt the Thrift Savings Plan [TSP] from the nondiscrimination requirements imposed on cash or deferred compensation arrangements by the Internal Revenue Code; to the Committee on Finance.

EC-1951. A communication from the Secretary of Labor, transmitting, pursuant to law, a third annual report entitled "Trade and Employment Effects of the Caribbean Basin Economy Recovery Act"; to the Committee on Finance.

EC-1952. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, a report on travel advisories recently issued by the Department of State for Cuba, Haiti, Honduras, Panama, Sri Lanka, and Vietnam, which have security implications for Americans traveling or residing in those countries; to the Committee on Foreign Relations.

EC-1953. A communication from the Records Officer, U.S. Postal Service, transmitting, pursuant to law, notices of two proposed computer matching programs; to the Committee on Governmental Affairs.

EC-1954. A communication from the Director, Office of Management Analysis, Department of the Interior, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1955. A communication from the Special Counsel, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report of the Administrator of Veterans Affairs relative to patient abuse; to the Committee on Governmental Affairs.

EC-1956. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, notice of a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1957. A communication from the Vice President, Farm Credit Banks, Springfield, MA, transmitting, pursuant to law, the Annual Report for the Farm Credit Banks of Springfield Retirement Plan; to the Committee on Governmental Affairs.

EC-1958. A communication from the Assistant Attorney General (Office of Legislative and Intergovernmental Affairs), Department of Justice, transmitting, drafts for three proposed pieces of legislation to strengthen the "Administrator's anti-fraud enforcement program;" to the Committee on the Judiciary.

EC-1959. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report covering the 12-month period ending June 30, 1987, on the activities of the Federal Courts under the Equal Access to Justice Act of 1980; to the Committee on the Judiciary.

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-311. Joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"SENATE JOINT RESOLUTION NO. 17

"Whereas, The programs established pursuant to the National School Lunch Act (Sections 1751 to 1769a, inclusive, of Title 42 of the United States Code) are intended to serve the nutritional needs of all children; and

"Whereas, Good nutrition is essential to the growth, development, and general good health of children and has been demonstrated to promote the ability of children to learn; and

"Whereas, Studies indicate that students from all economic levels who participate in the programs established pursuant to the National School Lunch Act are better nourished than children who do not participate in the school lunch program; and

"Whereas, The programs established pursuant to the National School Lunch Act further benefit the economy by helping to fully utilize the nation's abundance of agricultural products; and

"Whereas, The President of the United States has proposed to reduce financial support for child nutrition programs across the nation by $826 million in the 1987-1988 federal budget; and

"Whereas, The cuts in federal cash assistance to school lunch programs in California alone will total at least $57 million; and

"Whereas, Since passage of the 1981 Omnibus Budget Reconciliation Act (Public Law 97-35), federal funding for child nutrition has declined by more than $6 billion; and

"Whereas, The program under current law provides a basic infrastructure which helps pay the fixed costs of school food service programs in 1,178 California school districts serving 1,950,000 children; and

"Whereas, State law mandates school lunches for needy children, and without the existing level of federal funding, many school districts would be unable to meet this mandate, jeopardizng the nutritional well-being of all children, including the poor, in the community; and

"Whereas, The funding reduction in California since 1981 has resulted in a drop of more than 10 million free lunches, 8 million reduced-price lunches, and 16 million paid lunches annually; and

"Whereas, The Child Nutrition Amendments of 1986 (Public Law 99-661) reauthorized all child nutrition programs until September 30, 1989; and

"Whereas, The 98th Congress and the 99th Congress rejected all child nutrition budget cuts after extensive hearings and the Gramm-Rudman-Hollings Act (also known as the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177)) exempted child nutrition programs from any budget cuts; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California urges the United States Senate and House of Representatives to provide at least the level of funding provided in current law for school lunch programs in the 1987-88 fiscal year; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States."

POM-312. Joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION NO. 36

"Whereas, The Elk Hills Naval Petroleum Reserve was established in 1912 to provide a ready source of crude oil in time of national emergency; and

"Whereas, The reserve was opened in 1976 to commercial production to offset the loss of imported crude due to the Arab oil embargo; and

"Whereas, Congress and the federal government mandated that a portion of the production from the reserve be made available to small refiners; and

"Whereas, Elk Hills crude provides the only available supply of light, relatively low-sulfur crude needed by small California refiners to meet the state's strict environmental limitations and special product needs; and

"Whereas, The small refiners use the Elk Hills crude oil in blend to transport to processing facilities the heavier, low-gravity crudes produced by independent oil producers in the San Joaquin Valley; and

"Whereas, This independent refiner market is of paramount importance to the continued viability of independent oil producers; and

"Whereas, Elk Hills crude represents the single largest block of crude oil production not controlled by a major integrated refiner; and

"Whereas, The state's independent refiners provide an important product price competition for major integrated companies; and

"Whereas, Several proposals have been made to sell the portion of the Elk Hills Naval Petroleum Reserve owned by the Federal Government; and

"Whereas, Section 7430 of the federal Naval Petroleum Reserves Act prohibits any person from obtaining control over more than 20 percent of annual oil sales from Elk Hills; and

"Whereas, The Department of Energy has recently intepreted Section 7430 to apply only cumulatively to all sales that occur each year and not to individual oil sales which occur approximately every three months; and

"Whereas, This interpretation will result in the disruption of steady oil supplies which are needed by small refiners; now therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress to disapprove any sale or lease of the federal government's portion of the Elk Hills Naval Petroleum Reserve; and be it further

"Resolved, That to ensure the continued existence of smaller facilities, the Congress is requested to direct the federal government to assure that not more than 20 percent of each oil sale from the reserve be granted to one corporate entity, and its subsidiaries and affiliates; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States to the Speaker of the House of Representatives, and to each Senator and Representatives from California in the Congress of the United States."

POM-313. Joint resolution adopted by the Legislature of the State of California; pursuant to the order of August 4, 1987, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION NO. 1

"Whereas, The allocation of federal highway and aviation trust funds are included in the unified federal budget; and

"Whereas, The transportation trust fund, which consists primarily of user fees from fuel and excise taxes, is dedicated to the support and construction of the nation's transportation network; and

"Whereas, The funds have not been allocated but have been left to accumulate in the unified budget; and

"Whereas, The multibillion dollar surplus in the trust fund has cost, and is costing, the economy of the nation thousands of jobs, including an estimated 135,000 jobs in California; and

"Whereas, The failure to allocate the trust fund and the restrictions on the expenditures authorized have required the deferment of projects in the state transportation improvement plan and have precluded additions of any needed new projects; and

"Whereas, The accounting practice of using transportation trust funds to soften the appearance of the unified budget shortfall prevents California from addressing its transportation needs; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to remove the highway and aviation trust funds from the unified federal budget; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-314. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION NO. 3

"Whereas, The federal plan to deregulate the nation's telephone network has resulted in a variety of changes in services, products and costs which have confused and angered Americans who have been used to a single reliable monopoly telephone service provider; and

"Whereas, A recent decision by the Federal Communications Commission to deregulate the inside wire maintenance service, usually routinely provided by local telephone corporations, has caused a new level of confusion for the state's ratepayers and raised several important issues with respect to further deregulation of telephone services; and

"Whereas, The state's ratepayers have financed, through their telephone rates paid to telephone corporations, the technical expertise to develop the sound and rational repair program which has served telephone subscribers who have had inside telephone wiring problems; and

"Whereas, The Federal Communications Commission's decision to deregulate telephone service was in anticipation of a competitive repair marketplace which seems unlikely to materialize given the existing advantages the present telephone corporations have in the market; and

"Whereas, The Legislature of the State of California has already expressed its strong support in Resolution Chapter 80 of the Statutes of 1986 for preserving the state's authority to regulate intrastate telephone service with respect to accounting methods and other regulatory decisions which affect local telephone rates; and

"Whereas, Legislation may be reintroduced in the 100th Congress of the United States to transfer all future telephone deregulation authority to the Federal Communications Commission which, because of the Federal Communications Commission's policies which support competition, could detrimentally impact other local telephone services now regulated by the Public Utilities Commission; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to reverse the decision to deregulate inside wiring maintenance by the Federal Communications Commission and thereby reestablish state authority over this public utility service; and be it further

"Resolved, That the California Legislature hereby supports present efforts by the Public Utilities Commission to oppose usurpation of its authority by the Federal Communications Commission with respect to the regulation of inside wiring maintenance; and be it further

"Resolved, That the California Legislature opposes legislative proposals by the Congress of the United States to transfer authority from the Department of Justice to the Federal Communications Commission to deregulate telephone services, unless the Congress also requires significant input on these policy changes by state regulatory commissions, and local residential and business telephone subscribers; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chairperson of the Federal Communications Commission, and to the Public Utilities Commission."

POM-315. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"ASSEMBLY JOINT RESOLUTION NO. 10

"Whereas, Congress has established the Aviation Trust Fund for purposes of funding enhanced aviation safety and efficiency programs, and improvements in these matters have never been more urgently needed; and

"Whereas, This fund was established in 1970 as a means to support construction of additional airports, including small "reliever" airports designed to reduce congestion at crowded major airports; and

"Whereas, In 1982, the purpose of the fund was expanded to include airport improvements, air traffic control facilities, and air safety matters; and

"Whereas, Urgently needed projects include replacement of outmoded radar systems presently affording only partial coverage of air traffic control areas, higher capacity computer information processing systems, and systems to warn air traffic controllers of impending midair collisions; and

"Whereas, Because of inadequacies in the present air traffic control system, airlines and their passengers in 1986 experienced delays totalling approximately 2,500 hours per day nationwide, the industry's worst year ever for flight delays, which has been estimated to cost the airlines, passengers, and shippers more than two billion dollars ($2,000,000,000); and

"Whereas, Needed improvements are especially critical since airlines are presently serving more passengers than ever before, and the annual United States airline passenger total is reliably expected to continue to increase for the foreseeable future; and

"Whereas, The Aviation Trust Fund is supported by an 8 percent tax on all airline tickets, a twelve cent ($0.12) per gallon tax on general aviation fuel, an air cargo tax, and an international departure fee, which result in total revenues of nearly three billion dollars ($3,000,000,000) per year; and

"Whereas, An enormous surplus presently exists in the fund amounting to unspent revenues of approximately eight billion four

hundred million dollars ($8,400,000,000), of which approximately four billion three hundred million dollar ($4,300,000,000) is not even committed to any long-term project; and

"Whereas, It has been alleged that these funds have been hoarded for federal deficit-reduction purposes rather than utilized for the purposes for which the trust was created, and the Federal Aviation Administration has proposed that some of these funds be diverted to covering FAA operating expenses, including salaries, rather than the safety and improvement projects for which the money was originally collected; and

"Whereas, This failure to properly utilize these funds for their original safety and improvements purposes jeopardizes the safety and well-being of the entire American public as well as air travelers and personnel; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature urgently memorializes the President and Congress to take all necessary measures to utilize the Aviation Trust Fund for purposes of greatly needed aviation safety and improvement projects, pursuant to the original purposes of that fund; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of the Federal Aviation Administration."

ASSEMBLY JOINT RESOLUTION NO. 11

POM-316. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"Whereas, More than 50 major air disasters have occurred since the National Safety Council warned, on August 17, 1964, that collision prediction can only be achieved through the use of three-dimensional measurement radar, which is radar capable of measuring longitude, latitude, and altitude; and

"Whereas, These air disasters have resulted in the tragic loss of hundreds of lives, including 87 deaths in the recent midair collision of an Aero-Mexico airliner and a small private plane over Cerritos, California; and

"Whereas, The Cerritos air disaster could in all likelihood have been prevented had air traffic controllers been informed of the private aircraft's altitude and pending collision course with the Aero-Mexico airliner, and this could have been readily provided through the use of a three-dimensional tracking system; and

"Whereas, Current airborne collision avoidance systems, as evidenced by continued midair tragedies, are not sufficiently effective in ensuring public safety due to the absence of the means of making an altitude determination; and

"Whereas, Recognized experts in the field of flight radar detection have testified that a cost-effective ground-based three-dimensional collision warning system is practicable and available in the form of bistatic or listen-only radar, a one-way radio broadcast transmission system which informs monitoring commercial aircraft pilots of collision bound aircraft; and

"Whereas, Bistatic or listen-only radar systems may be installed using existing technology at far less cost than alternative airborne systems capable of measuring altitude as well as longitude and latitude; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to initiate emergency expert analysis of three-dimensional radar as an interim remedy to the current situation; and be it further

"Resolved, That the Legislature urges the boards of supervisors of all California counties which host major commercial air traffic to adopt measures in support of this resolution, to communicate these measures to the President and Congress, and to provide local funding for analyses of bistatic, listen-only radar by counties; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the board of supervisors of each county in California, and to the Administrator of the Federal Aviation Administration."

POM-317. Joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION NO. 12

"Whereas, The federal Airport and Airway Trust Fund, created by the former federal Airport and Airway Development Act of 1970 (Public Law 91-258), consists primarily of user fees from the carriage of passengers by air transport, the transport of property and cargo, and excise taxes on aviation fuel and tires, and is dedicated to the support and development of the nation's overall air transportation system; and

"Whereas, The projected annual revenues to the Airport and Airway Trust Fund for the 1987 fiscal year are three billion five hundred million dollars ($3,500,000,000), bringing the projected surplus in the trust fund up to five billion six hundred million dollars ($5,600,000,000) by the end of the 1987 fiscal year on September 30, 1987; and

"Whereas, The Airport and Airway Trust Fund was established as the funding mechanism for the support of, and future research and development for, the nation's air transport system, including the air traffic controller system; research, engineering, and development; and grants of aid for state and local governments to maintain and improve their airport facilities; and

"Whereas, In 1981, the authorization of the Airport Improvement Program contained in the former Airport and Airway Development Act of 1970 was delayed for 18 months during which time only limited federal funds were available for airport development even though aviation user fees and taxes continued to flow into the United States Treasury; and

"Whereas, This reduction in funding has contributed to the increasing shortfall of airport development needs as determined both by the Federal Aviation Administration's National Plan of Integrated Airport Systems and by state and regional system plans; and

"Whereas, The Airport and Airway Improvement Act of 1982 (Public Law 97-248) will expire on September 30, 1987, and without reauthorization legislation, serious delays in the delivery of moneys from the fund to California will result, thereby inhibiting the ability of local airport operators to plan needed projects; and

"Whereas, Another delay in the reauthorization of the Airport Improvement Program such as the delay in 1981 could translate into a 100 million dollar setback annually in California for planned and approved projects, most of which are either safety-related or are intended to improve the severe airport capacity or compatibility planning problems faced by California's airports; and

"Whereas, The California Commission on Aviation and Airports unanimously approved a motion expressing concern and recommending that the Legislature of the State of California urge the Congress of the United States to take immediate action to avoid any delay in the reauthorization of the Airport and Airway Improvement Act of 1982; Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly," That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and expeditiously enact legislation reauthorizing both the Airport and Airway Improvement Act of 1982 and the Airport and Airway Trust Fund so as to preclude any interruption in the expenditure of user-paid aviation trust funds for the airport projects for which the funds were collected and intended; and be it further

"Resolved," That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Transportation, to the Administrator of the Federal Aviation Administration, and to the Governor of each state in the United States."

POM-318. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 19

"Whereas, According to the General Accounting Office, serious deficiencies in the system for collection of oil and gas royalties by the Department of the Interior that were identified over 20 years ago persist today; and

"Whereas, According to a report issued by the House Appropriations Subcommittee on the Interior, the federal government may be failing to collect as much as one billion dollars ($1,000,000,000) a year in oil and gas royalties; and

"Whereas, Since states receive half the royalties earned from public lands within their borders, the states have a vital interest in ensuring that the federal government collects all royalties due; and

"Whereas, Proposed regulations of the Department of the Interior, if implemented, would unreasonably require states to rebate millions of dollars to oil and gas companies for royalties collected since 1982; and

"Whereas, The Department of the Interior has consistently failed to forward royalty payments to the states in a timely manner and has filed to comply with the Federal Oil and Gas Royalty Management Act passed by Congress in 1982, which requires the department to disperse royalties within 30 days of receipt; and

"Whereas, The Department of the Interior has wasted large sums of the taxpayers' moneys in attempting to develop new com-

puter systems to efficiently manage the collection of royalties, but has so far utterly failed to develop a workable system; Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Secretary of the Interior to ensure that oil and gas royalties are efficiently collected by the federal government and disbursed to the states in accordance with federal law; and be it further

"Resolved, That the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-319. Joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 29

"Whereas, Hundreds of thousands of areas of prime national forest timber have been destroyed by forest fires; and

"Whereas, Much of that timber was presently being harvested, and California counties receive 25 percent of gross receipts, as compensation for federal timber harvested; and

"Whereas, Many of the communities in California's rural counties are completely dependent on a supply of national forest timber for their economic livelihood; and

"Whereas, Loss of these receipts to the counties will have a devastating effect; and

"Whereas, Even the remaining portion of merchantable timber volume will be devalued, and there will be a loss of pulp chip value, some loss of volume, increased operating costs, and lack of market flexibility; and

"Whereas, Volume and value of timber are reduced in indirect proportion to time delay; and

"Whereas, There is a need to accomplish salvage with a minimum impact on national forest values and programs, a need to reduce the risk of insect and disease attack, and a need to provide a mechanism for erosion control and revegetation at the earliest possible time; and

"Whereas, Because of poor winter access to burned areas, it is necessary to accomplish as much work as possible this fall and next spring, including the implementation of expedited appraisals and sale preparations and examination of the need for special road funding in low value situations; Now, therefore, be it

"Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Agriculture and the Congress of the United States to immediately implement and fund a salvage program in those burned areas of United States Forest Service lands in California; and be it further

"Resolved, That those destroyed areas that were being harvested at the time of the fires, as well as those areas that were being prepared for sale, be considered first in order to lessen the economic impact on California counties; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-320. Joint resolution adopted by the legislature of the State of California; to the Committee on Energy and Natural Resources:

"SENATE JOINT RESOLUTION NO. 4

"Whereas, Energy conservation has proven to be an important and cost-effective way of achieving energy efficiency; and

"Whereas, Energy conservation can continue to protect the United States from fluctuations in the world oil market; and

"Whereas, Household appliances consume about 14 percent of all energy used in California, costing ratepayers approximately $6.5 billion per year; and

"Whereas, California energy efficiency standards for residential appliances have been responsible for approximately 50 percent of all electricity savings achieved by the state in the past decade; and

"Whereas, Congress is considering the National Appliance Energy Conservation Act of 1987 to impose national uniform appliance energy efficiency standards which would be generally compatible with existing California standards; and

"Whereas, The act would bring about significant energy savings nationwide through improved appliance efficiency and would result in savings to the nation's consumers of an estimated $28 billion over the life of appliances purchased during the next 20 years; and

"Whereas, These national standards will benefit gas and electric utilities by allowing them to forecast energy savings more accurately, and thus reduce wasted investment in new plants and other facilities; and

"Whereas, Appliance manufacturers, consumer groups, and other affected interests have reached a significant agreement on the desirability of having national uniform appliance energy efficiency standards; Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact the National Appliance Energy Conservation Act of 1987 to establish national uniform appliance energy efficiency standards; and be it further

"Resolved, That provision be made in the act for states to apply for and, for good cause, be granted an exemption to impose stricter standards in order to respond to energy problems such as high electricity, gas, and oil prices, unusual climatic situations, or adverse environmental or health and safety conditions that can be alleviated by increased conservation of the use of energy by appliances; and be it futher

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Energy, to the Governor, and to the Chairperson of the State Energy Resources Conservation and Development Commission."

POM-321. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION NO. 2

"Whereas, The provision of federal highway and transit funds is essential to the funding of state and local transportation programs; and

"Whereas, The Congress of the United States must periodically renew federal transportation funding authority for the allocation and expenditure of these federal funds by the states; and

"Whereas, The Surface Transportation Assistance Act expired on September 30, 1986, and the Congress has failed to reauthorize any federal highway programs since then, leaving no new federal highway funds for 1986-1987; and

"Whereas, California's highway and transit capital outlay programs are heavily dependent upon the federal government's financial participation; and

"Whereas, Even with continued full federal funding, available financial resources are insufficient to fund all needed capital outlay improvements; and

"Whereas, The failure to quickly reestablish full federal highway funding and expenditure authority will severely curtail or bring to a halt highway construction in California, including the termination of all new highway construction contracts by April of 1987; and

"Whereas, No new capital outlay funds for transit can be made available until federal legislation is enacted; and

"Whereas, The long lead time associated with construction projects and the need to be able to plan for these lead times create a need for multiyear funding legislation; now, therefore, be it

"Resolved, by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to expeditiously enact a multiyear surface transportation assistance act consistent with the federal transportation funds available; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-322. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 7

"Whereas, Federal matching funds for foster care is available for the cost of care of children who have been removed from their homes and placed in foster care as the result of a judicial determination that continuing to live in that home would be contrary to the welfare of the child; and

"Whereas, In some teenage foster care cases, the foster child is herself the parent of an infant child who lives in the same foster family home or foster care institution, but because of the requirement that a child must have been removed from their home and placed in foster care away from their parent, the infant child of a teenager in foster care is not eligible for federally assisted Aid to Families with Dependent Children-Foster Care (AFDC-FC), even though the care of the infant may be primarily the responsibility of the foster care provider;

"Whereas, These children of foster care children may be eligible as a child-only

AFDC unit, but, the AFDC family rate for a child-only unit is usually much less than the cost of foster care, especially in the cases where a foster care institution has a specialized program for foster care teenagers and their infants; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to amend Title IV-E of the Social Security Act to make children of foster care recipients eligible for AFDC-FC matching funds and to require states to include in a foster care payment the cost of care provided to the child of a girl in foster care along with the cost of care provided to the foster child herself when they are living in the same foster care home or foster care institution; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-323. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 8

"Whereas, The ability of investor-owned energy and water utilities to provide extensions of their dedicated utility services to new residential, agricultural, and business customers within California on an efficient basis is of utmost importance to the continuing growth of the state's dynamic economy; and

"Whereas, The policies of the California Public Utilities Commission encourage new customers to contribute to the plant or needed funds to the serving utility for major service extensions, and thereby protect existing ratepayers from assuming the costs of those extensions; and

"Whereas, A key element of providing least-cost utility service extensions was a long-standing provision of federal tax law which allowed payments made by new customers to offset the cost of extending the utilities distribution facilities to be treated as a contribution of capital to the utility, and thus not treated as income to the utility upon which income taxes are owned; and

"Whereas, The federal Tax Reform Act of 1986 (Public Law 99-514) amended Section 118 and repealed Section 362(c) of the Internal Revenue Code, which allowed for those contributions to be treated as capital, and produced the result that contributions made after December 31, 1986, will be treated as income to the receiving utility, and subject to applicable federal income tax rates; and

"Whereas, The economic impact of this change will be immediate and serve, inasmuch as the overall cost of those contributions will increase by as much as 66 percent during 1987, due to their taxable status, and these increased costs must be borne by either the new customer or the ratepayers of the serving utility; and

"Whereas, This impact will be particularly harmful for regulated water utilities, which are unable to obtain cash for both building needed extensions and paying the newly-imposed tax unless the California Public Utility Commission grants significant rate increases for existing customers; and

"Whereas, This action by the federal government does not appear to satisfy either of the goals of fairness or economic growth upon which the Tax Reform Act of 1986 is grounded; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to immediately enact legislation to restore the capital status of contributions to investor-owned energy and water utilities as it existed prior to the federal Tax Reform Act of 1986; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the California Public Utilities Commission."

POM-324. Joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 26

"Whereas, Gasoline taxes have traditionally been treated as user fees dedicated to transportation improvements; and

"Whereas, Transportation programs have not contributed to the federal debt because the Federal Highway Trust Fund is required to have revenues sufficient to balance expenditures from it; and

"Whereas, An increase in the gasoline tax for nontransportation purposes would be an unwarranted diversion of a traditional source of revenue for transportation and would seriously undermine the ability of states to raise funds for improvements to their roads and for transportation programs; and

"Whereas, A federal gasoline tax increase for deficit reduction would increase consumer prices and place an undue burden on lower income persons and those especially dependent on private vehicles for transportation; and

"Whereas, A nontransportation federal gasoline tax increase would have a negative effect on employment, income tax revenues, and the personal savings rate; and

"Whereas, A federal gasoline tax increase would create regional and geographic inequities which would place a greater burden on western and nonurban areas where motorists must travel greater distances between their homes, businesses, and workplaces; and

"Whereas, Any increase in the federal gasoline tax should be used to fund existing and growing transportation infrastructure needs; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States not to use or increase the federal excise tax on gasoline to reduce the federal budget deficit; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-325. Joint resolution adopted by the Legislature of the State of Illinois; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 54

"Whereas, The employment security system was established in 1935 by the Social Security Act and encompasses an unemployment insurance program, an employment service, and a labor market information program in each of the states; and

"Whereas, From inception of the system, Illinois employers have paid two taxes to fund the system; and

"Whereas, The State is currently responsible for ninety percent of employment security system revenues in the form of state unemployment insurance taxes for benefit trust fund solvency; and

"Whereas, The federal government collects the remaining 10 percent of the system's revenue, the majority of which is intended for funding state employment security program administrative costs in that the revenues are generated by employer payroll taxes; and

"Whereas, The employment security systems are self-financing in that they were generated by Federal Unemployment Tax Act (FUTA) employer payroll taxes and inappropriate federal budget reductions have caused a build-up of a surplus over $1 billion in the Employment Security Administrative Account which may not be used for any purpose other than financing employment security programs; and

"Whereas, Chronic underfunding of state administrative costs in employment security programs has recently forced the Illinois Department of Employment Security to reduce its staffing by almost 25%; and

"Whereas, The inadequacy of administrative funding allocated to the states by the federal government has been further compounded by the fact that in 1985, the Internal Revenue Service was unable to account for approximately $800 million in FUTA tax collections; and

"Whereas, Further funding reductions, currently proposed, will require the Department to close local offices throughout the State, and require a reduction of existing services Statewide to the people of Illinois; and

"Whereas, With cooperation between business, labor, the General Assembly and the Governor, Illinois has demonstrated the willingness and ability to effectively solve grave employment security issues evidenced by the elimination of a two and one-half billion dollar unemployment insurance trust fund debt; and

"Whereas, It is evident that the states can no longer afford the separation of budget and program responsibilities and that each state must be allowed to be responsive to the needs of its employers and workers; therefore, be it

"Resolved, by the Senate of the Eighty-Fifth General Assembly of the State of Illinois, the House of Representatives concurring herein, That the Congress be memorialized to favorably consider the Equity in Employment Security Financing Act or similar legislation that ensures state control and substitutes a state administrative tax for the current FUTA tax to finance the unemployment insurance and employment service systems; and be it further

"Resolved, That the Equity in Employment Security Financing Act preserves the provisions of federal law which protect the rights of workers, requires experience rating of employer taxes, and insures uniformity in many other areas; and be it further

"Resolved, That in a time of dwindling resources, the states must have greater authority to meet the challenges of assuring delivery of needed services, while encouraging economic development in this State; and be it further

"Resolved, That suitable copies of this preamble and resolution be presented to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate, the Chairmen and members of the appropriate committees of Congress considering the Equity in Employment Security Financing Act, the members of the Illinois Delegation, and the United States Secretary of Labor."

POM-326. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION NO. 15

"Whereas, A growing scientific consensus supports the view that the worldwide release of chlorofluorocarbons and certain other manufactured chemicals can deplete the Earth's ozone layer, resulting in adverse effects on human health and the environment; and

"Whereas, It is necessary to take appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer; and

"Whereas, There is a need for international cooperation to reduce emissions of chlorofluorocarbons and certain other manufactured chemicals which may deplete the ozone layer; and

"Whereas, The worldwide use of chlorofluorocarbons continues to grow; and

"Whereas, Safe alternatives can be developed in a reasonable time; and

"Whereas, The United States and certain other countries have already taken formal precautionary measures for reducing emissions of chlorofluorocarbons by imposing a ban in 1978 on the use of chlorofluorocarbons as aerosol propellants; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California supports the President and the Congress of the United States in taking appropriate measures to protect human health and the environment against adverse effects resulting from the release of chlorofluorocarbons and other manufactured chemicals that can significantly deplete the ozone layer; and be it further

"Resolved, That the Legislature hereby memorializes the President to negotiate an immediate reduction in the use of chlorofluorocarbons in the European Community and in other nations; and be it further

"Resolved, That the Legislature further memorializes the President to negotiate a worldwide program as expeditiously as practicable for the elimination of fully halogenated chlorofluorocarbons and other manufactured chemicals that may deplete the ozone layer; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-327. Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION NO. 24

"Whereas, Thirteen years have passed since the Turkish invasion and the Cyprus problem remains unsolved; and

"Whereas, The humanitarian crisis involving 200,000 refugees grows increasingly more desperate; and

"Whereas, As a result of the Turkish invasion, 1,619 persons, including eight Americans, are still missing and unaccounted for; and

"Whereas, The Republic of Cyprus has rendered substantive assistance to the United States in recent years in the region; and

"Whereas, Turkey, by the illegal use of United States supplied arms, has attacked, seized, and continues to occupy 38 percent of the territory of the Republic of Cyprus; and

"Whereas, Turkey has recently increased its troops on Cyprus to 35,000, its colonizers to 60,000, and its tanks to 400, and has illegally upgraded its arms on the island by United States weapons supplied for NATO defense; and

"Whereas, Turkey continues its longstanding policy of suppression of its ethnic minorities, depriving them of their right to freely practice their religions and to maintain their languages, distinctive cultures and basic human needs, particularly those of the Armenian survivors of the 1915 unconfessed genocide, the Kurds, and the Greeks; and

"Whereas, Turkey is currently the recipient of financial and military assistance approaching $1 billion per annum; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States to:

(1) Assist the United Nations Secretary General in finding a solution to the Cyprus problem based on the charter and the relevant resolutions of the United Nations, with international guarantees for the unity, sovereignty, and independence of the Republic of Cyprus.

(2) Stop subsidizing through its aid to Turkey the illegal occupation of Cyprus until a mutually acceptable solution is found.

(3) Exert, moreover, their best efforts with Turkey to effectuate, prior to a final agreement, the return of the FAMAGUSTA-VAROSHA and MORPHOU regions under Greek Cypriot control, the removal of the 35,000 Turkish occupation troops and 60,000 colonizers from the island and to restore to the people of Cyprus majority rule with minority rights guaranteed, the freedom of movement, the freedom of settlement, and the right to own property anywhere in the republic; and be it further

"Resolved, That the members urge the President and the Congress of the United States to continue the generous support to the Cypriot refugees; and be it further

"Resolved, That the members urge the President and the Congress of the United States to enforce the provisions of the Military Sales Act by recalling all United States supplied arms from the occupied part of Cyprus; and be it further

"Resolved, That the members urge the President to stop any further assistance to Turkey until the 1,619 persons missing, particularly the eight Americans, are accounted for; and be it further

"Resolved, That the members urge the President and the Congress of the United States to review the current policies of Turkey regarding its treatment of the ethnic and religious minorities residing in Turkey, in the light of President Reagan's repeated expressions of concern for human rights, and be it further

"Resolved, That the Secretary of the Senate transmit copies of the resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of State, and to each Senator and Representative from California in the Congress of the United States."

POM-328. Joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs:

"SENATE JOINT RESOLUTION NO. 21

"Whereas, A grave injustice was done to both United States citizens and resident aliens of Japanese ancestry by the evacuation, relocation, and internment of those persons during World War II; and

"Whereas, The basic civil liberties and constitutional rights of the civilians of Japanese ancestry who were interned in the United States during World War II were fundamentally violated by that evacuation and internment; and

"Whereas, The findings of the federal Commission on Wartime Relocation and Internment of Civilians describe the circumstances of the evacuation, relocation, and internment of 110,000 United States citizens and permanent resident aliens of Japanese ancestry; and

"Whereas, H.R. 442 and S. 1009, which would enact the Civil Liberties Act of 1987 and implement the recommendations of the Commission on Wartime Relocation and Internment of Civilians, were introduced in 1987 in the House of Representatives and the Senate of the United States, respectively; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the President and the Congress of the United States to enact those portions of H.R. 442 and S. 1009 of the 100th Congress, the Civil Liberties Act of 1987, which relate to the redress of the injustice done to United States citizens and resident aliens of Japanese ancestry who were interned in the United States during World War II; and be it further

"Resolved, That the Secretary of the State transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative from California in the Congress of the United States."

POM-329. Joint resolution adopted by the Legislature of the State of Wisconsin; to the Committee on the Judiciary:

"ENROLLED JOINT RESOLUTION

"Whereas, the congress of the United States has submitted to the several states, by action of the house of representatives on September 24, 1789, and by action of the United States senate on September 15, 1789, a proposed amendment to the constitution of the United States pertaining to the effective date for congressional pay changes, which amendment reads as follows:

"No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

"Whereas, while the congress of the United States has the power to impose reasonable time limits for the ratification of proposed amendments to the constitution of

the United States, and has done so for many of the amendments submitted to the states in recent decades, the congress did not impose any time limit whatsoever on the ratification of the congressional pay change amendment; and

"Whereas, the congressional pay change amendment was validly ratified by the state of Vermont on November 3, 1791, even though Vermont had not been one of the original 13 states to which the proposed amendment had been submitted, and had not yet achieved statehood when the amendment was submitted; and

"Whereas, by the act of congress dated May 29, 1848 (9 U.S. Stats., Ch. L, pp. 233-235), 'for the Admission of the State of Wisconsin into the Union', this state was . . . 'admitted into the Union on an equal with the original States, in all respects whatever' . . .; and

"Whereas, almost 26 years following the admission of the state of Wisconsin into the union the state of Ohio, on May 6, 1873, became the 7th state to ratify the congressional pay change amendment. A century later, on March 6, 1978, Wyoming submitted the 8th ratification. Maine ratified on April 27, 1983; Colorado on April 22, 1984. Five states ratified the amendment in 1985: South Dakota in February; New Hampshire on March 7; Arizona on April 3; Tennessee on May 28 and Oklahoma on July 10. Three more ratifications—brings the total number to 18—were received in February 1986: New Mexico on the 14th; Indiana on the 24th; and Utah on the 25th; and

"Whereas, the people of the sovereign state of Wisconsin, represented in senate and assembly, have studied said proposed addition to the constitution of the United States and it is their consensus that the federal government, three-fourths of the states concurring, be directed to thus alter the constitution of the United States; now, therefore, be it

"Resolved by the assembly, the senate concurring, That the said proposed congressional pay change amendment to the constitution of the United States is hereby ratified by the legislature of the state of Wisconsin; and, be it further

"Resolved, That a duly attested copy of this resolution be immediately transmitted to the president and secretary of the senate of the United States, to the speaker and clerk of the house of representatives of the United States, to the office of the federal register, to the library of congress, to each member of the congressional delegation from this state, to the national conference of state legislatures, to the council of state governments, and to the presiding officer of each house of each state legislature in the United States, attesting the adoption of this joint resolution by the 1987 legislature of the state of Wisconsin."

POM-330. Joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 47

"Whereas, The federal Immigration Reform and Control Act of 1986 (Public Law 99-603) makes numerous changes in federal immigration laws and permits eligible undocumented immigrants to apply for legal resident status; and

"Whereas, The federal immigration act does not expressly provide for maintaining the family units of persons whose family members appear not to qualify for legal resident status and thereby creates hardships for those families and for family unity; and

"Whereas, The separation of family members is directly contrary to the traditional and cherished value in American society of family unity and family support which should not be sacrificed in the efforts to achieve the goals of the Immigration Reform and Control Act of 1986; now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President and the Congress of the United States to support federal legislation which waives the continuous residence requirement under the legalization program for spouses and children of qualified legalized aliens, and for parents of United States citizen children born on or after December 31, 1981, and before November 7, 1986, introduced by Members of the California Congressional Delegation, United States Senator Cranston and Representative Roybal, that address these important issues of family unity; and be it further

"Resolved, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to amend the Immigration Reform and Control Act of 1986 to clarify that the intent of that act was not to break up or separate immediate family members who are seeking to become legal residents and eventually American citizens; and be it further

"Resolved, That the Commissioner of the Immigration and Naturalization Service is respectfully urged to issue administrative directives to all INS district offices to grant deferred action status to family members who appear not to qualify under the provisions of the new immigration act in order to avoid the breakup of family units and separation of family members; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Commissioner of the Immigration and Naturalization Service, and to each Senator and Representative from California in the Congress of the United States."

POM-331. Joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 56

"Whereas, Section 4 of Article XIV of the California Constitution vests the Legislature with plenary power, unlimited by any provision of the Constitution, to create and enforce a complete system of workers' compensation by appropriate legislation, including full provision for securing safety in places of employment; and

"Whereas, The federal Occupational Safety and Health Act of 1970 provided for federal jurisdiction over occupational safety and health issues covered by federal standards; and

"Whereas, The federal Occupational Safety and Health Act of 1970 encourages states to assume responsibility for the development and enforcement of occupational safety and health standards on issues covered by federal standards by providing up to 50 percent funding of approved state plans; and

"Whereas, The Legislature exercised its plenary authority by enacting Chapter 993 of the Statutes of 1973 (CAL-OSHA), for the express purpose of allowing California to assume responsibility for the development and enactment of occupational safety and health standards under an approved state plan; and

"Whereas, The Governor, by letter dated February 6, 1987, purported to advise federal Secretary of Labor William Brock of California's withdrawal of its approved occupational safety and health plan, and the termination of the grant awarded to California, both effective June 30, 1987; and

"Whereas, The Governor neither sought nor received the concurrence of the Legislature necessary for a decision to be made by California to withdraw its state occupational safety and health plan; and

"Whereas, The federal Department of Labor refused to accept the Governor's purported voluntary withdrawal of the California state plan because the effect and finality of the Governor's action were under dispute in both the Legislature and the courts, and instead assumed responsibility for concurrent enforcement of federal occupational safety and health standards in private sector workplaces pending resolution of the administrative, legislative, and judicial issues within California; and

"Whereas, The 1987-88 fiscal year budget provides sufficient funds for the Department of Industrial Relations to carry out its responsibilities under the law, including the enforcement of occupational safety and health standards in private sector workplaces; and

"Whereas, The Governor has refused to carry out the statutory mandates to enforce occupational safety and health standards in private sector workplaces commencing July 1, 1987; and

"Whereas, The legality of the Governor's refusal to enforce state occupational safety and health law in the private sector is the subject of litigation; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature, acting for the State of California, memoralizes the Secretary of Labor to continue to refuse to accept the Governor's contention that he may voluntarily withdraw the California state plan, and not to initiate federal proceedings to withdraw the California state plan; and be it further

"Resolved, That should the Secretary of Labor initiate proceedings to withdraw the California state plan, the Legislature hereby requests a formal hearing to contest the withdrawal of the California plan; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health for the United States Department of Labor, to each Senator and the Representative from California in the Congress of the United States, and to the Governor of California."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHILES, from the Committee on Appropriations, with amendments:

H.R. 3058: A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1988, and for other purposes (Rept. No. 100-189).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

William F. Sullivan, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1989.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DURENBERGER:

S. 1739. A bill to amend the Internal Revenue Code of 1986 to provide a uniform Federal tax treatment for employer-provided health care benefits for retired employees; to the Committee on Finance.

By Mr. DURENBERGER (for himself and Mr. STAFFORD):

S. 1740. A bill to amend title XIX of the Social Security Act to permit States the option of providing comprehensive medical assistance to chronically ill and disabled children with a family income meeting a particular income standard, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1741. A bill to establish the Blennerhassett National Historical Park in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. WARNER, Mr. D'AMATO, Mr. DECONCINI, and Mr. MELCHER):

S. 1742. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURENBERGER (for himself, Mr. WALLOP, and Mr. GRASSLEY):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to restore income averaging for farmers; to the Committee on Finance.

By Mr. WEICKER (for himself and Mr. HATFIELD):

S.J. Res. 194. A joint resolution to require compliance with the provisions of the War Powers Resolution.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GARN (for Mr. DOLE (for himself, Mr. BYRD, and Mr. KARNES)):

S. Res. 294. A resolution calling for an end to the 10-day old pro football strike; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURENBERGER:

S. 1739. A bill to amend the Internal Revenue Code of 1986 to provide a uniform Federal tax treatment for employer-provided health care benefits for retired employees; to the Committee on Finance.

RETIREE HEALTH PROTECTION AND LONG-TERM CARE INSURANCE ACT

● Mr. DURENBERGER. Mr. President, I am very pleased to introduce the Retiree Health Protection and Long Term Care Insurance Act of 1987. This bill will greatly expand opportunities for employees to be covered for long-term health care needs after retirement. With nursing home costs averaging $20,000 to $30,000 per year, the prospect of needing such care strikes fear in the hearts of seniors and anyone who has parents or grandparents approaching their eighties and nineties. A Massachusetts study of nursing home patients found that 63 percent of elderly persons would deplete their assets after only 13 weeks in a nursing home. Seniors who hate the idea of being dependent and have worked all of their lives are then forced to go on Medicaid. This bill will make it much easier for Americans to build up funds during their working years as one of their employee benefits. Long-term care insurance is just beginning to be available to Americans but it is an increasingly popular choice.

Mr. President, this bill clarifies the Tax Code to permit employers to pay into qualified plans on behalf of their employees for the purchase of long-term care insurance which would be provided after the employee has retired. For purposes of this bill, long-term health care includes: necessary diagnostic, preventive, therapeutic, and rehabilitative services and maintenance or personal care services, required by an individual who is chronically ill or disabled. When enacted, employers will be free to contribute without tax liability to the individual's health accounts to prefund long-term health care, if needed in a nursing home, hospice, adult day care center, rehabilitative center, retirement home or the patient's own home for home health care. This new option will be especially helpful for older workers, who will be more likely to choose to prefund long-term care benefits in lieu of other benefits, which younger workers might prefer, such as child day care. As the work force ages and there are more two-earner couples, the desire to channel some of their employee benefits into long-term care coverage will increase dramatically.

In recognition of today's mobility of workers, these benefits also will be portable, with no loss in benefits to the employee, further enhancing their real value to American workers.

Mr. President, the year 2000 is only 13 years away. Thirty-five million people, 13 percent of the U.S. population, will be 65 years or older. More than 17 million will be 75 years and older. Roughly 7 percent of those 75-plus years old and older are in nursing homes. For every person in a nursing home, it is estimated that there are two people in their homes or community based programs which offer institution-like services. The demand for such care will grow enormously in the future. By the year 2030 when the baby boomers born in 1955 turn 75, there will be 64.5 million seniors, over 30 million of which will be 75 and older.

The seniors I talk to in Minnesota tell me that they most fear a long lingering, physically and financially devastating illness, during which they become burdens to their families. I want to reduce their fears about the future and help them to prepare for it. Given the long leadtime involved in long-term care protection, we must start now to assist people in insuring against those expenses and provide protection for problems that can't be planned for.

Under current practices and financing, we are woefully unprepared for the future. For example, there are 1.5 million Americans suffering from severe dementia now, with another 1 to 5 million people with mild or moderate impairment from dementia. By the year 2000, if we don't find a cure or treatment, the number with severe dementia will increase by 60 percent. The Office of Technology Assessment (1987) estimates that by 2040 the number of severely ill could be as high as 7.4 million—about 5 times what it is today. The prevalence of severe dementia rises with age from 7 percent in the 75- to 84-year-old to 25 percent among those over age 85 which is one of the reasons that dementia—the most common form (70 percent) of which is Alzheimer's—is becoming so visible.

It's already evident that we will need all of the Government programs, family supports, private savings, church and synagogue groups and other charitable activities to meet the need. In fact, today, most old-elderly have very complex networks of relatives, friends, nursing care, social services, and so forth, to manage wherever they are. That will be even more true in the future.

To meet the demands and help people remain independent as long as possible, in addition to increasing insurance and other coverage, we must: First, stimulate the construction of congregate housing and renovation for apartment and home sharing; second, encourage home equity conversions to help give seniors the option of converting their most lucrative asset—

worth $700 billion—into a way to pay for home and other health care without having to leave their homes; third, develop public and private programs such as meals on wheels and meals in social settings, chore and other services to support the frail or disabled to function independently as long as possible; fourth, support programs that would help team up individuals with different strengths and disabilities to help each other; fifth, support geriatric research and centers of excellence in order to understand and promote healthy aging, differentiating and treating pathology and disease. As we learn more about healthy aging and diseases among the elderly, we have found, for example, that problems dismissed as untreatable in fact are amenable to treatment. We can not only improve the quality of lives of our seniors and their families who care about them, we can save wasted years. We can also save money thrown away on institutional care when less costly care is needed. I intend to introduce legislation over the next few months that will advance these programs.

To meet future demand, we are already counting on changes in the delivery of health care and in people's needs—75-year-olds are a lot different today than they were 10 years ago. Although we may not know what form those needs will take, we can safely assume that chronic care, rebuilding and maintenance of the body will be an ongoing process, requiring a lot of health services and monitoring. Today, there are approximately 1 million people walking around with pacemakers implanted. They will require a lifetime of care to keep their hearts functioning properly. While in time, knowledge of the underlying disease process may permit us to supplant pacemakers with dietary changes and medication to make such halfway technology unnecessary or at least less common, there will undoubtedly be new diseases to treat as well. But similar technology is used to make care more effective and efficient. The elderly or disabled can have a personal emergency assistance device which connects to a hospital emergency room to get help if there is a problem. The future may also bring far better uses of computers and robotics to help care for people.

Many of the elderly in the future will be able to provide for most of their health care needs with Medicare, especially with the new catastrophic illness protection insurance. While a large number of seniors are low income, the elderly are an increasingly diverse group.

Forty-three percent are known to have annual incomes greater than 3 times the Federal poverty level. In recent years, the largest gains in household income were enjoyed by those 65 and over. Growth in private pensions, income from savings, and Social Security have given many of the elderly unprecedented independence. Half of the discretionary income of all Americans is earned by people over 50 and 20 percent of the incomes of those 65 and over is discretionary, according to the Conference Board. A study by ICF concluded that 93 percent of married couples and almost 60 percent of singles at age 65 would be able to purchase long-term care insurance with less than 5 percent of their cash income by the year 2005.

There are also a growing number of women who will be working in jobs outside the home almost all of their lives with their own pensions and Social Security accounts. In addition, there will be other changes in career patterns of men and women as options changes and we all begin to realize that we could live until 85, 95, or 105. Certainly, how we plan our lives is quite different when we think about having 20 or 30 years after the traditional retirement age of 65. We must reevaluate our attitudes about career patterns, lifetime of education and training and full scale retirement not only because of the possible problems of financing retirement and retiree health needs but because of the physical and mental health benefits of meaningful and challenging work. Companies, voluntary groups and schools will sponsor career change seminars in place of "retirement" planning.

What is the Federal role? Already the Federal Government through the State-Federal Medicaid program pays for an estimated $10 of the $18 billion Medicaid investment. Altogether, Medicaid covers approximately 42 percent of the $39 billion spent on nursing home care. It is estimated that nursing home expenditures will cost nearly $225 billion by the year 2000. We can assume that Medicaid will pay for a lot of nursing home care in the future, as it does today. But, Medicaid has its limits. Medicaid will also have to cope with growth in coverage requirements of the neediest elderly, pressures on publicly supported programs, the need to pay for income security, and financing the many unmet needs of poor children in the United States.

Medicaid cannot become the long-term care insurance plan for the middle and upper income elderly as some critics feel that it has. We have to devise methods to pay for some of those expenses and other programs that will help keep people as independent as long as possible and cover as many of their health care expenses through their own insurance and private savings and asset accumulation.

The special problems of couples, in such tragic cases as Alzheimer's victims, are very different. Indeed, I am cosponsoring legislation with Senator GEORGE MITCHELL aimed at correcting the so-called spousal improverishment problem in the Medicaid Program, where a spouse must be impoverished literally for Medicaid to be available to the other spouse who needs nursing home care. Equity between husband and wife in the fair division of their jointly acquired assets and income is the right thing to do.

Having special circumstances for the heartbreaking problems of Alzheimer's patients also requires sensitivity and support, including family caregiver, respite care, and, when all coping assistance fails, help with a nursing home. But except for those with inadequate funds most of their lives or those with very unusual circumstances when the public sector may need to take care of those with needs which can't possibly be prepared for, those middle and upper income individuals who have resources and employee benefits during their working years must be encouraged to save and invest for their own long-term health care needs. Assisting individuals and stimulating private markets are appropriate roles for the Federal and State governments.

Mr. President, the Federal Government must play a much more aggressive role in educating the public than it has in the past. The public needs to understand what is happening and participate in the public policy decisions that will affect their collective futures. We already have tensions in the policymaking process about individual's right to retain their savings and assets to pass on to their "heirs," while benefiting from the Medicaid Program's payments for nursing home care.

Many of us were brought up to believe that we saved for our "old age" so that we wouldn't be a burden to our children. Somehow that notion has gotten turned around to a belief that it is the role of the State-Federal Medicaid Program to pay for nursing home care so that someone's "estate" can be preserved. In some States, I am told, there are attorneys who specialize in helping individuals divest themselves of their assets—which can be quite sizable—to insure that Medicaid pays for their nursing home expenses.

The public also needs more information as consumers of long-term care services and purchasers of long-term care insurance. The public debate about catastrophic illness coverage revealed a reservoir of misinformation about what Medicare covers and how inadequate "Medigap"—Medicare supplementary—coverage is, particularly in light of what people believe they are paying for. The Federal Government can and should play a major role in ensuring the accumulation, analysis and dissemination of objective, pertinent information to permit the consumer to make wise choices. A step forward is a new requirement in S.

1127, the Medicare Catastrophic Loss Prevention Act, which was reported out by the Senate Finance Committee. In that bill, the Department of Health and Human Services [HHS] will have to begin a public education campaign distributing clearly written material that tells what Medicare covers and what it does not cover, with special attention to the absence of long-term care coverage.

Beneficiaries will be notified annually, when an individual enrolls, and every time changes are made in coverage. In addition, I believe, television and radio reports along with mail enclosures are needed to reach everyone.

At the same time, consumer education and insurance regulation are to make the purchase of private long-term care insurance feasible and not have the consumer victimized by the unscrupulous or inadequate business practices. There must be full disclosure of the insurance policies' terms of renewability and later conditions of eligibility, information on premiums and benefits in sufficiently standardized terms that the average consumer can interpret them and comparison shop. No one should be able to purchase insurance that might leave the individual unprotected after years of paying premiums.

Mr. President, the Retiree Health Protection and Long-Term Care Insurance Act of 1987 will accelerate the design and marketing of good long-term care insurance. Since most of the catastrophic costs that Medicare supplemental plans insured against will be paid for by Medicare, if Congress enacts a Medicare catastrophic provision, this will be a great time for insurers and employers to redesign their plans to fill in the long-term care coverage gap that so many seniors care about.

Growth in insurance for long-term care will start slowly, but I'm convinced that the market is there and that we can work out problems over the next few years. Long-term health care has to be defined narrowly enough to make the policy affordable but not so strict as to miss opportunities for helping people stay out of nursing homes as long as they want by providing home health care and other support services. As it becomes more and more obvious that there is a demand for such plans, long-term care insurance can move from individually marketed plans, costlier because they are plagued by adverse selection, to the more predictable and more affordable group market.

In separate legislation which I'll soon introduce, I will encourage employers to add coverage for nursing homes and other long-term care for active workers and their dependents. This would incur only modest costs since there is little need for long-term care for those age groups. But for those situations, the effect is truly catastrophic, as was seen in the tragic Karen Anne Quinlan case. In fact, many of the cases cited as financially devastating to families would not be helped by catastrophic insurance protection unless long-term health care is included. I also plan to introduce separate legislation to allow individuals to contribute to long-term health care accounts, which could accrue interest on a tax-deferred basis.

There are other options to stimulate the market such as facilitating insurance purchase by permitting the beneficiaries or their adult or adult children to deduct premiums paid for long-term care insurance. I will be exploring these ideas with senior groups and in my visits to Minnesota to develop new approaches. We want to be creative since the future need is great but we must be careful not to erode our tax base or repeat past errors of overusing the Tax Code to promote social goals and skew investment decisions. One of these days, long-term care insurance will be as routine a coverage as basic group insurance and pensions are today, with issues such as portability already resolved. When we look at the future, it's clear: We've got to plan, save and invest now if we're going to be ready. I urge my colleagues to join me in working toward enactment of this much needed legislation. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1739

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retiree Health Protection and Long-Term Care Insurance Act of 1987".

SEC. 2. TREATMENT OF EMPLOYER-PROVIDED HEALTH CARE BENEFITS FOR RETIRED EMPLOYEES.

(a) IN GENERAL.—Subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to deferred compensation, etc.) is amended by adding at the end thereof the following new part:

"PART III—VOLUNTARY RETIREE HEALTH PLANS

"Sec. 431. Deduction for employer contributions.

"Sec. 432. Benefits excluded from gross income, etc.

"Sec. 433. Plan qualification requirements.

"Sec. 434. Qualified retiree health care trust.

"Sec. 435. Voluntary retiree health accounts.

"Sec. 436. Preemption; special rules.

"SEC. 431. DEDUCTION FOR EMPLOYER CONTRIBUTIONS.

"(a) GENERAL RULE.—Amounts paid by an employer under a qualified voluntary retiree health plan—

"(1) shall not be allowable as a deduction under this chapter, but

"(2) if they would otherwise be deductible, shall be allowed as a deduction under this section for the taxable year in which paid.

"(b) LIMITATION.—The amount allowed as a deduction under subsection (a) for the taxable year shall not exceed the limitation under section 433(e) for plan years ending with or within such taxable year.

"(c) AMOUNTS MUST BE PAID TO QUALIFIED TRUST.—A payment may be taken into account under subsection (a) for any taxable year only if it is made to a qualified retiree health care trust which is exempt from tax under section 501(a) for the taxable year of such trust in which or with which the taxable year of the employer ends.

"(d) PAYMENTS AFTER CLOSE OF TAXABLE YEAR.—For purposes of subsection (a), a payment made after the close of a taxable year shall be treated as made on the last day of such year if the payment is made—

"(1) on account of such year, and

"(2) not later than the time prescribed by law for filing the return for such year (including extensions thereof).

"SEC. 432. BENEFITS EXCLUDED FROM GROSS INCOME, ETC.

"(a) IN GENERAL.—Except as otherwise provided in this section, no amount shall be included in the gross income of an individual or his spouse by reason of—

"(1) any employer contribution under a qualified voluntary retiree health plan, or

"(2) the receipt of any post-retirement long-term health care benefit under such a plan.

"(b) INCLUSION IN INCOME WHERE MORE THAN 1 ACCOUNT.—

"(1) IN GENERAL.—If—

"(A) an individual is a participant or beneficiary under 2 or more qualified voluntary retiree health plans or voluntary retiree health accounts, and

"(B) such individual does not (within a reasonable period) consolidate the present value of the individual's nonforfeitable accrued benefit in all such plans and the assets of all such voluntary retiree health accounts into 1 such plan or into 1 voluntary retiree health account,

then an amount equal to the sum of the present value of such benefits and the fair market value of such assets shall be treated as distributed in cash to such individual at the close of the plan year for the plan or account involved and such distribution shall be included in gross income.

"(2) SPECIAL RULES.—

"(A) EMPLOYEE MUST CONSOLIDATE INTO PLAN OF CURRENT EMPLOYER.—In the case of an employee who is employed by an employer maintaining a qualified voluntary retiree health plan, a consolidation satisfies paragraph (1) only if such consolidation is into a qualified voluntary retiree health plan maintained by such employer.

"(B) MORE THAN 1 CURRENT EMPLOYER.—If an individual is a participant in more than 1 qualified voluntary retiree health plan by reason of being currently employed by more than 1 employer, such plans shall be treated as 1 plan for purposes of paragraph (1).

"(C) EMPLOYEE WITH NO CURRENT EMPLOYER MAINTAINING PLAN.—In the case of an employee who is currently not employed by an employer maintaining a qualified voluntary retiree health plan, a consolidation satisfies paragraph (1) only if such consolidation is into—

"(i) a qualified voluntary retiree health plan maintained by his most recent employer maintaining such a plan, or

"(ii) a voluntary retiree health account of the individual.

"(3) AMOUNT TRANSFERRED NOT INCLUDIBLE IN INCOME.—No amount shall be includible in gross income by reason of any transfer which is part of a consolidation required under this subsection.

"(c) INCLUSION IN INCOME WHERE PLAN CEASES TO BE QUALIFIED.—If a retiree health care trust is not exempt from tax under section 501(a) for any taxable year of such trust, the present value of the nonforfeitable accrued benefit of any beneficiary under the plan of which such trust is a part shall be treated as distributed (at the close of such taxable year) in cash to the beneficiary and such distribution shall be included in gross income.

"(d) INCLUSION IN INCOME WHERE INTEREST IN PLAN ASSIGNED, ETC.—If during any taxable year an individual assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a qualified voluntary retiree health plan, such portion shall be treated as having been received by such individual as a distribution in cash and such distribution shall be included in gross income.

"(e) EXCESS BENEFITS PENALTY.—

"(1) IN GENERAL.—If—

"(A) the benefits with respect to a participant, when expressed as an annual benefit, exceed

"(B) the maximum amount which may be provided under section 433(h)(2) for a taxable year,

such excess shall be included in gross income for the taxable year and the participant's tax under this chapter for such taxable year shall be increased by the applicable percentage of such excess.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable percentage' means 20 percent.

"(B) INDIVIDUALS OTHER THAN EMPLOYEES AND SPOUSES.—In the case of an individual other than an employee or spouse of the employee, the applicable percentage is 100 percent.

"(3) ANNUAL BENEFIT.—For purposes of this subsection, the annual benefit shall be determined in such manner as the Secretary may prescribe.

"(f) SPECIAL RULES.—

"(1) AMOUNTS TAXED ONLY ONCE.—An amount shall not be includible in gross income under this section for any taxable year if such amount was includible in gross income under this section for a prior taxable year.

"(2) CERTAIN RULES TO APPLY.—For purposes of subsection (c), rules similar to the rules of the last 2 sentences of section 402(b)(1) and the rules of section 402(b)(2)(A) shall apply.

"SEC. 433. PLAN QUALIFICATION REQUIREMENTS.

"(a) IN GENERAL.—For purposes of this part, the term 'qualified voluntary retiree health plan' means any defined benefit plan (as defined in section 414(j))—

"(1) which meets the requirements of paragraph (1) of section 89(k), and

"(2) which meets the requirements of each of the following subsections of this section.

"(b) PLAN MUST PROVIDE ONLY HEALTH BENEFITS TO RETIRED EMPLOYEES.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the only benefits provided by the plan are post-retirement long-term health care benefits, and

"(B) such benefits are provided only through 1 or more of the following:

"(i) insurance acquired by the plan,

"(ii) self-insurance by the employer or the plan, or

"(iii) reimbursement of expenses paid by a former employee or his spouse for insurance providing long-term health care benefits for such employee or spouse.

"(2) POST-RETIREMENT LONG-TERM HEALTH CARE BENEFITS.—

"(A) IN GENERAL.—For purposes of this part, the term 'post-retirement long-term health care benefits' means long-term health care benefits provided to a former employee (or the spouse of such employee) after the former employee has attained age 70 or is disabled (within the meaning of section 72(m)(7)).

"(B) BENEFITS PROVIDED TO SPOUSE OF DECEASED EMPLOYEE.—For purposes of subparagraph (A), the spouse of a deceased employee shall be treated—

"(i) as a former employee, and

"(ii) as satisfying the requirements of subparagraph (A) if such spouse was receiving benefits under the plan immediately before the death of the employee.

"(C) QUALIFIED DOMESTIC RELATIONS ORDERS.—In the case of benefits payable under a qualified domestic relations order (as defined under rules similar to the rules of section 414(p)) to a former spouse of an employee, except as provided in regulations, such former spouse shall be treated as a former employee for purposes of subparagraph (A).

"(D) DEFINITION OF LONG-TERM HEALTH CARE BENEFITS.—

"(i) IN GENERAL.—For purposes of this section, the term 'long-term health care benefits' means a benefit which—

"(I) consists of the providing of necessary diagnostic, preventive, therapeutic, and rehabilitative services, or maintenance or personal care services, required by an individual who is chronically ill or disabled, and

"(II) is provided in a qualified facility by a qualified provider.

"(ii) QUALIFIED FACILITY.—For purposes of this subparagraph, the term 'qualified facility' means—

"(I) a nursing, rehabilitative, hospice, or adult day care facility, including a hospital, retirement home, nursing home, skilled nursing facility, intermediate care facility, or similar institution, or

"(II) an individual's home if a medical practitioner, licensed under State law, certifies that without home care the individual would have to be cared for in a facility described in subclause (I), except that such home shall be treated as a qualified facility only to the extent the cost of such services is greater than the cost of similar services provided in a facility described in subclause (I).

"(iii) CHRONICALLY ILL INDIVIDUAL.—For purposes of this subparagraph, the term 'chronically ill individual' means an individual who has been certified by a medical practitioner, licensed under State law, as requiring assistance with eating, toileting, mobility, bathing, or dressing.

"(iv) MAINTENANCE AND PERSONAL CARE SERVICES.—For purposes of this subparagraph, the term 'maintenance and personal care services' means any service the primary purpose of which is—

"(I) to provide needed assistance with any of the activities of daily living described in clause (iii), or

"(II) to provide needed assistance with any of the following instrumental activities of daily living: housekeeping, shopping, errands, food preparation, laundry, and chores.

"(v) QUALIFIED PROVIDER.—For purposes of this subclause, the term 'qualified provider' means a medical practitioner licensed under State law, registered nurse, licensed registered nurse, qualified therapist, trained home health aid, or homemaker, but does not include a relative or other person who ordinarily resides in the home.

"(E) FORMER EMPLOYEE.—For purposes of this paragraph, an individual shall not be treated as a former employee of the employer if such individual is a current employee of such employer.

"(3) BENEFITS PROVIDED THROUGH INSURANCE OR SELF-INSURANCE MUST BE UNDER GUARANTEED RENEWABLE CONTRACTS, ETC.—A plan shall not be treated as meeting the requirements of this subsection unless—

"(A) the renewal of the insurance contract (if any) through which the long-term health care benefits are provided (including any contract for which a reimbursement described in paragraph (1)(B)(iii) is made) is guaranteed,

"(B) the renewal of coverage by covered individuals is guaranteed,

"(C) the cost to covered individuals on renewal of the insurance will not vary by reason of the medical condition of the covered individuals, and

"(D) the annual cost of coverage for each covered individual is the same.

"(c) NO EMPLOYEE CONTRIBUTIONS.—A plan meets the requirements of this subsection if the only contributions permitted under the plan are—

"(1) nonelective employer contributions, and

"(2) transfers which are part of a consolidation referred to in section 432(b).

"(d) CONTRIBUTIONS AND BENEFITS MAY NOT DISCRIMINATE IN FAVOR OF HIGHLY COMPENSATED EMPLOYEES.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the contributions and benefits provided under the plan do not discriminate in favor of highly compensated employees, and

"(B) no participant in the plan is a participant in any other qualified voluntary retiree health plan maintained by the employer.

"(2) UNIFORM RATE OF ACCRUAL OF BENEFITS.—

"(A) IN GENERAL.—Except as provided in this paragraph, a plan shall not be treated as meeting the requirements of this subsection unless the rate at which benefits accrue during a plan year is the same for all participants.

"(B) SPECIAL RULES FOR CERTAIN INDIVIDUALS AGE 55 AND OVER.—A plan shall not be treated as failing to meet the requirements of this subsection if the plan provides that an employee who as of the close of the plan year in which he attains age 55 has accrued less than 30 percent of the maximum amount of benefits which may be accrued under the plan, may accrue benefits during succeeding plan years at a greater rate than the rate for other employees (but not in excess of 125 percent of such other rate).

"(C) MINIMUM HOURS OF SERVICE.—For purposes of subparagraph (A), an employee shall not be treated as a participant for any plan year unless such individual completes more than 500 hours of service during such year.

"(3) INTEGRATION WITH BENEFITS CREATED UNDER OTHER LAWS NOT PERMITTED.—A plan shall not meet the requirements of this subsection unless such plan meets such require-

ments without regard to contributions or benefits under chapter 2 or 21, the Social Security Act or other Federal law, or any State or foreign law or under any other plan.

"(e) FUNDING LIMITATIONS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan meets—

"(A) the minimum funding requirement of paragraph (2), and

"(B) the maximum funding limitation of paragraph (3).

"(2) MINIMUM FUNDING STANDARD.—A plan meets the requirements of this paragraph if the value of the plan assets as of the close of the plan year are not less than the termination liability as of such time.

"(3) MAXIMUM FUNDING LIMITATION.—A plan meets the requirements of this paragraph if the employer contributions to the plan for the plan year do not exceed the excess (if any) of—

"(A) 110 percent of the termination liability of the plan as of the close of the plan year, over

"(B) the value of the plan assets as of such time (without regard to employer contributions for such year).

"(4) CORRECTIONS MAY BE MADE WITHIN 2½ MONTHS.—A plan shall not be treated as failing to meet the requirements if within 2½ months following the close of the plan year—

"(A) in the case of a failure under paragraph (2), employer contributions are made to the plan as are necessary to meet the requirements of such paragraph, or

"(B) in the case of a failure under paragraph (3)—

"(i) the plan distributes to the employer the excess contributions (and any earnings thereon), and

"(ii) no deduction was allowed with respect to such contributions.

Any amount distributed under subparagraph (B) shall be includible in income in the taxable year for which the contribution was made.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) TERMINATION LIABILITY.—The term 'termination liability' means the present value of the benefits of the plan determined on the basis of actuarial assumptions each of which is reasonable.

"(B) CONTINGENT BENEFITS.—In computing termination liability, there shall not be taken into account any benefit which is contingent on an event other than completion of years of service.

"(C) VALUE OF PLAN ASSETS.—The value of the plan assets means the actuarial value (within the meaning of section 412(c)(2)) of such assets, except that such valuation shall not be based on a range of other than market value.

"(f) MINIMUM PARTICIPATION STANDARDS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan meets the requirements of—

"(A) subparagraphs (A) and (B) of paragraph (2) (relating to participation requirements), and

"(B) subparagraphs (A) and (B) of paragraph (3) (relating to minimum coverage requirements).

"(2) PARTICIPATION REQUIREMENTS.—

"(A) MINIMUM AGE AND SERVICE CONDITIONS.—A plan meets the requirements of this subparagraph if the plan does not require, as a condition of participation in the plan, that an employee complete a period of service with the employer maintaining the plan extending beyond the later of:

"(i) the date on which the employee attains age 21, or

"(ii) the date on which the employee completes 1 year of service.

For purposes of the preceding sentence, a rule similar to the rule of section 410(a)(1)(B)(i) shall apply.

"(B) MAXIMUM AGE CONDITIONS.—A plan meets the requirements of this subparagraph only if the plan does not exclude from participation (on the basis of age) employees who have attained a specified age.

"(C) CERTAIN RULES TO APPLY.—For purposes of subparagraphs (A) and (B), rules similar to the rules of paragraphs (3), (4), and (5) of section 410(a) shall apply.

"(3) MINIMUM COVERAGE REQUIREMENTS.—

"(A) 70 PERCENT TESTS.—A plan meets the requirements of this subparagraph if on each day of the plan year—

"(i) the plan benefits at least 70 percent of employees who are not highly compensated employees, or

"(ii) the plan benefits—

"(I) a percentage of employees who are not highly compensated employees which is at least 70 percent of

"(II) the percentage of highly compensated employees benefiting under the plan.

"(B) 40 PERCENT TEST.—A plan meets the requirements of this subparagraph if on each day of the plan year the plan benefits the lesser of—

"(i) 50 employees of the employer, or

"(ii) 40 percent or more of all employees of the employer.

"(C) EXCLUSION OF CERTAIN EMPLOYEES.—For purposes of this paragraph, there shall be excluded from consideration employees described in paragraphs (3)(A) and (3)(C) of section 410(b).

"(D) CERTAIN RULES TO APPLY.—

"(i) For purposes of this paragraph, rules similar to the rules of paragraphs (4) and (6)(C) of section 410(b) shall apply.

"(ii) For purposes of subparagraph (A), rules similar to the rules of section 410(b)(5) shall apply.

"(4) SPECIAL RULES.—

"(A) APPLICATION OF PARTICIPATION STANDARDS TO CERTAIN PLANS.—A plan described in a subparagraph of section 410(c)(1) shall be treated as meeting the requirements of this subsection if such plan meets requirements similar to the requirements such plan is required to meet under section 410(c)(2); except that no other plan or trust may be taken into account in determining whether the requirements of this subparagraph are met.

"(B) ELECTION BY CHURCH TO HAVE CERTAIN RULES APPLY.—An election similar to the election under section 410(d) shall apply for purposes of this section.

"(g) MINIMUM VESTING STANDARDS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if the plan satisfies the requirements of—

"(A) paragraph (2) (relating to accrued benefit), and

"(B) paragraph (3) (relating to special rules).

"(2) ACCRUED BENEFIT.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if an employee has a nonforfeitable right to 100 percent of the employee's accrued benefit.

"(B) FORFEITURE ON ACCOUNT OF DEATH.—A right to an accrued benefit shall not be treated as forfeitable solely because the plan provides that it is not payable—

"(i) with respect to the participant if the participant dies and has no spouse, or

"(ii) with respect to the spouse of the participant if such spouse dies.

"(C) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of—

"(i) subparagraphs (A), (C), and (D) of section 411(a)(4), and

"(ii) paragraphs (3)(B), (3)(C), (5), (6), (7)(A)(i), and (10) of section 411(a),

shall apply for purposes of this paragraph.

"(3) SPECIAL RULES.—

"(A) IN GENERAL.—For purposes of this subsection, rules similar to the rules of section 411(b)(1) shall apply.

"(B) CERTAIN FORFEITURES.—This subsection shall not be applied to preclude forfeitures described in paragraph (2)(B) or forfeitures of benefits which, under the provisions of the plan adopted pursuant to rules prescribed by the Secretary to preclude the discrimination prohibited by subsection (d), may be used for designated employees in the event of early termination of the plan.

"(C) CERTAIN OTHER RULES TO APPLY.—For purposes of this paragraph, rules similar to the rules of paragraphs (1), (2), and (6) of section 411(d) shall apply.

"(4) APPLICATION OF VESTING STANDARDS TO CERTAIN PLANS.—A plan described in a subparagraph of section 411(e)(1) shall be treated as meeting the requirements of this subsection if such plan meets requirements similar to the requirements such plan is required to meet under section 411(e)(2).

"(h) DISTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the plan meets the requirements of paragraphs (2) and (3) with respect to each former employee under the plan, or

"(B) the plan provides that as of any date specified by the employee (after attaining age 70 or becoming disabled) the present value of the employee's nonforfeitable accrued benefit as of such date will be used to acquire paid-up insurance which—

"(i) will provide long-term health care benefits for such employee (or in the case of an employee who is married and who elects to provide coverage for his spouse, for such employee and his spouse) for each year such employee could (but for this subparagraph) receive a distribution from such plan, and

"(ii) does not provide benefits for any year in excess of the maximum amount for such year under paragraph (2).

"(2) MAXIMUM ANNUAL BENEFIT.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if the plan provides that the amount of benefits accrued under the plan on behalf of any employee during any plan year may not exceed the lesser of—

"(i) $2,000, or

"(ii) the earned income of the employee derived from the trade or business with respect to which such plan is established.

"(B) ACTUARIAL ADJUSTMENTS.—The benefit provided to any participant under the plan shall be actuarially adjusted to reflect—

"(i) any commencement of benefits before or after age 70, or

"(ii) the providing of benefits to the spouse of a participant.

"(C) COST-OF-LIVING ADJUSTMENT.—The Secretary shall adjust annually the dollar amount in subparagraph (A) for increases in the medical component of the Consumer Price Index (as defined in section 1(f)(5)), using as a base period the calendar quarter beginning October 1, 1989.

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"(3) MINIMUM ANNUAL DISTRIBUTION.—

"(A) IN GENERAL.—A plan meets the requirements of this paragraph if the plan provides that the amount distributed with respect to a former employee during any plan year does not exceed the amount which would be distributed each year if the former employee's accrued benefit were distributed in substantially equal periodic payments (not less frequently than annually)—

"(i) over the life (or life expectancy) of the former employee, or

"(ii) over the joint lives (or joint life expectancies) of the former employee or his spouse.

"(B) COST-OF-LIVING ADJUSTMENT.—The amount determined under subparagraph (A) shall be adjusted each year at the same time and in the same manner as under paragraph (2)(C).

"(i) PLAN MAY NOT PERMIT LOANS.—A plan meets the requirements of this subsection if the plan does not permit any participant or beneficiary to receive (directly or indirectly) any amount as a loan from such plan.

"(j) PLAN MAY NOT PERMIT SELF-DIRECTED ASSETS.—A plan meets the requirements of this subsection if the plan does not permit any participant or beneficiary to exercise control over the assets under the plan.

"(k) PLAN MUST PERMIT TRANSFERS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a plan meets the requirements of this subsection if, in accordance with procedures determined by the Secretary, at the request of an individual who is a participant or former participant under the plan—

"(A) the plan transfers the present value of the nonforfeitable accrued benefit of the individual under the plan to another qualified voluntary retiree health plan or to a voluntary retiree health account, and

"(B) the plan accepts transfers under subparagraph (A) from any other qualified voluntary retiree health plan or from any voluntary retiree health account.

"(2) SPECIAL RULES.—

"(A) NO TRANSFERS FROM PLAN OF CURRENT EMPLOYER EXCEPT ON PLAN TERMINATION.—A plan maintained by an employee's employer shall be treated as not meeting the requirements of this subsection if such plan permits any transfer under the plan except in the case of a termination of such plan.

"(B) TRANSFERS MUST BE TO PLAN MAINTAINED BY EMPLOYER OR FORMER EMPLOYER OR TO VOLUNTARY RETIREE HEALTH ACCOUNT.—

"(i) IN GENERAL.—A plan shall not be treated as meeting the requirements of this subsection if such plan permits any transfer under the plan to any plan or account not described in clause (ii) if there is a plan or account described in clause (ii) with respect to such individual.

"(ii) PLANS AND ACCOUNTS DESCRIBED.—For purposes of clause (i), a plan or account is described in this clause with respect to an individual if such plan is—

"(I) a qualified voluntary retiree health plan maintained by an employer of such individual, or

"(II) if the employer of such individual does not maintain such a plan, a qualified voluntary retiree health plan maintained by a former employer of such individual, or except as provided in subparagraph (E), a voluntary retiree health account of such individual.

"(C) TRANSFERS PERMITTED AMONG MEMBERS OF CONTROLLED GROUP, ETC.—Section 414 shall not apply for purposes of determining under this subsection from which plan and to which plan a transfer may be made.

"(D) SPOUSE OF DECEASED EMPLOYEE TREATED AS FORMER PARTICIPANT.—For purposes of paragraph (1) and this paragraph, the spouse of a deceased employee shall be treated as a former participant.

"(E) NO TRANSFERS TO HEALTH ACCOUNTS AFTER AGE 55.—A plan shall not meet the requirements of this subsection if it permits the transfer of any benefit to a voluntary retiree health account of an individual after such individual attains age 55.

"(l) PLAN YEAR AND TRUST YEAR MUST BE THE SAME.—A plan meets the requirements of this subsection if the plan year of such plan and the taxable year of the trust of which such plan forms a part are the same.

"(m) LIMITATION ON HOLDINGS OF EMPLOYER SECURITIES AND EMPLOYER REAL PROPERTY.—

(1) IN GENERAL.—A plan meets the requirements of this subsection if—

"(A) the plan does not hold any employer security which is not a readily tradable employer security,

"(B) the plan does not hold any employer real property which is not qualifying employer real property, and

"(C) the plan does not acquire any readily tradable employer security or qualifying employer real property if, immediately after such acquisition, the aggregate fair market value of readily tradable employer securities and qualifying employer real property held by the plan exceeds 10 percent of the fair market value of the assets of the plan.

"(2) READILY TRADABLE EMPLOYER SECURITY.—For purposes of this subsection, the term 'readily tradable employer security' means any employer security which is readily tradable on an established securities market.

"(3) EMPLOYER SECURITY.—For purposes of this subsection, the term 'employer security' means—

"(A) any stock or other equity interest in the employer, and

"(B) any bond, debenture, note, or certificate, or other evidence of indebtedness issued by the employer.

"(4) EMPLOYER REAL PROPERTY; QUALIFYING EMPLOYER REAL PROPERTY.—For purposes of this subsection, the term 'employer real property' and 'qualifying employer real property' have the respective meanings given such terms by section 407 of the Employee Retirement Income Security Act of 1974.

"(n) ACTUARIAL ASSUMPTIONS.—A plan meets the requirements of this subsection if each actuarial assumption used by the plan is reasonable.

"(o) CERTAIN OTHER RULES TO APPLY.—A plan meets the requirements of this subsection if the plan meets—

"(1) requirements similar to the requirements of—

"(A) paragraph (12) of section 401(a), and

"(B) paragraph (13) of section 401(a) (other than the material following the 1st sentence in subparagraph (A)), and

"(2) requirements prescribed by the Secretary with respect to the duties of any fiduciary with respect to the plan.

"SEC. 434. QUALIFIED RETIREE HEALTH CARE TRUST.

"(a) IN GENERAL.—For purposes of this part, the term 'qualified retiree health care trust' means any trust created or organized in the United States and forming part of a qualified voluntary retiree health plan of an employer for the exclusive benefit of his employees or their spouses if—

"(1) contributions are made to the trust by such employer for the purposes of distributing to such employees or their spouses the corpus and income of the fund accumulated by the trust in accordance with such plan, and

"(2) under the trust instrument it is impossible, at any time before the satisfaction of all liabilities with respect to employees and their spouses under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their spouses.

"(b) CERTAIN REVERSIONS PERMITTED.—A trust instrument shall not be treated as failing to satisfy the requirements of subsection (a)(2) solely by reason of the fact that the trust instrument permits distributions described in section 4976A(c)(2).

"SEC. 435. VOLUNTARY RETIREE HEALTH ACCOUNTS.

"(a) VOLUNTARY RETIREE HEALTH ACCOUNT.—For purposes of this part, the term 'voluntary retiree health account' means a trust created or organized in the United States for the exclusive benefit of an individual or of an individual and his spouse, but only if the written governing instrument creating the trust meets the following requirements:

"(1) No contributions to the trust will be accepted other than transfers under this part from a qualified voluntary retiree health plan or from another voluntary retiree health account.

"(2) The trustee is a bank (as defined in section 408(n)) or such other person who demonstrates to the satisfaction of the Secretary that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

"(3) No part of the trust funds will be invested in life insurance contracts.

"(4) The interest of an individual in the balance of his account is nonforfeitable.

"(5) The assets of the trust will not be commingled except in a common investment fund.

"(b) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if any amount is paid or distributed out of a voluntary retiree health account, such amount shall be included in the gross income of the payee or distributee for the taxable year in which the payment or distribution is made.

"(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS.—Paragraph (1) shall not apply to any payment or distribution which—

"(A) is used exclusively to pay post-retirement long-term health care benefits of the individual for whose benefit the account is established, or

"(B) is part of a transfer required under section 432(b).

"(c) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—A voluntary retiree health account is exempt from taxation under this subtitle unless such account has ceased to be such an account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be a voluntary retiree health account, paragraph (1) of subsection (b) shall apply as if there were a distribution on such first day in an amount equal to the fair

market value (on such first day) of all assets in the account (on such first day).

"(3) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—If during any taxable year an individual for whom a voluntary retiree health account is established engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be a voluntary retiree health account as of the first day of that taxable year.

"(4) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit a voluntary retiree health account is established uses the account or any portion thereof as security for a loan, the portion so used shall be treated as distributed to that individual.

"(d) EXCESS BENEFITS PENALTY.—

"(1) IN GENERAL.—If—

"(A) the benefits with respect to a participant, when expressed as an annual benefit, exceed

"(B) the maximum amount which may be provided under section 433(h)(2) for a taxable year,

such excess shall be included in gross income for the taxable year and the participant's tax under this chapter for such taxable year shall be increased by the applicable percentage of such excess.

"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'applicable percentage' means 20 percent.

"(B) INDIVIDUALS OTHER THAN EMPLOYEES AND SPOUSES.—In the case of an individual other than an employee or spouse of the employee, the applicable percentage is 100 percent.

"(3) ANNUAL BENEFIT.—For purposes of this subsection, the annual benefit shall be determined in such manner as the Secretary may prescribe.

"(e) MINIMUM DISTRIBUTION REQUIREMENTS.—

"(1) IN GENERAL.—An account shall not be treated as a voluntary retiree health account unless the plan provides that the amount which is distributed with respect to an individual during any taxable year—

"(A) may not be less than 100 percent of the pro rata amount with respect to such individual, or

"(B) if a lesser amount is specified by the individual, shall be the amount specified by the individual.

The Secretary shall prescribe regulations which specify the circumstances under which the failure of an individual to specify an amount under subparagraph (B) shall be treated as a specificatio of a zero amount.

"(3) PRO RATA AMOUNT.—For purposes of this subsection, the pro rata amount with respect to any individual for any taxable year is the amount (determined as of the beginning of each taxable year during which a distribution from such account to the employee is permitted) equal to—

"(A) the individual's account balance at such time, divided by

"(B) the life expectancy of such individual at such time.

The life expectancy of each individual shall be redetermined annually.

"(f) CERTAIN REQUIREMENTS FOR HEALTH PLANS MADE APPLICABLE.—An account shall not be treated as a voluntary retiree health account unless, under regulations, the requirements of subsections (b), (h), (i), (j), and (k) of section 433 are met.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) REPORTS.—The trustee of a voluntary retiree health account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

"SEC. 436. PREEMPTION; SPECIAL RULES.

"(a) PREEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), this part shall supersede all State laws insofar as they may now or hereafter relate to any health plan for former employees and their spouses.

"(2) EXCEPTIONS.—

"(A) BANKING AND SECURITIES LAWS.—

"(i) Except as provided in clause (ii), nothing in this part shall be construed to exempt or relieve any person from any law of any State which regulates banking or securities.

"(ii) Any qualified voluntary retiree health plan qualified retiree health care trust, or voluntary retiree health account shall not be deemed to be a bank, trust company, or investment company or to be engaged in the business of banking for purposes of any law of any State purporting to regulate banks, trust companies, or investment companies.

"(B) GENERALLY APPLICABLE CRIMINAL LAWS.—Paragraph (1) shall not apply to any generally applicable criminal law of a State.

"(C) QUALIFIED DOMESTIC RELATIONS ORDERS.—Paragraph (1) shall not apply to qualified domestic relations orders (as defined in section 414(p)).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) STATE LAW.—The term 'State law' includes all laws, decisions, rules, or regulations (or other State action having the effect of law) of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

"(B) STATE.—The term 'State' means a State, any political subdivision of a State, the District of Columbia, any possession of the United States, and any agency or instrumentality of any of the foregoing.

"(4) LAWS OF THE UNITED STATES.—Nothing in this part shall be construed to alter, amend, modify, invalidate, impair, or supersede any law of the United States or any rule or regulation issued under any such law.

"(b) HIGHLY COMPENSATED EMPLOYEE DEFINED.—For purposes of this part, the term 'highly compensated employee' has the meaning given such term by section 414(q).

"(c) CERTAIN RETROACTIVE CHANGES IN PLAN.—Rules similar to the rules of section 401(b) shall apply for purposes of this part.

"(d) RULES RELATING TO SELF-EMPLOYED INDIVIDUALS.—Rules similar to the rules of subsections (c) and (d) of section 401 (other than subsection (c)(6)) shall apply for purposes of this part.

"(e) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of section 414 (other than subsections (f), (h), (i), (k), and (s)) shall apply for purposes of this part.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the provisions of this part, including regulations requiring reports from individuals having accounts in qualified voluntary retiree health plans to employers and the Secretary."

(b) TAX ON DISTRIBUTIONS OTHER THAN POST-RETIREMENT MEDICAL BENEFITS.—

(1) IN GENERAL.—Chapter 43 of such Code (relating to qualified pension, etc., plans) is amended by inserting after section 4976 the following new section:

"SEC. 4976A. TAXES WITH RESPECT TO QUALIFIED VOLUNTARY RETIREE HEALTH PLANS AND VOLUNTARY RETIREE HEALTH ACCOUNTS.

"(a) GENERAL RULE.—If—

"(1) an employer maintains a qualified voluntary retiree health plan or an individual maintains a voluntary retiree health account, and

"(2) there is a disqualified benefit provided during any taxable year,

there is hereby imposed on such employer or individual, as the case may be, a tax equal to 50 percent of such disqualified benefit.

"(b) QUALIFIED VOLUNTARY RETIREE HEALTH PLAN; VOLUNTARY RETIREE HEALTH ACCOUNT.—For purposes of subsection (a)—

"(1) QUALIFIED VOLUNTARY RETIREE HEALTH PLAN.—The term 'qualified voluntary retiree health plan' has the meaning given such term by section 433. Such term includes any plan which, at any time, has been determined by the Secretary to be a qualified voluntary retiree health plan.

"(2) VOLUNTARY RETIREE HEALTH ACCOUNT.—The term 'voluntary retiree health account' has the meaning given such term by section 435.

"(c) DISQUALIFIED BENEFIT.—For purposes of subsection (a)—

"(1) IN GENERAL.—The term 'disqualified benefit' means any distribution or deemed distribution (other than a transfer required under section 432(b)) which is not a post-retirement long-term health care benefit (as defined in section 433(b)).

"(2) EXCEPTIONS.—The term 'disqualified benefit' shall not include any distribution to the employer—

"(A) by reason of mistake of fact, the failure of the plan to initially qualify, or the failure of contributions to be deductible, or

"(B) after such employer ceases to have employees.

"(d) EMPLOYER.—In the case of a plan which provides contributions or benefits for employees some or all of whom are self-employed within the meaning of section 401(c)(1), the term 'employer' means the person treated as the employer under section 401(c)(4)."

(2) CLERICAL AMENDMENT.—The table of sections for such chapter 43 is amended by inserting after the item relating to section 4976 the following new item:

"Sec. 4976A. Taxes with respect to qualified voluntary retiree health plans and voluntary retiree health accounts."

(c) QUALIFIED RETIREE HEALTH CARE TRUST EXEMPT FROM TAX.—Subsection (a) of section 501 of such Code (relating to exemption from tax on corporation, certain trust, etc.) is amended by inserting "or a qualified retiree health care trust under section 434" after "or section 401(a)".

(d) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR VOLUNTARY RETIREE HEALTH ACCOUNTS.—An individual for whose benefit a voluntary retiree health account is established shall be exempt from the tax imposed by this section with respect to any

transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be a voluntary retiree health account account by reason of the application of section 435(c)(3) to such account.", and

(2) by inserting "or a voluntary retiree health account described in section 435" in subsection (e)(1) after "described in section 408(a)".

(e) FAILURE TO PROVIDE REPORTS ON VOLUNTARY RETIREE HEALTH ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "OR A VOLUNTARY RETIREE HEALTH ACCOUNT" after "ANNUITIES" in the heading of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 435(h) to file a report regarding a voluntary retiree health account at the time and in the manner required by such section shall pay a penalty of $50 for each failure unless it is shown that such failure is due to reasonable cause."

(f) CLERICAL AMENDMENT.—The table of parts for subchapter D of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Part III. Voluntary Retiree Health Plans.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to plan years beginning after December 31, 1988.●

(By Mr. DURENBERGER (for himself and Mr. STAFFORD):

S. 1740. A bill to amend title XIX of the Social Security Act to permit the States the option of providing comprehensive medical assistance to chronically ill and disabled children with a family income meeting a particular income standard, and for other purposes; to the Committee on Finance.

MEDICAID CHRONICALLY ILL AND DISABLED CHILDREN AMENDMENTS

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Medicaid Chronically Ill and Disabled Chidren Amendments of 1987. This bill amends title XIX of the Social Security Act to allow States the option of extending Medicaid coverage to children with chronic illnesses and disabilities in low-income families. This bill is designed to address a serious gap in our health insurance system—coverage for low-income children with special health care needs.

Nationwide, an estimated 4 to 5 percent of all children under the age of 18 suffer from a chronic illness of disability that significantly limits normal childhood activities. Juvenile diabetes, severe asthma, spina bifida, hemophilia, chronic kidney disease, cystic fibrosis, and mental retardation are examples of such chronic illnesses. Whatever the specific disease, conditions classified as chronic share certain characteristics: They are costly to treat; require regular medical attention; may run an unpredictable course, and interfere with daily life and normal growth and development. Some of these problems can, however, be ameliorated by good health care management. Activities that most children take for granted—running, playing, breathing and learning—can pose significant challenges to a child with a chronic illness. Unlike an acute illness from which a child can recover, a chronically ill child may never get well. The child and his or her family must deal with the chronic condition or disability on a permanent basis, exacting both an emotional and financial toll. Frequent doctor or emergency room vists may be needed which can impose high cash-out-of-pocket costs on a continuing basis.

Good, regular health care, however, can enable a chronically ill child to function at his or her optimum and avert more costly hospitalization and emergency situations. An appropriate package of services will also include instruction to families on the coping skills and health practices that will minimize the impact of the illness of the child's activities and well-being of the family.

Unfortunately, far too often, children with chronic conditions do not receive appropriate health care. Our public and private systems of health care are woefully inadequate when it comes to coverage of children with special health care needs, particularly if the children are from low-income families. In 1985, 11 million children or 17 percent of our Nation's children were without health insurance coverage: Almost three-quarters of these children were in families below 185 percent of the poverty level.

Low-income families that do have private health insurance may still face burdensome out-of-pocket expenses for premiums, deductibles, and coinsurance. Additionally, many employer-provided health insurance plans do not cover the services that may be critical for a child with a chronic illness or may screen out children with preexisting conditions.

Current coverage under the Medicaid program for children with chronic illnesses also contains many gaps. Even if a State adopts the options contained in the Sixth Omnibus Budget Reconciliation Act [SOBRA], children over age five with family incomes below the poverty level—but above the State AFDC eligibility level—will not be covered. Children in poor families where both parents work are also likely to be excluded from coverage. The percentage of poor disabled children not covered by Medicaid varies from 14 to 79 percent depending on the State.

Chronically ill children need adequate coverage if they are to overcome the barriers to health care and enjoy a happy, thriving childhood. For a low-income family, however, the regular and special medical care services that may be required for a child with a chronic illness such as asthma or juvenile diabetes can impose a tremendous, indeed catastrophic, financial burden. According to a recent study of access to health care for children with disabilities, the likelihood of seeing a physician was 3.5 times higher if the child had insurance coverage. For a family on AFDC, loss of Medicaid coverage for a chronically ill child can be a powerful disincentive to leaving the welfare rolls.

The bill I am introducing today will provide access to Medicaid for our most vulnerable population—poor children with special health care needs.

It will help children like Vicki, age 5, who ends up in a Minneapolis emergency room five or six times a year struggling to breathe. Vicki has asthma and her parents are too poor to afford the health insurance coverage that would provide her with consistent health care and medication to moderate her condition.

It will help the children of Jeanette and George, a young couple who live in Rochester. They worked their way off welfare, and, in doing so, lost Medicaid coverage for their young son Donny who has severe allergy problems and their little girl who has asthma.

It will help children born with handicaps like Sara, born with spina bifida, and Clifford who has a heart condition. Their parents have health insurance but because of complications surrounding Clifford's birth, they owe the hospital over $10,000 and high out of pocket costs.

The bill I am introducing will provide access to Medicaid for chronically ill children in families below 185 percent of the poverty level. This bill is unique because it extends Medicaid coverage to individual children with special health care needs and not the whole family, and because it covers children up to age 18, with State option to 21. States that adopt this option will provide health services in accordance with a health care management plan developed with the child's family and care providers. This health plan will ensure that comprehensive health care is provided and that, where appropriate, such care is coordinated with other relevant educational and social services provided by public and private agencies.

These children will be eligible for the full range of benefits offered by the State's Medicaid program. A State may also provide "enriched benefits" including home and community based services such as home health aid personal care services, habilitation, respite care, and medical supplies and equipment.

All services are free to these children with chronic or disabling health problems in families with incomes below the Federal poverty level. A

modest sliding scale premium will be imposed for children in families with incomes between 100 to 185 percent of the Federal poverty level.

I invite you to join me in sponsoring this important legislation which is supported by many fine organizations including the Children's Defense Fund and the American Academy of Pediatrics.

Mr. President, I ask unanimous consent that a summary of the key features of the proposal and a copy of the bill be printed in the RECORD.

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

S. 1740

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Chronically Ill and Disabled Children Amendments of 1987".

SEC. 2. STATE OPTION TO PROVIDE COMPREHENSIVE MEDICAL ASSISTANCE TO CHRONICALLY ILL AND DISABLED CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by inserting "and" at the end of subparagraph (E);

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) at the option of the State, in accordance with subsection (p) and section 1916(c), for making medical assistance available to individuals who are described in paragraph (1)(A) of subsection (p);"; and

(4) in the matter following subparagraph (F) (as added by paragraph (3) of this subsection)—

(A) by striking "and" before "(IX)", and

(B) by inserting before the semicolon at the end the following: ", and (X) the medical assistance made available to individuals who are described in paragraph (1)(A) of subsection (p) shall include the care and services listed in paragraphs (1) through (21) of section 1905(a), and, in accordance with subsection (p)(5), home or community-based services, and the making available of such care and services to such individuals shall not, by reason of this paragraph (10), require the making available of such care and services, or the making available for such care and services in such amount, duration, and scope, to any individual not described in such paragraph".

(b) CONFORMING CHANGES.—

(1) Section 1902(a)(10)(C) of such Act (42 U.S.C. 1396a(a)(10)(C)) is amended by striking "(A) or (E)" in the matter preceding clause (i) and inserting in lieu thereof "(A), (E), or (F)".

(2) Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)) is amended by striking "subsection (l)(3)" and inserting in lieu thereof "subsections (l)(3) and (p)(6)".

(3) Section 1903(f)(4) of such Act (42 U.S.C. 1396b(f)(4)) is amended by inserting "or 1902 (a)(10)(F)" after "1902(a)(10)(A)(ii)(X)".

SEC. 3. STATE PLAN PROGRAM FOR PROVIDING COMPREHENSIVE MEDICAL ASSISTANCE TO CHRONICALLY Ill AND DISABLED CHILDREN.

Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) by redesignating the subsection (l) added by section 3(b) of the Employment Opportunities for Disabled Americans Act as subsection (o), and

(2) by adding at the end thereof the following new subsection:

"(p)(1)(A) Subject to paragraphs (2) and (3), with respect to eligibility for medical assistance on the basis of subsection (a)(10)(F), an individual is described in this paragraph if—

"(i) the individual has not attained the age of 18 (or, at the option of the State, has now attained an age greater than 18 but less than 21);

"(ii) the individual suffers from any chronic physical or mental illness, disability, or condition that limits or impairs normal childhood activities, growth, or development;

"(iii) subject to the last sentence of this subparagraph, as determined by the State, the amount that would be expected to be expended on behalf of such individual for medical assistance for the succeeding 12 months is not less than 125% of the average amount expended in the State under this title during the preceding 12 months on behalf of individuals under the age of 18 (or if the State exercises the option under clause (i), under the age of 21); and

"(iv) the family income of the individual does not exceed the applicable percentage of the nonfarm income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

Clause (iii) shall only apply at the time the individual applies for medical assistance under this title (or elects to receive medical assistance on the basis of subsection (a)(10)(F)).

"(B) For purposes of subparagraph (A)(iv), the applicable percentage is an amount (as chosen by the State) not greater than—

"(i) 100 percent in the case of fiscal year 1989;

"(ii) 125 percent in the case of fiscal year 1990;

"(iii) 150 percent in the case of fiscal year 1991; and

"(iv) 185 percent in the case of fiscal year 1992 and each succeeding fiscal year.

"(2)(A) The State plan of a State that exercises the option under subsection (a)(10)(F) shall provide that the State agency—

"(i) determine (at least twice each fiscal year) whether an individual receiving medical assistance on the basis of such subsection has ceased to be an individual described in paragraph (1)(A); and

"(ii) subject to subparagraph (B), terminate such individual's eligibility for medical assistance on the basis of such subsection if such individual is no longer an individual described in such paragraph.

"(B) An individual shall not be considered to be an individual who ceases to be an individual described in paragraph (1)(A) by reason of clause (iv) of such paragraph unless the family's gross earnings for a six-month period in a fiscal year exceeds the applicable percentage (specified in subparagraph (B)) of the nonfarm income official poverty line (as defined by the Office of Management and Budget, revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981, and adjusted for such six-month period).

"(3)(A) In the case of an individual who is described in paragraph (1)(A) but who is not eligible for medical assistance solely on the basis of subsection (a)(10)(F), the State plan of a State that exercises the option under such subsection shall provide that such individual be deemed to be an individual who is not described in such paragraph unless such individual (in such manner as the State may provide) elects to receive medical assistance on the basis of such subsection.

"(B) An individual described in paragraph (1)(A) who fails to pay a premium or other charge required under section 1916(c) shall not be treated as an individual described in such paragraph if such failure continues for a period of three consecutive months.

"(4)(A) The State plan of a State that exercises the option under subsection (a)(10)(F) shall provide that in providing care and services related to the individual's chronic physical or mental illness, disability, or condition—

"(i) such care and services be furnished pursuant to a written health care management plan developed for each individual that emphasizes the provision of such services in a setting that is the least restrictive and the most effective and that facilitates community integration; and

"(ii) one or more appropriate coordinating agencies designated by the State assure that (with respect to individuals or groups of individuals for which the agency is assigned responsibility)—

"(I) comprehensive health care case management services are furnished to the individual without regard to the nature of the individual's disability or illness,

"(II) the written health care managment plan is developed with the input of the family of the individual and any entities providing such services to the individual,

"(III) such care and services are provided in a timely manner in accordance with the individual's written health care management plan,

"(IV) where appropriate, development of the written health care management plan and provision of such care and services pursuant to such plan are coordinated with the individual's special education and early intervention plan of care and services under the Education of the Handicapped Act and other relevant educational, medical, and social services provided by public or private agencies,

"(V) the effectiveness of such care and services in promoting the health of the individual and his or her integration and the individual's continuing need for such services is periodically evaluated, and

"(VI) pertinent information regarding the individual and the specific nature of any such care and services provided to the individual is collected.

"(B) Any amounts expended by the State in carrying out the activities under clauses (i) and (ii) of subparagraph (A) shall be considered, for purposes of section 1903(a)(1), to be amounts expended as medical assistance.

"(5)(A) The State plan of a State that exercises the option under subsection (a)(10)(F) shall include as medical assistance under such plan payment for part or all of the cost of such home or community-based services (other than room and board) as are approved by the Secretary under regulations issued by the Secretary.

"(B) Notwithstanding section 1902(a)(10)(B), the State plan may provide that an individual described in paragraph (1)(A) receive only such home or community-based services as are determined in accordance with the individual's written health care management plan (described in paragraph (4)(A)(i)) to be appropriate for such individual.

"(C) The home or community-based services furnished under this paragraph shall be in lieu of any home or community-based services which would otherwise be furnished to the individual on the basis of a waiver granted under section 1915(c).

"(6) Notwithstanding subsection (a)(17), with respect to any individual receiving medical assistance on the basis of subsection (a)(10)(F)—

"(A) no resource standard shall be applied;

"(B) the income standard to be applied is the income level established under paragraph (1)(A)(iv); and

"(C) family income shall be determined in accordance with a methodology that is no more restrictive than the methodology employed under title XVI, and costs incurred for medical care or any other type of remedial care shall not be taken into account.".

SEC. 4. PREMIUMS AND COST SHARING.

Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(1) in subsection (b), by striking "(A) or (E)" and inserting in lieu thereof "(A), (E), or (F)",

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(3) by inserting after subsection (b) the following:

"(c)(1) The State plan shall provide that—

"(A) in the case of an individual described in paragraph (1)(A) of section 1902(p) who is receiving medical assistance on the basis of subsection (a)(10)(F) and whose family income (as determined in accordance with the methodology specified in section 1902(p)(6)(C)) does not exceed 100 percent of the nonfarm income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) for a family of the same size—

"(i) no enrollment fee, premium, or similar charge will be imposed under the plan, and

"(ii) a deduction, cost sharing, or similar charge may be imposed under the plan only to the extent that a deduction, cost sharing, or similar charge may be imposed with respect to individuals to whom subsection (a) applies;

"(B) in the case of an individual described in paragraph (1)(A) of section 1902(p) who is receiving medical assistance on the basis of subsection (a)(10)(F) and whose family income (as determined in accordance with the methodology specified in section 1902(p)(6)(C)) exceeds 100 percent of the nonfarm income official poverty line (as so defined and revised) for a family of the same size—

"(i) there shall be imposed a premium in accordance with paragraph (2),

"(ii) a deduction, cost sharing, or similar charge may be imposed only to the extent that such a deduction, cost sharing, or charge may be imposed with respect to individuals to whom subsection (b) applies.

"(2)(A) The premium imposed under a State plan pursuant to paragraph (1)(B)(i) shall be imposed not less often than every calendar quarter.

"(B) The total amount of a premium imposed pursuant to paragraph (1)(B)(i) shall not exceed 10 percent of the amount by which—

"(i) the family's average gross earnings for the period with respect to which the premium is imposed (as adjusted in accordance with the last sentence of this subparagraph), exceeds

"(ii) 100 percent of the nonfarm income official poverty line (as defined by the Office of Management and Budget, revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981, and adjusted for the period with respect to which the premium is paid) for a family of the same size.

For purposes of clause (i), the family's average gross earnings for the period with respect to which the premium is imposed shall be reduced by an amount equal to the amount of uncompensated education, transportation, health, child care, and other special costs incurred by the family during such period which are attributable to the illness, disability, or condition of the individual.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall become effective on October 1, 1988.

SENATOR DURENBERGER'S MEDICAID AMENDMENTS FOR CHRONICALLY ILL CHILDREN

Senator Durenberger's proposal to amend Title XIX of the Social Security Act will allow states the option of extending Medicaid coverage to children with chronic illnesses and disabilities in low-income families whose income is below 185% of the federal poverty level.

ELIGIBILITY

Any child that suffers from any chronic physical or mental illness, disability, or condition that causes an impairment or limitation of normal childhood activities, growth, or development; and

whose family income is below 185% of the official poverty line; and

whose health care costs are expected to exceed 125% of a state's average Medicaid expenditure per AFDC child.

(Children up to age 18, at state option up to age 21.)

BENEFITS

These children will be eligible for the full range of benefits offered by the state's Medicaid program. Additionally, a state has the option to provide "enriched benefits" including all of the care and services described in sections 1905 and 1915 (home and community based services). This could include home health aid personal care services, habilitation, respite care, and medical supplies and equipment.

Care and services under this option must be furnished in accordance with an individualized, written health care management plan developed under the direction of the designated case management agency. The plan should emphasize delivery of services in the least restrictive, most effective setting, with community integration.

HEALTH CARE CASE MANAGEMENT

The State shall designate the most appropriate coordinating agency(ies) according to the individual needs of the children. The agency(ies) will ensure that comprehensive health care case management services are provided. The designated agency shall ensure:

a. that service coordination and case management services are provided to any child meeting the new Medicaid eligibility criteria, without regard to type of disability or illness;

b. that an individual written health care case management plan is developed in conjunction with the provider(s) and family;

c. that ongoing health case management is provided for the child;

d. the provision of services is monitored to ensure that they are timely and comprehensive and in accordance with the individual health care management plan;

e. that, if appropriate, the child's health care plan and course of treatment are coordinated with the child's special education and early intervention plan of care and services under Public Laws 94-142 and 99-457 and other relevant educational, medical and social services provided by public or private agencies;

f. ongoing evaluation of the child's course of health care and continuing need for extended Medicaid benefits is conducted.

PATIENT COSTSHARING

All services are free to children in families with incomes that do not exceed 100% of the federal poverty level.

States shall impose a sliding scale premium for children in families with incomes between 100-185% of the federal poverty level. The premium shall not exceed 10 percent of the amount by which the family's adjusted gross earnings for the month, exceeds 1/12 of the federal poverty level for that family size. Family income will be adjusted to exclude uncompensated education, transportation, child care and other special costs incurred by the family due to the child's disability or condition.

PHASE-IN AND EFFECTIVE DATE

The Amendments made by this Act shall be applied for calendar quarters beginning on or after

October 1, 1988 for eligible children in families with incomes below 100% of the federal poverty level;

October 1, 1989 for eligible children in families with incomes below 125% of the federal poverty level;

October 1, 1990 for eligible children in families with incomes below 150% of the federal poverty level;

October 1, 1991 for eligible children in families with incomes below 185% of the federal poverty level.●

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 1741. A bill to establish the Blennerhassett National Historical Park in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

BLENNERHASSETT NATIONAL HISTORICAL PARK

Mr. BYRD. Mr. President, I am today introducing legislation to designate Blennerhassett Island and Museum in the Ohio River near Parkersburg, WV, as a national historical park. My colleague, Senator Rockefeller, is joining me as an original cosponsor of this measure.

This most famous of the Ohio River islands lies below the mouth of West Virginia's Little Kanawha River, and for nearly 200 years has been known as Blennerhassett.

This island was discovered by European explorers in the last decades of

the 18th century. Before that, however, Blennerhassett Island had been inhabited for 14,000 years by Indians.

However, events in one brief but flamboyant period of its history—1798 to 1806—assured Blennerhassett Island its place in American history.

In 1796, fleeing to America to escape charges of treason by the British Government, Harman Blennerhassett and his wife, Margaret, sought a place in the new world to recreate a way of life they left behind. In March 1798, the Blennerhassetts purchased 179 acres on the northern end of what is today Blennerhassett Island. Here, the Blennerhassetts created a scene of exquisite luxury—a mansion and garden that soon became the setting of a glittering social life, as well as a major stopping off point for people heading west.

The historians Ambler and Summers, in their classic "West Virginia: The Mountain State," describe the Blennerhassett estate as follows:

For the frontier, the residence built by Blennerhassett on his island estate was little short of palatial. The halls were light, airy, and elegant; and the furnishings consisted of gay-colored carpets, splendid mirrors, classic pictures, and rich tapestries. There was a library which contained some of the rarest books then to be found either in Europe or in America. Behind the mansion, after the fashion then familiar in the South and later found in increasing numbers in western Virginia and in Kentucky, were the slave quarters.

Understandably, Blennerhassett Island soon acquired two popular nicknames throughout the area—"Paradise" and "The Enchanted Island."

But where Harmon Blennerhassett achieved fame by building, he earned notoriety through his friendship with one man—Aaron Burr.

Controversy surrounded Aaron Burr throughout his tempestuous career, climaxing in 1801 when he missed by a few votes defeating Thomas Jefferson for the Presidency. Although Vice President, Burr was gradually frozen out of the national political arena. Upon killing his longtime political rival Alexander Hamilton, in an 1804 duel, however, Burr brought ruin upon his head.

In the spring of 1805, Burr headed West to start a new life. On that trip, he stopped at the Blennerhassett mansion.

Historians still argue the true motives of Burr's mysterious 1805-7 activities in the Ohio and Mississippi Valleys. For many years, most believed that he treasonously sought to separate the West from the Union. However, some now maintain that Burr was conspiring to mount a military expedition into northern Mexico—now Texas—where he intended to establish a new nation.

Be that as it may, once Burr disembarked on Blennerhassett Island, he set events in motion that would bring about the downfall of a way of life and the fortunes of the Blennerhassett family.

The charismatic Burr captivated Harman and Margaret Blennerhassett. In time, the Blennerhassetts became not only Burr's chief financial backers, they also allowed their home to serve as his headquarters.

In November 1806, President Jefferson issued a warrant for the arrest of Burr and his followers. Burr and Blennerhassett were arrested early the following year, charged with high treason, and taken to Richmond. Despite Jefferson's relentless efforts, the former Vice President was not found guilty. Blennerhassett, after serving 53 days in the Virginia State Penitentiary, also went free. But what happiness he might have felt at regaining his freedom was dampened by the realization that he had lost $50,000—the bulk of his remaining fortune—through his partnership with Burr.

Attempting to recoup his fortunes, Blennerhassett, on his release from custody, sold off his Ohio Valley holdings, and took his wife down the Mississippi. For a decade afterward, the Blennerhassetts invested their energies on a Mississippi plantation, but this venture also failed. Finally, in 1819, Blennerhassett—aged, nearly blind, and penniless—returned to England. There he died in 1831. Wife Margaret on a visit to her son, Harmon, Jr., in New York City, died in 1842. The fortunes of their mansion were no more happy than those of the Blennerhassetts. In 1811, a slave accidentally set fire to hemp stored in the mansion's cellar, and the house burned to the ground.

One might expect that that would have been the end of the Blennerhassett story. Not so, however. In subsequent years, along the Ohio River, the Blennerhassetts became folk heroes. During the 19th century, countless celebrities landed on Blennerhassett's Island to view for themselves this fabled eden—George Rogers Clark, King Charles X of France, Henry Clay, Walt Whitman, John Chapman of "Johnny Appleseed" fame, "Gentleman Jim" Corbett, and Howard Chandler Christy of "Christy's Minstrels"—to name but a few. By the mid-1800's, the Blennerhassett's memory had attained a near cult following, which in turn transformed their island into a major tourist attraction. Artists came to paint it. Poets wrote of its exotic beauty. By public demand, a park was established in the 1800's on what had been the front lawn of the Blennerhassett mansion.

In the early 1970's, local interest in Blennerhassett Island had gained enough support that the West Virginia State Legislature spearheaded an effort to develop the site as a historical area. With expert professional assistance, the Blennerhassett mansion's exterior was rebuilt, and archeological excavations explored the mansion's outbuildings and gardens, and uncovered the prehistoric Indian villages that once stood on the island, including the encampment of Delaware Chieftain Nemacolin, who died there in 1767. In 1980, Blennerhassett Island was opened to the public as a historical recreation park. This summer, a historical musical drama, "Eden on the River," was staged for a 3-week run, and will become a regular feature of the island's offerings in the future. More than half of the tickets to the drama were sold to visitors from outside the Parkersburg area. Since 1972, the island has been on the National Register of Historic Places.

In addition, this year, traveling from all States and 30 foreign countries, 100,000 tourists visited Blennerhassett Island.

Long lost to memory and tangles of wilderness underbrush, Blennerhassett Island and its restored mansion have ignited the imagination of a new generation of Americans.

The designation of Blennerhassett Island and Museum as a national historical park has the support of the State, the West Virginia Legislature, and the local community.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1741

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

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the unique historical resources and scenic beauty of Blennerhassett Island in West Virginia, there is hereby established the Blennerhassett National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the lands and interests in lands within the area generally depicted on the map entitled "Boundary Map, Blennerhassett National Park," numbered — and dated —— and within the area in the city of Parkersburg, West Virginia, generally depicted on the map entitled "Boundary Map, Blennerhassett Historical Museum and Visitor Center," numbered — and dated ——. Both maps shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior (hereinafter in this Act referred as the "Secretary") shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535, 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). To the extent practical the Secretary shall administer the park in a manner consistent

with the Blennerhassett Historical Park Commission Revised 1987 Long Range Plan.

(b) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) COOPERATIVE AGREEMENTS WITH STATE.—In administering the park, the Secretary is authorized to enter into cooperative agreements with the State of West Virginia, or any political subdivision thereof, for carrying out the purposes of this Act.

SEC. 3. ACQUISITION OF LAND.

(a) GENERAL AUTHORITY.—The Secretary may acquire land or interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) STATE LANDS.—Lands, and interests in lands, within the boundaries of the park which are owned by the State of West Virginia or any political subdivision thereof, may be acquired only by donation.

SEC. 4. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Blennerhassett National Historical Park Advisory Commission (hereinafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of 15 members appointed by the Secretary to serve for terms of 4 years. Not less than 10 members of the Advisory Commission shall be citizens of the State of West Virginia. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairman.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time-to-time, but at least semiannually, meet and consult with the Advisory Commission on matters relating to the management and development of the historical park. One of the goals of the Advisory Commission shall be to foster continuation of a cooperative and supportive climate with existing volunteer groups.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Commission meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(d) EXPENSES.—Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairman.

(e) CHARTER.—The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Commission.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Mr. ROCKEFELLER. Mr. President, today, with my distinguished colleague, the majority leader, Senator BYRD, I am very pleased to introduce legislation that will designate Blennerhassett Island as a national historical park.

Blennerhassett is a 507-acre island located 2 miles south of Parkersburg, WV, on the Ohio River. In addition to the historical significance of the island, the physical beauty alone would make a visit worthwhile. Inclusion of the island in the National Park System as a national historical park will serve to protect and promote the historical resources of the island for enjoyment by the people now and in the future.

The establishment of this park will commemorate a very significant event in American history. Aaron Burr, looking for financial backing and moral support for his plan to set up an empire in the Southwest sought out the owner and resident of the island, Harmon Blennerhassett. Blennerhassett liberally funded and actually took part in the preparations for the conquest of the Southwest. After Blennerhassett and Burr had fled the island, the Wood County Militia descended on the island and nearly demolished the mansion that Blennerhassett had constructed in 1798. The mansion was completely destroyed by fire in 1811 and the magnificent gardens were reclaimed by nature.

In the early 1970's the site of the mansion was located and uncovered. Thousands of artifacts were found and an enormous amount of information emerged. Much of the work to restore the island has been completed. While I was Governor, plans were developed to rescue the island from two centuries of neglect and reconstruction of the Blennerhassett Mansion was begun. A museum has been established to house the thousands of artifacts that were uncovered during the archeological excavations. The Blennerhassett Historical Park Commission, local civic groups, and the city of Parkersburg are to be commended for the extraordinary effort they have put into preserving the island.

The Blennerhassett story and the Burr episode are the most well-known facts regarding the island. However, the island would be a significant landmark in America's frontier history even if those events had not taken place.

The island was in the middle of the major thoroughfare, the Ohio River, to America's heartland. The size—4 miles long—and the location made it a natural rest stop for travellers. The diaries of travellers to the new frontier are replete with references to the island. The archeological digs have uncovered evidence of Paleo-Indians on the site and a continuum of artifiacts from that time on.

In this century the island is renowned for its agricultural production. The very rich top soil and the abundance of water have produced prize winning crops.

This project will not have to be developed from the ground up. The museum and mansion are there. Without any national marketing, the island currently attracts over 100,000 visitors annually to enjoy the surroundings and view the outdoor drama.

I am proud to have played a part in the redevelopment of this island and have visited there many times and it is certainly a historic gem. The Nation should be able to share this West Virginia treasure and that is why I am proposing that Blennerhassett Island become a national historical park.

By Mr. DOMENICI (for himself, Mr. WARNER, Mr. D'AMATO, Mr. DECONCINI, and Mr. MELCHER):

S. 1742. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

U.S. COINAGE REFORM ACT

● Mr. DOMENICI. Mr. President, I send to the desk a bill to reform America's system of coinage, to develop a system of coins more in line with the way we make purchases and handle cash.

I am honored to be joined in sponsoring this legislation by three of my colleagues, the distinguished Senator from Virginia [Mr. WARNER], the distinguished Senator from Arizona [Mr. DECONCINI], the distinguished Senator from Montana [Mr. MELCHER], and the distinguished Senator from New York [Mr. D'AMATO].

The reform I am sponsoring could save the Government and consumers millions of dollars each year, money spent to print dollar bills and the large sums spent to adjust the all-present vending machines so they accept dollar bills.

This bill authorizes the minting of a gold-colored Christopher Columbus dollar coin, a coin that will begin America's celebration of the discovery of the New World. Such a coin seems quite appropriate to me as a way to honor Columbus and the forthcoming 500th anniversary of his discovery.

At the same time, we will update our coinage with a distinctive coin we can spend with pride.

My proposal directs the Treasury to put the new coin in circulation within 18 months of enactment of the legislation. My bill also requires the Treasury to examine the advisability of phasing out production of both the penny and the half-dollar, and of rounding final cash sales to the nearest nickel.

I don't need to tell the American family what has happened to our purchasing power over the past several decades. While inflation is now quite low, the purchasing power of the dollar—and the coins that go with it—has dropped sharply. One dollar today buys what a quarter bought in 1950.

Every other country has experienced this drop in buying power, and many have updated their coinage as a result.

I am convinced that a golden colored dollar coin will be very popular with consumers.

Several other countries have introduced high denomination coins with great success. They learned from our experience with the Susan B. Anthony coin that a distinctive gold-colored dollar coin is acceptable to consumers, while a silver-colored one like the quarter is not acceptable.

Japan, the United Kingdom, Norway, Australia, and, most recently, Canada have circulated such coins, gold in color. In each country, they have provided for the replacement of the same denomination paper note, usually over a period of 3 years.

This has been suggested here, that we eliminate our dollar bill. The idea deserves serious consideration, but is not a part of the legislation. Nevertheless, I urge my colleagues on the Banking Committee to hold a hearing on this issue and establish a record on the pros and cons of phasing out the dollar bill.

Further, the reduced purchasing power of the penny has eroded its usefulness, while the half dollar is in only limited circulation. The need for continued circulation of these coins should also be evaluated. Our bill, as I mentioned, calls for this.

Why is coinage reform needed? The most significant reason to me is the savings to be realized by the Government and consumers from such reform. Based on data from the Department of the Treasury, the Government will save an estimated $117 million each year by minting a dollar coin, instead of printing a dollar bill.

In addition to the savings, the coin will be made of domestic metals, yielding benefits for our mining industry. The new dollar coin, while gold in color, will be mostly copper. In fact, the amount of copper needed for the new coin will be equal to the output of one domestic mine.

The savings result from a far longer life for coins, compared with bills, as well as the differential in transportation costs, plus the elimination of shredding costs. The 20-year life of the coin, compared to the 18-month life of the dollar bill, yields the greatest part of the savings, $75 million annually.

Another $39 million savings is associated with the reduced cost of transporting currency from U.S. Mint facilities to Federal Reserve Banks. An additional $3 million saving results from not having to destroy old, dirty dollar bills each year.

Additionally, the economy as a whole will benefit from reduced vending machine costs. Currently, the $2,400 per unit cost of dollar-bill changers, and the $400 per machine cost of retrofitting vending machines with bill acceptors are, of course, passed on to consumers. The dollar coin would eliminate these costs, while benefiting consumers.

Our mass transit systems face expensive retrofitting of fare machines on buses. Many of these costs could be avoided by use of a dollar coin. Such retrofitting recently cost Cleveland, Washington, and Chicago $5 million, $8.7 million, and $15 million respectively.

Mr. President, minting of a gold-colored coin will assure that the coin, even if it is not much different in size than the quarter, will still be easily distinguishable. And I am convinced from the experiences of other countries, that such a new coin will be welcomed by consumers.

Such a coin would offer additional benefits. With edges that would be distinguishable from the quarter, a dollar coin would aid those who suffer visual handicaps. With a dollar coin, visually handicapped consumers could make small purchases without the fear of inadvertently spending a large bill or being cheated of the correct change.

Christopher Columbus pursued his vision of a shorter route to the East by sailing west, despite much criticism and controversy. We need this same foresight and commitment in our pursuit of an updated and more efficient coinage system.

Mr. President, I urge my colleagues to support this legislation. It is time to examine the benefits of coinage reform.

Mr. President, I ask unanimous consent that a copy of the bill and a fact sheet on the legislation be printed in the RECORD.

Mr. President, I ask unanimous consent that immediately following my comments, the text of the bill and my factsheet on the dollar coin bill that I introduced earlier today, that there appear in the RECORD several articles dealing with updating our money and the Canadian experience with their new gold-color coin.

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

S. 1742

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Coinage Reform Act of 1987".

SEC. 2. ONE DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended by inserting after the fourth sentence, the following: "The dollar coins authorized under subsection (a)(1) are gold in color, have a copper content of at least 90 percent, and are minted and fabricated in the United States of metals from natural deposits located in the United States or in a territory or possession of the United States.".

(b) CHRISTOPHER COLUMBUS DOLLAR COIN.—Section 5112(d)(1) of title 31, United States Code, is amended by striking out the sixth sentence and inserting in lieu thereof the following: "The obverse side of the dollar shall have a design symbolizing the 500th anniversary of the discovery of the New World by Christopher Columbus.".

(c) EFFECTIVE DATE.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Treasury shall place into circulation one dollar coins authorized by section 5112(a)(1) of title 31, United States Code, in accordance with the amendment made by subsections (a) and (b).

SEC. 3 STUDY OF PHASING OUT OF ONE-CENT COINS.

The Secretary of the Treasury shall conduct a study to determine the advisability of phasing out production of the one-cent, and 50-cent coins and of rounding final cash sales to the nearest 5 cents. The Secretary shall report the results of such study to the Congress not later than 6 months after the date of enactment of this Act.

FACTSHEET—COINAGE REFORM LEGISLATION (SEPTEMBER 1987)

Legislation being introduced requires the minting of a gold-colored dollar coin and a study of the advisability of phasing out the penny and the half dollar coins.

The legislation does not require the withdrawal of the dollar bill. The Banking Committee needs to hear the experts on this and decide on the merits of this issue.

The coin will be designated as the Christoper Columbus dollar coin.

The coin color is critical to its acceptance to consumers. Japan, England, Norway, Australia, and most recently Canada have introduced gold-colored coins. The failure of the Susan B. Anthony dollar is largely attributed to its similarity to the quarter, size and color.

Every year the U.S. prints 3.2 billion dollar bills.

Within a year, they are dirty, torn, stained, and crumpled. Eighteen months later they are taken out of circulation and end up shredded.

This 18-month cycle costs the taxpayer a lot of money—about $127 million a year.

Due to the 20 year life of the coin, compared to 18 months life cycle of the dollar bill, and other cost differences, $117 may be saved each year.

$75 million saved due to longer life of the coin.

$39 million saved due to reduced costs of transporting currency from the U.S. Mint to Federal Reserve Banks.

$3 million saved due to elimination of shredding costs.

This is true even though a dollar bill costs 2.6 cents to print; and coin costs 3.5 cents to fabricate. The critical factor is the longer life of the coin. It means we need to mint far fewer dollar coins than dollar bills each year.

Minting dollar coins would use enough copper to keep one additional domestic mine open. This is roughly equivalent to one percent of copper consumption in the United States.

Use of a dollar coin virtually eliminates the need for expensive bill changers and acceptors. Bill changers cost about $2,400 each and retrofitting a vending machine to accept paper currency cost $400 per machine. In either case, the costs are passed on to the consumer.

Retrofitting of mass transit systems is also expensive. Cleveland, Washington, and Chicago have spent $5.0 million, $8.7 million, and $15.0 million respectively retrofitting fare machines on buses.

The purchasing power of our coins has changed considerably since 1950. Today it requires a dollar to purchase what a quarter would in 1950. It's difficult to find anything today that may be purchased for a penny!

Cosponsors of the bill include: Senator DECONCINI, Senator WARNER, and Senator D'AMATO.

Members of the coin coalition supporting the legislation include: the American Amusement Machine Association, Copper and Brass Fabricators Council Inc., the Copper Development Association, National Association of Convenience Stores, National Automatic Merchandising Association, National Packaging Association and the RP Foundation fighting blindness.●

HOW TO MAKE A BUCK IN THE 1980'S

(By James C. Benfield)

The United States currency system, fundamentally unaltered during this century, is in desperate need of change—specifically, a dollar coin.

The institution of a modern $1 coin would not only reduce government spending, eliminate the need for costly fare-box conversions, help hold down the cost of vending-machine products and aid the visually handicapped, but would remove various hidden costs of the outmoded dollar bill.

It would also be a sensible acknowledgment of inflation. In the past 30 years, the Consumer Price Index has risen from 84.3 to 338.7, a four-fold increase. Today's dollar is the quarter of the 1950's. In the Eisenhower years, a buck would buy hamburgers, french fries and soft drinks for two at McDonald's or Cokes for an entire baseball team. Today, it is no longer the threshold of a moderate purchase.

Moreover, a dollar coin would remove numerous inconveniences from modern life. With paper bills, we cannot make a long-distance call on a pay phone, buy a Sunday paper from a street box, drive through a toll booth or use a long-term parking meter. We wait in lines as Metro's farecard machines reject, then (perhaps) slowly accept bills. And the list of annoyances goes on.

THE HIGH COST OF MONEY

The American taxpayer would save over $50 million annually if a coin replaced the dollar bill. Athough coins wear 13 times longer, they have only a slightly higher initial material and minting cost—three cents apiece versus 2.6 cents for a bill.

These life-cycle savings would increase dramatically as the population and economy expand and more dollars are needed. From 1976 to 1986, for example, the number of dollar bills printed annually increased from 1.4 billion to 3.1 billion. In 1986, $1 bills accounted for 47.5 percent of all bills printed; some 3.8 billion are currently in circulation.

Based on Treasury estimates, the Fed would have to pay a total of $1.3 billion (in 1987 dollars) over the next 20 years to purchase and replace those 3.8 billion bills every 18 months—not counting internal handling costs. But the Mint would have to spend only $114 million for the same $3.8 billion in the form of coins. The Treasury Department is currently refining these figures.

But those are only the obvious savings. The technology required to deal with paper $1 bills is expensive, and those costs eventually are passed along to consumers in the form of higher prices. Conversely, eliminating the need for that machinery would hold prices down. Bill changes cost about $2,400 each, according to the National Automatic Merchandising Association.

In addition, without prompt currency reform many more masstransit authorities will be forced to follow the example of the Cleveland, Washington and Chicago systems, which recently spent $5 million, $8.7 million and $15 million respectively to refit buses with new fare machines to accept dollar bills. Yet Metro's old fare boxes would have accepted a dollar coin.

The New York City bus system has an easy solution to the paper-dollar problem: It doesn't accept them. No token or change, no ride-in spite of the phrase "legal tender for all debts" printed on all U.S. bills. A dollar coin would, however, negate the need for tokens, which are now used for about 37 percent of New York's bus fares.

If there were no dollar bills in circulation, small purchases by the visually impaired could be made without fear of accidentally spending a large bill or of being cheated when receiving change. Many blind persons have devised their own systems for telling paper bills apart: For example, folding fives in half, tens length-wise, twenties quartered and singles unfolded. Technology offers another solution: a six-pound talking paper-money identifier for $625.

CONFUSION AT THE EDGE

The last time a $1 coin was introduced—the Susan B. Anthony dollar in 1979—it was firmly rejected by the public. The U.S. government never formally studied the failure of the "Suzie," but the most serious problem seems to have been that it was easily confused with the quarter. Additionally, retailers didn't want to count and store both paper and metal dollars. The Treasury Department also conceded in a January 1987 study that the rejection was "due, at least in part, to the continued production of the dollar bill after the coin—the Susan B. Anthony dollar—had been released."

When people confused the Anthony dollar and the quarter, it was not because the two coins have similar diameters, but because both share an identical silver color and both have "reeding" (small ribs on the edges). The public has no problem differentiating dimes from pennies (which are very close in size, but different in color) or quarters from nickels, which have the same relative sizes as the quarter and the Anthony dollar. The key element for fingers in discerning coin differences is the contrast between smooth and reeded edges.

If a new $1 coin is designed, the Anthony dollar's dimensions should be retained, but it should be made without reeding and the color should be gold.

Several Western countries studied the U.S. experience with the Anthony dollar. Recognizing the problems of a paper-based currency system, they have introduced high-denomination coins, and in every case have removed or phased out the bill of the same denomination: 1982, the 500-yen in Japan; 1983, the 1-pound in England and the 10-kroner in Norway; 1984, the dollar in Australia; and in 1986, the 10-franc in France. Two weeks ago, Canada joined the reformers when it premiered its new $1 coin; its dollar bill is also on the way out.

Canada's new coin is the same diameter as the Anthony dollar, but offers two distinctive differences. The color is bronze-like and the edge is 11-sided without reeding (thus answering blind persons' chief objection to the Suzie—that it was hard to tell from a quarter).

Because the Canadian dollar retains the same dimensions as the Anthony dollar, U.S. vending-machine manufacturers, which export 90 percent of the machines used in Canada, will be able to employ existing coin-validators designed to accommodate the Suzie. By doing so, Canada also saved the expense of having to inventory and measure coins from every country in the world: The United States had already performed that task in designing the Anthony dollar, to ensure that no foreign coin of inferior value would accidentally prove to be interchangeable with the Suzie. If the United States were to change the dimensions of a new $1 coin, it would require a new measurement inventory, entailing further delay. And millions of coin-operated machines would have to be refitted.

U.S. designers had rejected a multi-sided, flat-edged coin for the Suzie because validators in coin-operated machines require a coin that rolls down a chute; a coin with flat sides might slide or bounce. So the Anthony dollar was made round. But along the inside perimeter, an 11-sided figure was stamped in relief to aid in differentiation. The Canadian Mint made its dollar coin 11-sided, and solved the "bounce" problem by making each side an arc instead of a straight edge.

HOW MONEY MAKES MONEY

Having been burned by the rejection of the Suzie, the Treasury Department is reluctant to take the lead in reintroducing a dollar coin. There are still half a billion of the original 800 million Anthony dollars sitting unused in the vaults of three U.S. Mints and 37 Federal Reserve branches across the country. The accounting system used in creating money has posed barriers to destroying these coins. Here's why:

To mint a dollar, one cent's worth of metal strip is purchased through the Mint's Coinage Metal Fund from private metal fabricators. (Congress appropriates two cents to the Mint for manufacturing costs.) The Mint then produces a coin worth—*presto*—$1. This dollars is recorded in the Coinage Profit Fund, which then replenishes the Metal Fund for one cent. The remaining 99-cent profit (called seigniorage) is swept daily from the Profit Fund into the Treasury's general fund.

If those coins were melted down, the process would have to be reversed—instantly adding nearly one-half billion dollars to the nation's deficit. But minting a new $1 coin would offer a solution as the new coins could be "traded" for the old coins without taking the seigniorage on the first 500 million minted. The old Anthony dollars could then be melted down.

For reasons of cost, efficiency and convenience, a diverse group of interests including the coin-operated-machine industry, metal producers and fabricators, convenience stores and the visually handicapped have joined to form the Coin Coalition. The group is calling for modernization of the U.S. currency system through the issuance of a well-designed dollar coin and a phased moval of the $1 bill.

Critics may well object that the elimination of dollar bills would add too much weight to the American pocket. (That was a serious problem in an earlier failed experiment, the Eisenhower dollar minted from 1971 to 1976. The coin was popular only in the West and in casinos, which made their own cartwheel-sized tokens when they found they needed more.) But for those who

prefer paper, there is always the $2 bill, which is very popular in Canada and Australia.

Some people fear that a dollar coin would make it easier for vendors to charge a buck for a Coke and for transit authorities to raise their fares to a $1. But the cost of materials, labor and capital remains the driving force of inflation, not the form of our currency. A coin at the dollar threshold will no more cause inflation than its absence will prevent it. There was no dollar window on gas pumps in 1973—but did that keep gasoline prices under a dollar after the Arab oil embargo?

Although there is no organized opposition to currency reform, there is substantial public inertia. Just as with Uniform Packaging Codes and the recent extension of Daylight Saving Time, a major education campaign is required to demonstrate that currency reform will help fight inflation and reduce government spending.

In successive steps, the United States has gone off the gold standard, removed silver from its coins and ceased to honor silver certificates. Controversy accompanied each change because an article of faith—faith being the basis of all money—had been altered.

Money is, after all, whatever a society agrees on—shells, beads, metal or a bank's computer printout. As Drake University economics professor Dwight Saunders used to tell his students, "Remember, we're only talking about ceremonially blessed dirty rags and mud pies."

[From the Washington Post, July 12, 1987]

THE PENNY GAMBIT

Any serious discussion of currency reform must address the elimination of the penny and the half dollar. Removing pennies from cash registers would make room for a $1 coin and produce numerous other benefits, including increased productivity. The National Association of Convenience Stores estimates that an average of two seconds is spent handling pennies during each of its members' 10 billion annual cash transactions—a total of 5.5 million hours costing an estimated $22 million.

The United States has been minting about 50 pennies per person annually, a staggering number considering that they are no longer used in coin-operated machines. Three-fourths of the U.S. Mint's output is pennies. A March 1986 study conducted at Disney's Epcot Center reported that adults had an average of 993 pennies at home; children under 18 had 1077 pennies.

Billions more are thrown away each year. One Florida solid-waste recovery plant alone—which processed 8,000 tons of waste weekly from about 650,000 residents in Dade County—collected between $50,000 and $60,000 in loose change every year between 1983 and 1985. About 80 percent of that was pennies. The Epcot study reported that 6 percent of adults between 18 and 34 freely admit to throwing them away.

What would it take to eliminate this obsolescent coin? One solution would be to legalize rounding up or down to the nearest nickel on cash transactions. (Payments by check or credit card would not be affected.) The rounding would occur after all purchases were totaled and sales tax added. Because merchants pay sales tax on monthly aggregate sales, taxing authorities would receive exactly the same revenue. Customer and merchant would stand an equal chance of gaining or losing a maximum of two cents.

Critics might complain that eliminating the penny would force prices up. But there is no "mill" (thousandth of a dollar) coin; yet we continue to price gasoline, bulk mail and stocks to the mill and round them without inflationary effect. Besides, the penny would not have to be banished or demonetized. Its use would simply atrophy, such as occurred when the U.S. stopped making half-cent coins in 1857. Moreover, to maintain the integrity of the currency system, all coins and paper money ever issued by the government remain legal tender.

As for the 50-cent piece, the public has already rejected it. No wonder: The coin is exactly twice the weight of the quarter, so there is no "pocket" economy in carrying it; and coin-operated machines won't accept it. The Mint will not issue any Kennedy half-dollars this year, owing to lack of demand.—JAMES C. BENFIELD.

[From the Tucson, Arizona Daily Star, July 19, 1987]

A DOLLAR OF COPPER HAS VALUE

(By Tom Beal)

Dollar bills spend like pocket change and pennies wouldn't be worth picking up were it not for the good luck involved.

So why not scrap the paper dollar, mint a new dollar coin and get rid of those pesky pennies?

That's the thinking of two lobbyists who have formed the Coin Coalition to push Congress into currency reform.

Bruce Wright, formerly the top aide to Rep. Mo Udall, says the concept of a dollar coin started as a method for the slumping copper industry, but over the past few years has gotten him interested in the whole subject of currency reform.

Wright's "hobby lobby" to push for a copper dollar has turned into a major effort to bring U.S. currency in line with the rest of the world. Canada, Great Britain, France, Australia and most of the other industrialized countries of the world have introduced mass circulation coins of a dollar equivalent, while the United States is stubbornly sticking to the old greenback dollar.

A bill has been drawn up, members of Congress have been lobbied, and Wright and lobby partner Jim Benfield hope to have the bill introduced later this summer.

The bill would order the mint to develop and produce a new dollar coin—gold-colored but made mostly of copper that would have to be bought from domestic sources. Production of the dollar bill would be halted within three years, and a study on the fesibility of doing away with the penny would be ordered as well.

There are a lot of attachments to pennies and paper money, and a lot of resistance to a dollar coin that must be first gotten out of the way, but the two men think the measure has a fighting chance of being given good consideration.

First though, the nation has to forget the Susan B. Anthony experience. You might remember the Susan B's Dollar coins minted in 1979 that were purposely made small enough and light enough to become a mass-circulation item. Before the Susan B, dollar coins were of the substantial variety—the Eisenhower dollar, a pocket buster that people loved to collect but hated to carry.

The Susan B's failed for a different reason. They looked and felt like quarters, even though they were a wee bit larger. And some of us, sad to say, had trouble dealing with the feminist message that Susan B's visage represented.

The U.S. Mint made up more than 800 million Susan B's. It still has about 500 million. Nobody but collectors want them.

Actually that's not quite true. Susan B's are in demand in Baltimore. There, the Baltimore transit authority uses them as the principal medium of exchange for its fare machines, keeping about 60,000 of the dollar coins in circulation.

Some of the biggest support for dollar coins comes from the vending-machine industry. From their viewpoint, it's not their rising prices, but the degradation of the currency that has caused you to stand in front of their machines feeding coin after coin into the slot to make a major purchase. A $1.75 pack of cigarettes, for example, requires anywhere from seven to 35 coins.

Likewise, the nation's transit and toll-road systems would benefit from a mass-circulation dollar coin. In some Eastern metropolitan areas, commuters buy their quarters in rolls to have them ready for the collecting machines.

But the really incredible efficiency argument comes from the convenience-store operators, who have been enlisted in the battle for currency reform.

Benfield, in an article he wrote for The Washington Post, says estimates made by the National Association of Convenience Stores claim that pennies add two seconds to each cash transaction. Multiply those two seconds by the 10 billion annual cash transactions (I knew there were too many convenience stores in the world) handled by the nation's Circle Ks, 7-Elevens, and Piggly Wigglys and you find: (Are you ready?) 5.5 million person hours worth $22 million.

Think of it, convenience stores could use that money to put another couple of ounces in their "Big Slob" soft drinks.

The pesky pennies, meanwhile, account for 75 percent of the U.S. Mint's production—a lot of time and effort for a coin that is so little valued that most of them get on the bureau every night, and containers of them are offered free at a growing number of the nation's cash registers: "Need a penny, take one; Have a penny, leave one."

It might seem strange that an idea that began as a method of developing a new copper product would cause the penny to become extinct. But that's no problem in the copper-producing states, says Wright. Pennies are made of 95 percent zinc.

The real copper coins are dimes, quarters, half dollars and Susan B's. They all contain 92 percent copper.

Wright also makes a good argument for the economics of dollar coins.

Coins are more expensive than paper dollars to make—3 cents, as opposed to 2.6 cents each. But they last 10 times longer and would save us an estimated $50 million annually.

The arguments are impressive, and they'll be needed to convince a skeptical public that this whole thing isn't just a ploy to get us to pay more money for goods. If the penny is phased out, cash transactions will have to be rounded to the nearest nickel. That's fine if the bill is 52 cents and we only have to pay 50, but what about those times when the bill is 53 cents?

That's one of the reasons the bill suggests a study of the penny issue.

For one thing, we'll have to cover our cars and ourselves on the day it begins to rain the much heavier "nickels from heaven."

[From the Fort Wayne, IN, Journal-Gazette, Sept. 22, 1987]

CHANGE THE DOLLAR BILL

Replace the one-dollar bill with a coin?

Yes. There's a compelling case that such revamping is greatly needed.

Later this week, Sen. Pete Domenici, R-N.M., and Rep. Jim Kolbe, R-Ariz., will introduce in Congress the United States Coinage Reform Act of 1987. The bill proposes the nation mint a dollar coin and phase out the dollar bill. Because of the benefits to taxpayer, business and consumer, the measure deserves support.

The dollar bill is, to put it concisely, a waste of money. Dollar bills last, on average, about 18 months. Coins last about 20 years. The Federal Reserve estimates the government would save $50 million annually if it replaced the one-dollar bill with a coin.

And, as the years went by, the savings would increase. James C. Benfield, executive director of the The Coin Coalition, has said Treasury Department estimates show that replacing the 3.8 billion one-dollar bills currently in circulation will cost the government about $1.3 billion (in 1987 dollars) over the next 20 years. Conversely, it would only have to spend about $114 million if coins were the currency.

Admittedly, The Coin Coalition is a group of special interests—including metal manufacturers, amusement and vending machine owners and owners of convenience stores. But the coalition participants argue persuasively that what's best for them is best for the consumer.

Take vending machines, for example. Because of inflation, it's practically a necessity now for vending machines to either be placed near dollar change machines or to be retrofitted to accept bills. However, dollar changers cost about $2,400, and it costs about $400 to retrofit a machine. Such costs, says the Coin Coalition, are borne by consumers. The coalition also argues such expenses wouldn't happen with a change to a dollar coin, because many machines already can accept them.

The benefit to the blind of the dollar coin also is great. A dollar coin that's distinct in feel from other coins would increase the ability of the visually handicapped to make larger purchases. It also would protect them from unscrupulous cashiers.

Some may be skeptical of the dollar coin because of the flop of the Susan B. Anthony dollar a few years ago. But advocates say the dollar coin can be successful, if it's distinct from other coins in both color and edging. (That wasn't true of the Susan B. Anthony, which seemed to many a close cousin of the quarter.) Furthermore, for the coin to gain widespread use, the one-dollar bill will have to go. The Susan B. Anthony fiasco showed the public will remain faithful to the familiar, as long as its presence is secure.

In recent years, many other nations—including Great Britain, Japan, Australia and, most recently, Canada—have made a successful transaction to high-denomination coins. The United States should now make the correct change—to the dollar coin.

[From the Chicago Tribune, June 27, 1966]

FREEING US FROM BONDAGE TO OUR USELESS MONEY

(By Stephen Chapman)

Last year, for my son's first Christmas, his paternal grandparents decided to make a contribution toward his college education. Like most people, they stash their pennies in a jar, rather than carry the little nuisances around. So on Christmas, they presented my wife and me with a cookie tin filled with pennies. This struck me as a thoughtful gift, and as a clever way to dispose of their pennies.

A few days later I loaded the tin into the car, along with a jar of pennies I had accumulated, and set out for a bank that could convert them into some usable form. Upon pulling into its parking lot, I placed my freight atop the trunk and closed the car door. At that moment, the containers slid off the car, fell to the asphalt and scattered the pennies to the four winds.

I spent the next half-hour grinding my teeth and retrieving these miniature homages to Abraham Lincoln—all 5,237 of them. Had a lawyer been handy at the time, I would have eagerly signed a document formally disowning my parents. Instead, I informed them that all future monetary gifts should be made in a form that will fit into a wallet.

Given this experience, readers will not be surprised to learn of my heartfelt support for a new campaign to overhaul the nation's currency. Step One is to stop minting pennies and allow merchants to round the price of a purchase up or down to the nearest nickel. Step Two is to eliminate the dollar bill and replace it with a coin. Result: Freedom from our enslavement to an outmoded currency.

The idea is being pushed by a coalition of groups—an antiblindness foundation, convenience stores, vending machine operators and commercial parking lots. Each of them has a special motive. The blind can distinguish among coins but not among bills, so they would welcome a dollar coin. Convenience stores would be spared the cost of handling pennies. Vending machines would no longer lose purchases by people who have nothing smaller than a dollar. Parking lots could rely more on automated cashiers.

But the rest of us also stand to gain. No more pockets bulging with one-cent pieces that won't buy anything. No more copper-filled jars on the dresser. No more swearing at balky dollar bill changers.

The change also conforms to the demands of the Gramm-Rudman era. It would save the Treasury $50 million a year, reports Fortune magazine, since a dollar coin would outlast the paper version. The government would no longer have to replace the 1.4 billion pennies that vanish from circulation every year.

Other government units would also gain: Municipalitiees that provide mass transit, for instance, would be spared the expense of handling dollar bills. if the dollar bill had been replaced with a dollar coin before now, the Chicago Transit Authority wouldn't have had to spend $15 million to outfit buses with fare boxes that accept bills.

Of course, a new dollar coin was introduced in 1972—a smaller, more practical one than the chunky old silver dollar. But it was abandoned the next year for a disastrous lack of public acceptance. The Susan B. Anthony dollar fell victim to two mistakes: the Treasury's failure to make it easy to distinguish, by sight and by feel, from the quarter, and its preservation of the dollar bill. The Dollar Penny Coalition recommends an 11-sided, smooth-edged, brass coin, to avoid confusion, with the dollar bill scrapped to encourage the coin's acceptance.

All this sounds fine until we get to rounding off prices, where the consumers's instinct is to expect the worst. But the change won't matter much, since the worst that can happen is a two-cent price increase for an entire purchase—from, say, $23.78 for a bag of groceries to $23.80.

Americans are already accustomed to rounding off for purchases of gasoline, which is priced to the tenth of a cent, and of items priced at two-for-59-cents. Keep in mind that tody's nickel is worth less than a penny was in 1945. Prices then were "rounded" up or down to the nearest cent, but it was done invisibly. If the nation survived the demise of the half-cent piece, which occurred in 1857, it can live without the penny.

Any loss would be more than made up in time saved, productivity increased and aggravation eliminated. If you doubt, try to picture me on my hands and knees in that bank parking lot, picking pennies out of the broken glass, and consider the possibility that next time, it might be you.

LOOKS LIKE IT MAY FLY: CANADA TRIES A LOONIE IDEA: A $1 GOLD COIN

(BY DAVID R. FRANCIS)

OTTAWA.—"Go with it," says the television message. The ad isn't for some new yogurt or soft drink. It's for Canada's new gold-colored $1 coin.

So far, Canadians are doing just that—going with it. Since the coin was introduced early last summer, Canadians have "bought" more than 75 million of them. For several weeks the handsome coins were pocketed as rarities or curiosities. Now, says Denis M. Cudahy, vice president of manufacturing at the Royal Canadian Mint, they are showing up more often in transactions, as 6 million a week are minted.

The Canadians have even coined a name for their new coin—the "Loonie"—referring to the loon, the watergoing bird with the eerie call, which it engraved on the reverse of the coin. (A likeness of Queen Elizabeth II is on the obverse side.)

"It is not a derogatory term," says Mr. Cudahy. "People tend to give nicknames to things they like." The Canadian Press news agency was quick to give the nickname an official spelling—Loonie—heading off renderings such as Looney or Loony.

For the Mint, the coin's easy acceptance is a considerable relief after the American public's flat rejection of the Susan B. Anthony $1 coin, introduced in 1979 only to pile up in the vaults of the Federal Reserve System. Apparently consumers in the United States found it too similar to the quarter and not especially attractive.

The Canadian Mint, which moved back into its rehabilitated castle-like home here in July 1986, decided to learn from the US experience. It also studied the example of Britain, which introduced a 1£ coin in 1983 and discontinued its 1£ note in 1984.

To carry public acceptance, Canada's new currency was designed to have a pleasant "fondle factor." The coin is sufficently larger than the quarter to be distinctive; it has 11 sides, enabling even the blind to recognize it easily. And the coin is attractive, with its copper-tin (bronze) aureate coating electroplated onto the nickel planchet before striking.

Canadians seem to like the design, perhaps because many have an affection for the loon, a diving bird that's common in Canada, although it has become fairly rare in the US.

To make certain the coin would do what it was intended to do—replace the paper $1 bill—the government announced at the start that it would withdraw the $1 bill starting

and ending in 1989. This has given the vending machine industry an incentive to start converting its machines to accept the coin.

On the other hand, when the U.S. Treasury introduced the Susan B. Anthony, it was silent about its intentions for the $1 bill. So the vending machine industry decided to wait and see about converting equipment, and there was little incentive for the public to make the switch.

Canada also has the advantage of having in wide circulation a $2 bill, so consumers don't have to jump from a $1 bill to a $5 bill in making change.

Because the new dollar coins are expected to last at least 20 years in circulation, far longer than the year or so for paper $1 bills, the new coins will save the government money. It expects to save some $175 million over a period of 20 years in production and distribution costs.

Since the coin costs only 12 cents to make and has a face value of $1, the government should also make a profit, known as "seignorage." That profit, says Cudahy, could amount to $270 million, if the Mint is able to circulate about 600 million of the coins to replace its 300 million $1 bills.

Public-transit companies expect to save $4 million a year by not having to unfold dollar bills put in collection boxes. Vending-machine operators hope to do more business because of the convenience of a $1 coin. Thousands of "Use It Here" decals have been placed on converted vending machines.

Though the government apparently is not financially loony in making this biggest change in the Canadian currency in some 50 years, there was some looniness involved in its introduction.

For one thing, the original design featured a traditional "voyageur" theme on its reverse side—a portrayal of a white man and an Indian in a fur-laden canoe. But the master dies for this design mysteriously disappeared during a snowstorm last November, when they were transported from Ottawa to the production plant in Winnipeg by a courier company.

The dies have not shown up despite an intensive search by the Royal Canadian Mounted Police. So for security reasons, the Mint substituted the loon motif.

Mr. Cudahy isn't entirely unhappy with the switch, noting that the loon is common to all of Canada, whereas the voyageurs were something of an eastern Canadian theme.

Another bit of looniness occurred when a Mint mix-up resulted in some of the coins being distributed to the public in the west a week early.

On the whole, however, Mint officials are delighted with the reception to the coin. A public survey shows 65 percent firmly in favor of the coin and another sizable percentage fence-sitting.

Says Mint spokesman Murray Church: "Going loonie has become an in thing."

[From Coin World, July 22, 1987]

ROYAL CANADIAN MINT LAUNCHES LOON DOLLAR: MINT OFFICIALS PREDICTING SUCCESS FOR SMALLER DOLLAR COIN

(By David L. Vagi)

"We've got a winner" is how a Royal Canadian Mint official characterizes the debut of Canada's newly-released "Loon" dollar coin.

Destined to replace Canada's current large-size $1 coin in 1987 and its paper dollar by 1989, the 100 million Loon dollars which have been struck seem to have won a place in the hearts of Canadians, said RCM Director of Communications Murray Church.

Named after the loon, a Canadian waterfowl which is depicted on its reverse, the new 26.5-millimeter dollar coin is struck on a nickle-core planchet electroplated with aureate, an alloy of 88 percent copper and 12 percent tin. It is the yellowish aureate coating and the 11-sided planchet which distinguish the Loon dollar from other Canadian coins.

"The new dollar is more than just another coin," according to the RCM. "It is the most significant change to our coinage system in the last 50 years," a change RCM officials say virtually every Canadian will benefit from.

"The public is viewing the new dollar as a logical evolution in our currency system," Church said.

DIFFERENT IN EVERY WAY

Though the same diameter as the United States' ill-fated Anthony dollar, Church said the Loon dollar is different from the Anthony dollar in most every way.

"The devices are entirely different, it is 11-sided and is yellow-gold in appearance," Church said. For these reasons Church believes the Loon dollar will not be confused with Canada's 25-cent coin, the main reason for the U.S. public's rejection of the Anthony dollar.

Though the attractiveness of the Loon dollar is cited as the main element in the coin's success, Church said several other factors have boosted the coin's popularity. Among them were the decision to eliminate the paper dollar, the existence of the Canadian $2 bill, extensive media coverage and cooperation from business and special-interest groups.

Having researched the small-sized dollar coin option for more than 10 years, the RCM decided it would be best to eliminate the Loon's competition: the Canadian paper dollar. Church said using the Loon dollar, which can survive more than 20 years of circulation, could save the RCM more than $175 million [illegible]pared to the paper dollar, which has a life expectancy of one year.

Adding to the utility of the $1 coin is the $2 bill, which the Bank of Canada intends to keep in circulation. Church said this was one of the drawbacks of the Anthony dollar program; very few U.S. $2 Federal Reserve notes were circulating, leaving the familiar $1 Federal Reserve note to compete directly with the new dollar coin.

[From the American Metal Market, July 24, 1987]

ALLOYING AND PRECIOUS METALS—CANADA'S NEW $1 COIN GARNERS POSITIVE RESPONSE FROM PUBLIC

(By Caroline Byrne)

TORONTO.—Canada's new $1 coin has met with an overwhelmingly favorable response from bankers, vending machine operators and consumers since its introduction July 1.

Forty million $1 coins are now in use, with another 100 million to be circulated by the end of this month. When the dollar bill is gradually phased out over the next year, an estimated 300 million dollar coins will be circulating in the Canadian market, said a spokesman for the Royal Canadian Mint.

Sherritt Gordon Mines Ltd. has been contracted to supply up to 6 million of the bronze-nickel blanks over the next three years. Each is an 11-sided nickel alloy coin with an electroplated bronze coating containing 88 percent copper and 12 percent tin.

The coins weigh 7 grams each with a diameter of 26.5 millimeters and thickness of 1.43 millimeters. In its finished state, the gold-colored coin bears a portrait of a Canadian loon and the standard effigy of Queen Elizabeth II on the reverse.

The new dollar costs approximately 12 Canadian cents (9 cents) to produce and will save the Canadian government about C$175 million ($131 million) over the next two decades, according to the mint spokesman. He said the coin has a 20-year lifespan compared to the one-year life of the paper bills. The added life will trim the excessive cost of production, distribution and recall which accompanied the paper bill.

In addition to saving the government money, the dollar coin is being lauded by business groups across the country. The Canadian Automatic Merchandising Association believes the coin will give a boost to the C$368, million ($276 million) annual vending machine sales recorded in 1986. Don Blowe, the association's executive director, said the coin is convenient and speeds up service.

Blowe also said the coin will allow merchandisers to increase the variety of vending machine food from the traditional coffee and confectionary snacks. He said some vendors already are experimenting with pasta, salads, chicken and fish dishes and even magazines.

Thirty percent of vending machine slots already have been converted at a cost of C$58 ($43.50) per machine and more are being changed over every day, Blowe said. Cigarette machines were the first to accommodate the coin, which is 11 percent larger than the Canadian quarter.

The Canadian Bankers Association said adjustments to accommodate the new coin have created less expense than anticipated.

"The government asked us to survey the movement of $1 notes and to look at weight and storage space," said George Girouard, banking association assistant director of operations. "We originally estimated it would cost an extra C$1.5 million to C$2 million ($1.13 million to $1.5 million) for transport and storage, but we've lowered that estimate considerably."

One reason, said Girouard, is that the government will establish new coin distribution centers across the country as demand for the dollar increases over the next six months. Canada currently operates one center in Winnipeg, Manitoba, which means coin order and delivery can take about three weeks.

Girouard said the Bank of Canada will deliver the new dollar coins to commercial banks in several days, reducing the need for costly storage space.

Bank cash drawers, counting and rolling equipment must also be changed to accommodate the new coins, but Girouard calls the adjustment costs insignificant.

The Retail Council of Canada has given its full support to the introduction of the dollar coin and the phasing out of the dollar bill, according to council president Alasdair McKichan.

He said the council has not yet received reactions from retailers using the coin, but he was certain its acceptance is going smoothly. "If there were any problems I'm sure we'd have heard them," he said.

McKichan has advised members of the council that changes will have to be made to wrapping and sorting machines, but said the cost will be minimal.

The public seems equally appreciative of the new dollar, according to surveys con-

ducted by the mint, which used a test coin to poll Canadians every six months during the last two years to determine acceptance of a metal dollar. According to a mint spokesman, 75 percent of the 1,020 people surveyed said they would feel comfortable with the coin within three months. Those opposed thought the coin would be too heavy and awkward, but most of the people based their opinion on practicality and economic factors, said the spokesman, adding, "It was really a phenomenally positive response."

The new coin, nicknamed by some the "loony coin," was originally to have displayed two canoeing voyagers, but the design was revised earlier this year when the mint's master dies disappeared from an Ottawa courier company during a snowstorm. A Royal Canadian Mounted Police investigation is still underway.

[From the Arizona Daily Star]

LOBBYISTS HOPE $1 BILL WILL FOLD IN FAVOR OF COIN THEY'RE PITCHING

(By Dinah Wisenbert)

WASHINGTON.—The way Jim Benfield sees it, dollar bills are a nuisance.

They don't cooperate with vending machines, they waste taxpayers' money and they pose problems for the blind.

So Benfield, a Washington lobbyist, and Bruce Wright, a Tucson media consultant and former aide to Rep. Morris K. Udall, D-Ariz., are leading an effort to replace dollar bills with dollar coins made with copper.

"Copper happens to be just about the best metal you can have," said Benfield, a veteran of the successful effort to expand daylight-saving time by three weeks, signed by President Reagan last July.

Over the past year, Benfield and Wright have assembled a seven-member Coin Coalition aimed at convincing the government to kick the dollar bill habit in favor of gold-colored coins.

The group wants the coin to be composed of the same metals as the quarter, which is 92 percent copper, Benfield said.

Its members represent a variety of interests; the American Amusement Machine Association, Copper and Brass Fabricators Council Inc., the Copper Development Association, National Association of Convenience Stores, National Automatic Merchandising Association, National Packaging Association and the RP Foundation Fighting Blindness.

Although they have not begun serious lobbying yet, the coalition has spoken to Udall, Rep. Jim Kolbe, R-Ariz., and Sen. Pete Domenici, R-N.M., and are circulating draft legislation in the Senate.

Benfield advances several arguments for a dollar coin.

Coins are handled more quickly than bills, vending machines can accept them more easily, the blind can identify their value better than they can that of bills, and they last longer, he said.

A dollar bill costs 2.6 cents to make and lasts 18 months, while a coin would cost 3 cents to make and last 20 years, he said. Use of a dollar coin would save the government between $50 million and $100 million a year, Benfield said.

He conceded that the U.S. Treasury Department "got burned once" when it minted the Susan B. Anthony dollar coin. Of the 800 million Anthony dollars originally minted, $500 million in the unpopular coins remain in Treasury vaults across the nation.

Benfield said the fundamental problems with the Anthony dollars are that they have the same color and reeding (small ribs around the edge) as the quarter—making it difficult to distinguish between the two coins—and that its release wasn't accompanied by a phasing out of dollar bills.

"The dollar coin will not succeed unless we ultimately phase out the dollar bill," he said. Benfield noted that several countries have done this—most recently Canada.

But with all those "Suzies" in storage, the Treasury Department isn't ready to change.

"We don't have any plans at this time to issue a dollar coin," said Hamilton Dix, a spokeswoman for the U.S. Mint. The Treasury Department would only mint a new dollar coin and stop making dollar bills if Congress passes a law requiring it to do so, she said.

"I'm not going to promote a new copper dollar (until I) make sure it can fly," Kolbe said recently. "We're still just looking at it."

[From the Coin World, July 22, 1987]

"LOONY" SUCCESS COLORFUL IN CANADA

The apparently successful flight of Canada's new golden Loon dollar coin into general circulation and initial acceptance on the part of Canadian public is, no doubt, a gratifying experience for those on the Royal Canadian Mint staff who have worked closely with the project during the last five years.

The Loon's apparent success, however, is no surprise. Especially for those who have closely followed the workings and programs of the RCM in recent years, two words come to mind: professionalism and efficiency. The RCM is a Crown Corporation, meaning that it is operated much the same as a private corporation as opposed to a government agency (bureaucracy). Emphasis is placed on research, planning and marketing to support and enhance its products whether they be numismatic coins, bullion coins, medals or coins for general circulation.

A recent conversation with James C. Corkery—now chairman of the board but Master of the Mint at the RCM when much of the spadework in preparation for the new dollar coin was done—reminded us just how much effort has gone into this latest Canadian success story.

Mr. Corkery reminisced that it was just five years ago in early July that he had first publicly broached the possibility of a new circulating dollar for Canada (Canada's circulating nickel dollar was generally unpopular). He was Master of the Mint then and was speaking before a Rotary club. Of course, basic research had been conducted prior to that. And naturally, the RCM had examined carefully the failure of the Susan B. Anthony dollar in the United States and the various experiences of other countries as they moved toward replacing their dollar-like denominated notes with small-sized dollar coins. As the RCM probed the successes and failures, the profile for success began to emerge: the most useful dollar coin would be light in weight and easily distinguishable from other coins. A central prerequisite to guaranteed circulation would be the withdrawal of the $1 note.

Ideas and information about specification needs were sought early from such diverse but important sectors as public mass transit, the vending machine industry and representatives from organizations for the blind. Private industry was invited to develop an alloy which could be used for the new coin. When the RCM went to Parliament for approval, it had test samples in hand and a coalition of supporters already formed. But the work didn't stop with parliamentary approval.

Further test marketing was done and there was an all-out effort to keep those in the public sector who would use the new coin informed, even to the extent of being able to handle and use test tokens.

A potential disaster—the loss of the dies for the Voyageur design which had been selected for continuance—was turned into a positive move with the subsequent selection, after a skillful public relations campaign, of the alternate Loon design. Press coverage of the new design selection and official striking ceremonies added to the public anticipation.

Mr. Corkery related the fun he has experienced each day at lunchtime when he has taken rolls of the new coins with him. He already has experienced a number of people rushing over to buy from or trade with him, just because they like the new coin.

Yes, the success is sweet. And it can be savored because it demonstrates that the needs of the public and the interests of government can be accomplished efficiently and harmoniously.

Congratulations, RCM!

● Mr. WARNER. Mr. President, I rise in support of the U.S. Coinage Reform Act of 1987 introduced by the distinguished Senator from New Mexico, Mr. DOMENICI, that would authorize the striking of a new one-dollar coin.

The most recent example of a country which has realized the benefits of a coin over a paper bill is Canada, with its newly minted gold-colored dollar. Placed in circulation last June, it joins the ranks of other high denomination coins successfully introduced since 1982 by Japan, Israel, England, Norway, and Australia.

Inflation, over the last couple of decades, has sharply reduced the purchasing power of our bills and coins. Unfortunately, today's dollar is the quarter of the 1950's. For even the most mundane of purchases today, we find we must use paper money. How nice it used to be to reach into a pocket, extract a coin and buy a soda or a candy bar. Now we either have to pull out a bill or fumble with a fistful of change.

Our minting of the Susan B. Anthony dollar in 1979—a sensible acknowledgment of the effects inflation has had on our currency—lacked public acceptance not because the need for a dollar coin didn't exist, but primarily because the coin looked and felt like a quarter. Put the new Canadian gold-colored dollar in your pocket and feel the difference. You'll never confuse this coin with a quarter.

A significant benefit of minting a new dollar coin is that it would save the Government well over $50 million annually. Coins last 20 years, while a dollar bill's life is only 18 months. In fact, it costs the Federal Government $16 million alone to handle and destroy dollar bills each year.

Over the next 20 years, the Federal Government would have to pay a total of $1.3 billion to purchase and replace old bills. Conversely, it would only cost $114 million over the same period of

time to purchase and replace dollar coins.

Furthermore, consumers would save money at vending machines, as well as finding them easier to use. Bill changers cost $2,400 and retrofitting machines with bill acceptors (which are imperfect, at best) costs approximately $400 per machine—costs that are passed on to the customer. On the other side of the coin—so to speak—most vending machines are currently configured to accept a dollar coin.

Without a dollar coin, mass transit systems will be forced to follow the examples of Cleveland, Washington and Chicago, which recently spent $5 million, $8.7 million and $15 million respectively to refit buses with new fare machines to accept bills.

How many times have we had trouble getting a vending machine to accept a slightly rumpled or dirty dollar bill? One can hardly make a long-distance phone call from a pay phone with a dollar bill, but a dollar coin would make this possible. This same logic holds true when you apply the dollar bill to other daily situations, such as buying a Sunday paper from a street box, going through an exact change line at a toll booth, or depositing money in a long-term parking meter.

Having a U.S. dollar coin has the added social benefit of allowing visually impaired individuals to make small purchases without fear of accidentally spending a large bill or being cheated when receiving change. Here again, the Canadian example proves instructional. The distinctive 11-sided smooth edge of the Canadian dollar differentiates it greatly from the rough-edged, round quarter. This was not the case with the Susan B. Anthony dollar which, to the touch, proved to be indistinguishable from the quarter. Questions of convenience for the many can be matters of great expense to the few.

This legislation not only reduces Government spending, but also responds to the practical need for a high denomination U.S. coin. The need for a new dollar coin is abundantly evident. The time to act on this bill is now.●

By Mr. DURENBERGER (for himself, Mr. WALLOP, and Mr. GRASSLEY):

S. 1743. A bill to amend the Internal Revenue Code of 1986 to restore income averaging for farmers; to the Committee on Finance.

RESTORATION OF INCOME AVERAGING FOR FARMERS

● Mr. DURENBERGER. Mr. President, today I am introducing legislation along with Senators WALLOP and GRASSLEY that would restore income averaging for American farmers. Last year, the Senate version of the tax bill permitted income averaging for farmers. However, the final version of the tax bill repealed the income averaging provisions of the Tax Code. I believe that was a mistake, and my legislation would rectify that error.

Mr. President, restoration of income averaging for farmers is a simple matter of fairness. To a very large extent, farmers have little control over the amount of money they earn each year. Farmers' incomes fluctuate significantly each year depending on the vagaries of the weather and global supply and demand. A farmer may have a good crop and have taxable income of $40,000 in 1 year, and then suffer a drought or flood which destroys most of his crop and reduces his taxable income to only $10,000.

These year-to-year income fluctuations not only cause economic uncertainty and distress to family farmers, but without the benefit of income averaging, these farmers are liable for more taxes, than another individual whose earnings are relatively constant. Let me give you an example of the extra tax liability that results from such income fluctuations under the 15-percent and 28-percent rate structure scheduled to go into effect next year.

A farmer with taxable income of $40,000 in 1988 and $10,000 in 1989 would be liable for $9,100 in Federal taxes. By contrast a salaried employee who earns $24,000 in 1988 and $26,000 in 1989 would only be liable for $7,000 in Federal taxes. Both the farmer and the salaried employee had total taxable income of $50,000 over the 2-year period. However, because of the wide fluctuation that the farmer endured, he is liable for $1,600 more in taxes. Mr. President, that just is not fair.

The legislation we are introducing would address this unfair disparity by permitting farmers to income average. As under prior law, farmers would be able to reduce their tax liabilities during a year when their income is at least 40 percent greater than their average income for the preceding 3 years.

Mr. President, whether we have 14 or 2 tax brackets, and as long as we rely on annual tax reporting periods, the tax system will penalize individuals whose incomes fluctuate substantially. We all know that the American farmer endures the greatest year-to-year fluctuations and there is no reason that the tax system should penalize them for enduring such broad income shifts. Income averaging made sense before the Tax Reform Act of 1986 and makes just as much sense after the adoption of that legislation.●

● Mr. WALLOP. Mr. President, I am pleased to join with the Senator from Minnesota [Mr. DURENBERGER] to cosponsor this bill to restore income averaging for farmers.

No other group of taxpayers deserve to average income more than farmers. Farming, unlike many other industries and businesses, is governed by one great unknown—weather. This makes farm income volatile, with steep peaks and deep valleys.

Bad weather causes valleys in a farmer's income line. Drought can wipe out a crop just as certainly as an August hail storm. In my State of Wyoming, too much or too little moisture can reduce the quality of the barley crop used by the brewing companies. An adverse turn in the weather can change high quality barley into something barely suitable for cattle feed. Prices decline and income suffers.

Then there are the good times. The weather cooperates. Prices are firm, supply and demand are in balance. These are peaks in the farmer's income line. Income averaging allows the farmer to level the peaks, fill in the valleys, and recognizes the volatility of farming income when the time comes to pay his tax.

Income averaging was a fixture in the Internal Revenue Code of 1954 for many years. The provision was included in the Senate passed version of the Tax Reform Act of 1986. Somehow, the provision died in the conference report. It's demise was yet another reason why I voted against the final version of the Tax Reform Act of 1986. It is time to revive this provision.

Mr. President, this bill contains several important provisions to prevent abuse. First, 50 percent or more of the average gross income over the past 3 years must be attributable to farming. Second, the taxpayer must be actively engaged in farming operations. These rules are designed to ensure that income averaging is used by legitimate farmers, and not by those who are farmers in name only.●

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 533

At the request of Mr. THURMOND, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 1075

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota [Mr. BOSCHWITZ] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1075, a bill to require the processing of applications from Cuban nationals for refugee status and immigrant visas.

S. 1349

At the request of Mr. McCAIN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to improve the portability of pension benefits, and for other purposes.

S. 1440

At the request of Mr. EVANS, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1440, a bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children Medicaid and Food Stamp programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes.

S. 1464

At the request of Mr. CRANSTON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1464, a bill to amend title 38, United States Code, to provide eligibility to certain individuals for beneficiary travel payments in connection with travel to and from Veterans' Administration facilities.

S. 1483

At the request of Mr. HEINZ, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1483, a bill to reestablish food bank special nutrition projects, to establish food bank demonstration projects, and for other purposes.

S. 1485

At the request of Mr. MELCHER, his name was added as a cosponsor of S. 1485, a bill to amend the Federal Aviation Act of 1958 to provide various protections for passengers traveling by aircraft, and for other purposes.

S. 1511

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1511, a bill to amend title IV of the Social Security Act to replace the AFDC program with a comprehensive program of mandatory child support and work training which provides for transitional child care and medical assistance benefits improvement, and mandatory extension of coverage to two-parent families, and which reflects a general emphasis on shared and reciprocal obligation, program innovation, and organizational renewal.

S. 1537

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 1537, a bill to amend title V of the Social Security Act to provide care management to certain children and to provide care management and health care to children with high cost catastrophic health care needs.

S. 1561

At the request of Mr. BOND, the name of the Senator from Nebraska [Mr. KARNES] was added as a cosponsor of S. 1561, a bill to provide for a research program for the development and implementation of new technologies in food safety and animal health, and for other purposes.

S. 1572

At the request of Mr. PELL, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1572, a bill to create a National Education Savings Trust; to prescribe the powers and duties of the Trust and of its Board of Trustees; to provide for advance tuition payment plan agreements; to establish an advance tuition payment fund and to provide for its administration, and for other purposes.

S. 1600

At the request of Mr. FORD, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1600, a bill to enhance the safety of air traval through a more effective Federal Aviation Administration, and for other purposes.

S. 1620

At the request of Mr. PELL, the names of the Senator from Alaska [Mr. STEVENS], the Senator from California [Mr. WILSON], the Senator from Montana [Mr. MELCHER], and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of S. 1620, a bill to reauthorize and revise the Act of September 30, 1950 (Public Law 874, 81st Congress) relating to Federal impact aid, and for other purposes.

S. 1717

At the request of Mr. GRASSLEY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1717, a bill to assure uniformity in the exercise of regulatory jurisdiction pertaining to the transportation of natural gas and to clarify that the local transportation of natural gas by a distribution company is a matter within State jurisdiction and subject to regulation by State commissions, and for other purposes.

SENATE JOINT RESOLUTION 111

At the request of Mr. HEINZ, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of Senate Joint Resolution 111, a joint resolution to designate each of the months of November 1987, and November 1988, as "National Hospice Month."

SENATE JOINT RESOLUTION 174

At the request of Mr. SIMON, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of Senate Joint Resolution 174, a joint resolution designating the week beginning November 15, 1987, as "African American Education Week."

SENATE RESOLUTION 246

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Resolution 246, a resolution to honor Irving Berlin for the pleasure he has given to the American people through almost a century of his music.

SENATE RESOLUTION 294—CALLING FOR AN END TO THE PRO FOOTBALL STRIKE

Mr. GARN (for Mr. DOLE, for himself, Mr. BYRD and Mr. KARNES) submitted the following resolution; which was considered and agreed to:

S. RES. 294

Whereas American sports fans waited patiently all spring and summer for the opening of the 1987 National Football League season;

Whereas millions and millions of faithful fans spent the first 2 weeks of the NFL season at their favorite stadiums, or glued to their TV screens;

Whereas excitement and expectations were growing for yet another hardhitting adventure on the road to the Superbowl;

Whereas on the way to week number three, the NFL season was abruptly halted by the NFL players strike;

Whereas the strike will have an adverse economic impact on the teams surrounding communities;

Whereas those who care most for the game of football and the traditions of the NFL, the fans, are powerless to put an end to the strike: Now, therefore, be it

Resolved, That the United States Senate hereby calls on the National Football League Players Association and the NFL Management Council to return to the bargaining table in a spirit of good faith to resolve their differences for the good of the players, management and—most especially—the fans.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

BUMPERS (AND OTHERS) AMENDMENT NO. 825

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. CHAFEE, Mr. HEINZ, Mr. ADAMS, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mr. BURDICK, Mr. BYRD, Mr. CONRAD, Mr. CRANSTON, Mr. DASCHLE, Mr. DIXON, Mr. DODD, Mr. EXON, Mr. FORD, Mr. FOWLER, Mr. GLENN, Mr. GORE, Mr. HARKIN, Mr. INOUYE, Mr. JOHNSTON, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATSUNAGA, Mr. MELCHER, Mr. METZENBAUM, Ms. MIKULSKI, Mr. MITCHELL, Mr. MOYNIHAN, Mr. PELL, Mr. PROXMIRE, Mr. PRYOR, Mr. REID, Mr. RIEGLE, Mr. ROCKEFELLER, Mr.

SANFORD, Mr. SARBANES, Mr. SASSER, Mr. SIMON, Mr. WIRTH, Mr. HATFIELD, Mr. SPECTER, Mr. STAFFORD, and Mr. WEICKER) proposed an amendment to the bill (S. 1174) to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF CERTAIN STRATEGIC NUCLEAR WEAPONS.

(a) SHORT TITLE.—This section may be cited as the "Strategic Nuclear Weapons Interim Restraint Act."

(b) LIMITATION ON OBLIGATION OF FUNDS.—Notwithstanding any other provision of law and subject to subsection (c), none of the funds appropriated pursuant to this or any other Act to or for the use of any department or agency of the Federal Government may be obligated or expended before September 30, 1988 to overhaul, maintain, operate or deploy more than—

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(c) EXCEPTIONS.—(1) The limitation on the obligation and expenditure of funds in subsection (b) shall not apply if at any time more than 29 days after the date of enactment of this act the President determines and certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a). If the President makes such a determination, he shall submit to Congress a report that includes the information on which such determination was based. Such report shall be submitted in both classified and unclassified form.

(2) If at any time more than 29 days after the date of the enactment of this Act the President notifies Congress in writing that, based on the best agreed Intelligence Community assessments, he is unable to make a certification under paragraph (1) or to make a certification that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a), the limitation on the obligation and expenditure of funds in subsection (a) shall not apply for a period of 29 days after the date on which the notification is received by Congress.

(d) NOTIFICATION OF PLANS FOR COMPLIANCE.—Not more than 29 days after the date on which the President determines that funds are prohibited from being obligated or expended for the overhaul, maintenance, operation, or deployment of strategic offensive nuclear weapons in excess of the numbers specified in subsection (b), the President shall notify Congress of his plans for actions to comply with the limitations specified in subsection (b).

(e) NEW AGREEMENT.—If a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988, the restriction on the obligation and expenditure of funds in subsection (b) shall cease to apply.

(f) DEFINITIONS.—For purposes of this section:

(1) The terms "launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles" and "submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles" means launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles.

(2) The term "air launched cruise missiles" means unnamed, self propelled, guided, weapon delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

BUMPERS (AND LEAHY) AMENDMENT NOS. 826 AND 827

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. LEAHY) submitted two amendments intended to be proposed by them to the bill S. 1174, supra; as follows:

AMENDMENT NO. 826

At the appropriate place, add the following:

SEC. . (a) Notwithstanding any other provision of this act, on or after 30 days after the date of enactment of this act none of the new authority granted by sections 102, 103 and 301 of this act shall be exercised to overhaul, maintain, operate or deploy more than

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(b) The restrictions set out in subsection (a) shall cease to apply

(1) if at any time after the date of enactment of this act the President certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a); or

(2) if a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988.

AMENDMENT NO. 827

At the appropriate place in the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this Act, on or after 30 days after the date of enactment of this act none of the new authority granted by sections 102, 103 and 301 of this act shall be exercised to overhaul, maintain, operate or deploy more than

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(b) The restrictions set out in subsection (a) shall cease to apply

(1) if at any time after the date of enactment of this act the President certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a); or

(2) if a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988.

MELCHER AMENDMENT NO. 828

(Ordered to lie on the table.)

Mr. MELCHER submitted an amendment intended to be proposed by him to the bill S. 1174, supra; as follows:

Section 102 of the foregoing Act will not be effective if the War Powers Act is amended to read as follows:

SEC. . PLAN FOR SHARING COSTS INVOLVED IN THE USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—Section 5 of the War Powers Resolution (Public Law 93-148) is amended by adding at the end thereof the following new subsection:

"(d)(1) Whenever the United States Armed Forces are introduced into any situation described in section 4(a)(1), the President should enter into negotiations with the government of any country benefiting from the introduction of those forces in order to establish a pro rata sharing of costs involved in such introduction and use of forces.

"(2) Within 30 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall prepare and transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

"(A) his assessment of the costs involved in the use of United States Armed Forces pursuant to section 4(a)(1);

"(B) a plan for the pro rata sharing of such costs among those countries which benefit from that use of United States Armed Forces; and

"(C) a discussion of the status of negotiations entered into for the purpose of implementing the plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any sixty-day period described in section 5(b) of the War Powers Resolution which is in progress on the date of enactment of this Act or which begins on or after such date.

BUMPERS (AND LEAHY) AMENDMENT NOS. 829 AND 830

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. LEAHY) submitted two amendments intended to be proposed by them to the bill S. 1174, supra; as follows:

AMENDMENT NO. 829

At the appropriate place in the bill, add the following:

SEC. . (a) Notwithstanding any other provision of this act, on or after 30 days after the date of enactment of this act none of the new authority granted by sections 102, 103 and 301 of this act shall be exercised to overhaul, maintain, operate or deploy more than

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) and heavy bombers equipped for air-launched cruise missiles;

(b) The restrictions set out in subsection (a) shall cease to apply—

(1) if at any time after the date of enactment of this act the President certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a); or

(2) if at any time after the date of enactment of this act the President certifies to Congress that, based on the best agreed intelligence community assessments, he is unable to determine that the Soviet Union deploys strategic forces in numbers at or below those specified in subsection (a); or

(3) if a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988.

Amendment No. 830

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

SEC. . (a) Notwithstanding any other provision of this act, on or after 30 days after the date of enactment of this act none of the new authority granted by sections 102, 103 and 301 of this act shall be exercised to overhaul, maintain, operate or deploy more than

(1) 820 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles;

(2) 1,200 launchers of intercontinental ballistic missiles equipped with multiple, independently targetable reentry vehicles and submarine launched ballistic missiles equipped with multiple, independently targetable reentry vehicles; or

(3) an aggregate total of 1,320 launchers of ballistic missiles described in clause (2) nad heavy bombers equipped for air-launched cruise missiles;

(b) The restrictions set out in subsection (a) shall cease to apply—

(1) if at any time after the date of enactment of this act the President certifies to Congress that the Soviet Union deploys strategic forces in numbers greater than those specified in subsection (a); or

(2) if a new agreement between the United States and the Soviet Union relating to the deployment of strategic offensive weapons becomes effective before September 30, 1988.

STATE DEPARTMENT, UNITED STATES INFORMATION AGENCY, AND BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT

CHAFEE AMENDMENT NO. 831

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 1394) to authorize appropriations for fiscal year 1988 for the Department of State, the U.S. Information Agency, the Board for International Broadcasting, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . Section 245A(a)(2) of the Immigration and Nationality Act is amended by adding at the end thereof the following new subparagraph:

"(D) CONTINUOUS RESIDENCE NOT REQUIRED FOR SPOUSE AND CHILDREN OF QUALIFIED ALIENS.—Subparagraphs (A), (B), and (C) shall not apply to an alien who is the spouse or child of an individual otherwise qualifying for adjustment of status under this subsection.".

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

WARNER AMENDMENT NOS. 832 AND 833

(Ordered to lie on the table.)

Mr. WARNER submitted two amendments intended to be proposed by him to the bill S. 1174, supra; as follows:

AMENDMENT NO. 832

At an appropriate place in the bill, insert the following new section:

SEC. . AMENDMENT OF THE WAR POWERS RESOLUTION.

(a) Strike out sections 1-9 of the War Powers Resolution (50 U.S.C. 1541-1548) and insert in lieu thereof the following:

"SECTION 1. SHORT TITLE.—This joint resolution may be cited as the 'War Powers Resolution'.

SEC. 2. PURPOSE AND POLICY.—(a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 3. CONSULTATION.—The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

SEC. 4. REPORTING.—(a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President, shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congreess less often than once every six months.

SEC. 5. CONGRESSIONAL ACTION.—(a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if the petition by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) If, within 21 calendar days after—

(1) a report is submitted or is required to be submitted under section 4(a)(1), whichever is earlier; or

(2) Congress is convened pursuant to subsection (a) of this section,

whichever is later, an enrolled joint resolution or bill, as described in section 6(a)(1), is presented to the President and is subsequently enacted into law, funds may not be

obligated or expended, as provided in such joint resolution or bill, to support the continued use of the United States Armed Forces, in the hostilities or situation described in the report submitted, or required to be submitted, pursuant to section 4(a)(1).

SEC. 6. CONGRESSIONAL PRIORITY FOR JOINT RESOLUTION OR BILL.—(a)(1) For purposes of this joint resolution, the term 'joint resolution or bill' means only a joint resolution or bill which prohibits the obligation or expenditure of funds to support the continued use of the United States Armed Forces in hostilities or situations described in a report submitted, or required to be submitted, pursuant to section 4(a)(1) and such prohibition is to become effective 30 or more days after the date of enactment of such joint resolution or bill.

(2) Any joint resolution or bill introduced pursuant to section 5(b) at least 16 calendar days before the expiration of the 21-day period specified in such section, shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than 14 calendar days before the expiration of the 21-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a)(2) and shall be reported out not later than nine calendar days before the expiration of the 21-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than three calendar days before the expiration of the 21-day period specified in section 5(b). In the event the conferees are unable to agree within 24 hours, they shall report back to their respective House in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such 21-day period.

SEC. 7. INTERPRETATION OF JOINT RESOLUTION.—(a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to November 7, 1973 and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term 'introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEC. 8. SEPARABILITY CLAUSE.—If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.".

(b) The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to situations described by section 4(a)(1) of the War Powers Resolution which exist on or after that date.

AMENDMENT NO. 833

At an appropriate place in the bill, insert the following new section:

SEC. . It is the sense of the Senate that the President should expeditiously establish a National Commission on Reform of the War Powers Resolution for the purpose of undertaking a bipartisan review of the War Powers Resolution and providing recommendations for change to the War Powers Resolution, if appropriate, to the President and the Congress. Such Commission should be composed of an equal number of members from the Executive Branch or private life to be appointed by the President and members from the Legislative Branch or private life to be appointed, in equal numbers, by the Majority Leader of the Senate and Speaker of the House of Representatives. Not more than four of the Executive Branch appointees and not more than two-thirds of the Legislative Branch appointees should be from the same political party. The Chairman of the Commission should be designated by the President from the membership of the Commission.

WARNER AMENDMENT NOS. 834 AND 835

(Ordered to lie on the table.)

Mr. WARNER submitted two amendments intended to be proposed by him to amendment No. 712 proposed by Mr. WEICKER (and Mr. HATFIELD) to the bill S. 1174, supra; as follows:

AMENDMENT NO. 834

In lieu of the matter to be inserted by Amendment No. 712, insert the following:

SEC. . AMENDMENT OF THE WAR POWERS RESOLUTION.

(a) Strike out sections 1-9 of the War Powers Resolution (50 U.S.C. 1541-1548) and insert in lieu thereof the following:

"SECTION 1. SHORT TITLE.—This joint resolution may be cited as the 'War Powers Resolution'.

SEC. 2. PURPOSE AND POLICY.—(a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 3. CONSULTATION.—The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

SEC. 4. REPORTING.—(a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

SEC. 5. CONGRESSIONAL ACTION.—(a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has admourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the president to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) If, within 21 calendar days after—

(1) a report is submitted or is required to be submitted under section 4(a)(1), whichever is earlier; or

(2) Congress is convened pursuant to subsection (a) of this section,

whichever is later, an enrolled joint resolution or bill, as described in section 6(a)(1), is presented to the President and is subsequently enacted into law, funds may not be obligated or expended, as provided in such joint resolution or bill, to support the continued use of the United States armed Forces in the hostilities or situation described in the report submitted, or required to be submitted, purusant to section 4(a)(1).

SEC. 6. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL.—(a)(1) For purposes of this joint resolution, the term 'joint resolution or bill' means only a joint resolution or bill which prohibits the obligation or expenditure of funds to support the continued use of the United States Armed Force in hostilities or situations described in a report submitted, or required to be submitted, pursuant to section 4(a)(1) and such prohibition is to become effective 30 or more days after the date of enactment of such joint resolution or bill.

(2) Any joint resolution or bill introduced pursuant to section 5(b) at least 16 calendar days before the expiration of the 21-day period specified in such section, shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than 14 calendar days before the expiration of the 21-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a)(2) and shall be reported out not later than nine calendar days before the expiration of the 21-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than three calendar days before the expiration of the 21-day period specified in section 5(b). In the event the conferees are unable to agree within 24 hours, they shall report back to their respective House in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such 21-day period.

SEC. 7. INTERPRETATION OF JOINT RESOLUTION.—(a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to November 7, 1973 and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term assignment of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEC. 8. SEPARABILITY CLAUSE.—If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.".

(b) The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to situations described by section 4(a)(1) of the War Powers Resolution which exist on or after that date.

AMENDMENT NO. 835

In lieu of the matter to be inserted by amendment No. 712, insert the following:

SEC. . It is the sense of the Senate that the President should expeditiously establish a National Commission on Reform of the War Powers Resolution for the purpose of undertaking a bipartisan review of the War Powers Resolution and providing recommendations for change to the War Powers Resolution, if appropriate, to the President and the Congress. Such Commission should be composed of an equal number of members from the Executive Branch or private life to be appointed by the President and members from the Legislative Branch or private life to be appointed, in equal numbers, by the Majority Leader of the Senate and Speaker of the House of Representatives. Not more than four of the Executive Branch appointees and not more than two-thirds of the Legislative Branch appointees should be from the same political party. The Chairman of the Commission should be designated by the President from the membership of the Commission.

STATE DEPARTMENT, U.S. INFORMATION AGENCY AND BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT

MITCHELL AMENDMENT NO. 836

(Ordered to lie on the table.)

Mr. MITCHELL submitted an amendment intended to be proposed by him to the bill (S. 1394) supra; as follows:

On page 75, between lines 12 and 13, insert the following new section:

SEC. 218. SAMANTHA SMITH MEMORIAL EXCHANGE PROGRAM.

(a)(1) The purpose of this section is to promote friendship and understanding between the United States and the Soviet

Union through the establishment of a program for the exchange of youths of the two countries and to recognize the contribution made by Samantha Smith in furthering this goal.

(2) To carry out the purposes of this section, the Bureau of Educational and Cultural Affairs (hereafter in this section referred to as the "Bureau") is authorized to provide by grant, contract, or otherwise for educational exchanges, visits, or interchanges between the United States and the Soviet Union of American and Soviet youths under the age of 21.

(3) The President is authorized to enter into an agreement with the Government of the Soviet Union to carry out paragraph (2).

(b)(1)(A) The Bureau is authorized to award scholarships to exceptional students—

(i) who have not obtained 25 years of age;

(ii) who are enrolled in institutions of higher education;

(iii) who are studying in the Soviet Union in programs approved by such institutions; and

(iv) who meet the conditions of paragraph (2).

(B) In awarding scholarships under this paragraph, the Bureau shall consider the financial need of the applicants.

(C) Each scholarship awarded under clause (A) may not exceed $5,000 in any academic year of study.

(2) The Bureau shall prescribe such regulations as may be necessary to establish procedures for the submission and review of applications for scholarships awarded under this section.

(3)(A) A student awarded a scholarship under this subsection shall continue to receive such scholarship only during such periods as the Bureau finds that he or she is maintaining satisfactory proficiency in his or her studies.

(B) Not later than 30 days after the close of an academic year for which funds are made available under this section, each institution of higher education, one or more students of which have been awarded a scholarship under this section, shall prepare and transmit to the Bureau a report describing the level of proficiency achieved by such students in their studies.

(4) For purposes of this subsection, the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965.

(c) Of the amounts authorized to be appropriated for the Bureau for the fiscal year 1988, $2,000,000 for such fiscal year shall be available only to carry out the purposes of this section.

(d) Activities carried out under this section may be referred to as the "Samantha Smith Memorial Exchange Program".

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

NUNN (AND WARNER) AMENDMENT NO. 837

Mr. NUNN (for himself and Mr. WARNER) proposed an amendment to the bill (S. 1174) supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . REPORT ON ELIMINATION OF BALLISTIC MISSILES.

(a) Not later than 30 days after the date of enactment of this Act, the Chairman of the joint Chiefs of Staff shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives examining the military consequences of any arms control agreement that would provide for the elimination of all U.S. and Soviet strategic ballistic missiles.

(b) Such report shall be submitted in classified and unclassified form and shall include a discussion of the strategic, budgetary and force structure implications of this proposal for:

(1) U.S. and allied conventional defenses in Europe, the Far East and other regions vital to U.S. national security;

(2) U.S. tactical nuclear deterrence in such areas;

(3) U.S. strategic offensive retaliatory systems not affected by this proposal, including U.S. bomber forces and cruise missiles;

(4) U.S. air defenses needed to counter Soviet bomber forces and cruise missiles;

(5) Strategic Defense Initiative programs designed to provide possible defenses against strategic ballistic missiles; and

(6) Any new programs which may be deemed necessary to maintain the position of the United States in light of the relative advantage conferred by this proposal on other nuclear powers, including the People's Republic of China, whose strategic ballistic missiles would not be limited.

REQUIREMENT FOR DOCUMENTATION FOR PAYMENTS AND REIMBURSEMENT FROM THE CONTINGENT FUND OF THE SENATE

FORD AMENDMENT NO. 838

Mr. BYRD (for Mr. FORD) proposed an amendment to the resolution (S. Res. 258) to require documentation for payments and reimbursements from the contingent fund of the Senate; as follows:

At the end of the resolution, add the following new section:

SEC. 2. Paragraph 1 of rule XLI of the Standing Rules of the Senate is amended in the second sentence by striking out "two assistants" and inserting in lieu thereof "three assistants".

DOLE (AND OTHERS) AMENDMENT NO. 839

Mr. DOLE (for himself, Mr. WARNER and Mr. BYRD) proposed an amendment to the bill S. 1174, supra; as follows:

At an appropriate place in the bill insert the following new section:

SEC. . SALT II COMPLIANCE AMENDMENT.

Notwithstanding any other provision of law, the United States shall not be obligated to abide by the provisions of the SALT II Treaty, in whole or in part, unless and unitl the following have occurred:

(a) The Senate has amended the Treaty so as to give it legal force if it were ratified;

(b) The Senate has given its advice and consent to the Treaty;

(c) The Union of Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned.

(d) Each party has ratified the Treaty in accordance with its own constitutional processes.

WARNER (AND NUNN) AMENDMENT NO. 840

(Ordered to lie on the table.)

Mr. WARNER (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill S. 1174, supra; as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . (a) It is the sense of the Senate that the President should expeditiously establish a National Commission on Review of the War Powers Resolution for the purpose of undertaking a bipartisan review of the War Powers Resolution and providing recommendations for change to the War Powers Resolution, if appropriate, to the President and the Congress.

(b) Such Commission should be composed of an equal number of members from—

(1) the Executive Branch or private life to be appointed by the President; and

(2) the Legislative Branch or private life to be appointed, in equal numbers, by the Majoirty Leader of the Senate and Speaker of the House of Representatives.

Not more than two-thirds of the Executive Branch members should be from the same political party. Not more than two-thirds of the Legislative Branch members should be from the same political party. The Commission should select one of its members to serve as Chairman.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, October 1, 1987, to hold a hearing on international labor organization treaties concerning tripartite consultations and minimum standards in merchant ships, Treaty Document Nos. 99-20 and 99-21.

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

SUBCOMMITTEE ON HAZARDOUS WASTES AND TOXIC SUBSTANCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Hazardous Wastes and Toxic Substances, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on October 1, beginning to conduct an oversight hearing on the management of solid waste issues in subtitle D, Resource Conservation and Recovery Act.

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

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit, of the Committee on Agriculture, Nutrition,

and Forestry, be authorized to meet during the session of the Senate on Thursday, October 1, 1987, to mark up farm credit legislation.

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

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Labor and Human Resources Committee, be authorized to meet during the session of the Senate on Thursday, October 1, 1987, to conduct an executive session on Elementary and Secondary Education Amendments of 1987, S. 373.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 1, 1987, at 2 p.m. to hold a hearing on intelligence matters.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on October 1, 1987, to pending business; S. 1084 and amendment No. 176, United States Uranium Enrichment Act; and S. 1100 and amendment No. 177, Uranium Revitalization and Tailings Reclamation Act of 1987.

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

ADDITIONAL STATEMENTS

CARROLL COUNTY SESQUICENTENNIAL

● Mr. SARBANES. Mr. President, 1987 has been a year for observing significant anniversaries. Across the country, Americans have been celebrating the bicentennial of the Constitution of the United States. While we have been marking the creation of an enduring national government, the people of central Maryland have been commemorating the establishment of local government. On Saturday, October 10, the citizens of Carroll County, MD, will once again seal their 100-year-old time capsule, and bring to a close the celebration of the county's sesquicentennial year. It has been a year filled with the celebration and renewal of the rich traditions that have characterized a way of life in rural Maryland for generations.

While it is coincidental that both of these celebrations fall in the same year, it is also providential. In observing the anniversaries of these two events we can gain a deeper sense of our history as a free people.

Fifty years after the Constitution was written, central Maryland was divided between Baltimore and Frederick Counties. In 1810, feeling themselves too distant from the county seats in Frederick and Towson, its residents began petitioning the State Legislature to create a new county, with its seat of government in Westminster. Some 27 years later, their efforts were successful, and local government came to Carroll County.

Carroll County is well known for its strong sense of community, commitment to preserving the beauty and usefulness of the land, and a deep appreciation of its agricultural heritage. These attributes have all contributed to what can only be described as a special quality of life. Carroll County will continue to be a prosperous and pleasant place in which to live, enriched by its rich history and sense of the past. The people of Carroll County have created a uniquely beautiful place in which to live and work, and I ask all my colleagues to join me in offering the Senate's best wishes for their next 150 years.●

TRIBUTE TO THE ANDREWS SISTERS

● Mr. WILSON. Mr. President, today, the Andrews Sisters will receive their star on the Hollywood Walk of Fame, an occasion deserving special recognition in the United States and around the world because of the gift of music the Andrews Sisters have given to us all.

This year marks not only the 50th anniversary of the Andrews Sisters' first hit record, "Bei Mir Bist du Schoen," but also marks a milestone of even greater significance in that this golden anniversary commemorates 50 years of public service, patriotism, and dedication, to the men and women of America's Armed Forces. Together, the Andrews Sisters brought them moments of happiness and a respite from the drudgery of war with such hits as "Boogie Woogie Bugle Boy," "Don't Sit Under the Apple Tree."

With a career that has produced over 1,800 recorded songs and sold more than 75 million records around the world, a career which also includes over 21 movies and scores of television appearances, it is altogether fitting that the Andrews Sisters be congratulated by all Americans as they are honored in Hollywood today. Three extraordinary women whose talent, vivaciousness, and remarkable careers have enriched our society for past and future generations to follow.●

CHLOROFLUOROCARBONS

● Mr. WIRTH. Mr. President, yesterday, American researchers announced the results of a study conducted in Antarctica during August and September. The results of this study confirm that chlorofluorocarbons are a potent threat to the Earth's delicate ozone layer and that resolute action is needed to control the depletion of stratospheric ozone.

The ozone layer shields the Earth, and all living things, from exposure to the sun's damaging ultraviolet radiation and plays a key role in regulating global temperature levels. Yet, we now know that the composition of the Earth's atmosphere is being changed by human activities, particularly by emissions of chlorofluorocarbons [CFC].

The impacts of continued ozone depletion could be enormous. Without purposeful multilateral action, the incidence of skin cancer and eye cataracts could increase dramatically. Scientific evidence also suggests that there could be dramatic effects on agricultural production and fish and wildlife populations.

We can be proud of the fact that the United States has shown great leadership in working with other nations, to curb the production and use of CFC's. Two weeks ago 46 countries reached a tentative agreement that will place an immediate freeze on worldwide production and importation of several ozone depleting chemicals, and will reduce CFC production by 50 percent in the next 10 years. This agreement was reached as a result of our strong negotiating position at these talks. While we will need to continue that leadership to further reduce CFC emissions, this agreement is a positive step forward and I urge my colleagues to join me in pledging support for the swift ratification of this treaty.

The findings of this summer's Antarctic research expedition are indeed compelling, and I ask, Mr. President, that the full text of articles from today's Washington Post and New York Times be included in the RECORD. As one scientist noted yesterday, "There is no longer debate as to whether chlorine monoxide, a byproduct of chlorofluorocarbons, exists at abundances sufficient to destroy ozone." Clearly, ozone depletion is a serious threat to the global environment. And clearly, action is needed to address this problem and to protect human health and the environment against the adverse effects which result from the release of chlorofluorocarbons.

At the same time, the Earth's atmosphere is being threatened by other human activities. Researchers have also obtained powerful evidence suggesting that carbon dioxide is contributing to the gradual warming of the Earth's atmosphere. The so-called greenhouse effect has been researched for many years now. Scientists have

found that the burning of fossil fuels, and other activities—which result in carbon dioxide emissions—could cause a greater global warming than has ever been observed. The consequences of even a slight increase in the Earth's temperature could be devastating to global climates, and for that reason could be devastating to plant and animal life.

Again, this is a situation that affects all nations and the United States must show great leadership in seeking ways to reduce and then reverse this ominous trend in global warming. There is no question but that we need to do more research. But we must begin now to examine policy changes that can be made to protect our global environment.

Mr. President, ozone depletion and atmospheric warming are distinct threats to the global environment and, more important, to human life. Unchecked, these developments could dramatically alter life on this planet to an almost unimaginable degree. These issues are no longer a question of scientific inquiry, but rather, clear examples of the effects of human activity. They are, in large part, man-made problems. To be corrected will require decisive action by all nations. Again, I hope my colleagues will join with me in recognizing the seriousness of these developments and encourage efforts to find and implement ways of addressing their causes.

The articles follow:

[From the Washington Post, Oct. 1, 1987]

OZONE DEPLETION WORSENS, IS LINKED TO MAN-MADE GAS

(By Michael Weisskopf)

The ozone layer shielding Antarctica from ultraviolet radiation reached its thinnest point last month since measurements began, and government scientists said yesterday they have found the first hard evidence that the critical environmental loss can be blamed on a man-made gas.

Reporting on a six-week expedition to Antarctica coordinated by the National Aeronautics and Space Administration, the scientists noted that the effects of chlorofluorocarbons (CFCs) gas on the ozone layer in the stratosphere may be more severe in Antarctica than in the rest of the world because of the continent's weather patterns during its early spring.

But NASA program manager Robert Watson said that "CFCs can affect ozone globally," and the mission's report is expected to give impetus to an international agreement designed to halve world consumption of CFCs by early next century.

Stratospheric ozone forms a thin gaseous veil at least 12 miles above the Earth's surface, which screens out harmful ultraviolet rays and prevents skin cancer, eye disease, withering of crops and damage to aquatic life. In recent years, CFCs—widely used as refrigerants, solvents and bubbling agents in foam products—have been suspected as ozone depleters once they break down in the upper atmosphere.

In 1985, scientists determined that the ozone layer over Antarctica had thinned since at least 1979, and they have monitored the continent to determine the extent and cause of the problem because of its implications for the rest of the world.

The NASA expedition, using airplanes to take the first tests within the ozone sphere, found a 15 percent greater depletion in the protective layer than occurred in 1985 and about a 55 percent overall loss since 1979, Watson told reporters at a Goddard Space Flight Center briefing.

A team of 60 scientists gathered enough data to rule out theories that attributed ozone depletion to changes in the sun's output or movement of low-ozone air masses.

But the researchers found ample reason to confirm the role of CFCs. Chlorine monoxide, a byproduct of CFCs exposed to ultraviolet rays, was detected at levels 100 to 500 times higher than found at lower altitudes, Watson said. Moreover, he said, as concentrations of ozone fell, levels of chlorine monoxide rose.

"There is no longer debate as to whether [chlorine monoxide] exists within the chemically perturbed region . . . at abundances sufficient to destroy ozone," he said.

But the NASA scientist said the unusual meteorology of Antarctica, with its dehydrated atmosphere and extremely cold temperatures, especially during the Antarctic spring of August and September, is "critical" in explaining the release of active chlorine particles that so voraciously gobble up the ozone layer.

"The meteorology is important in setting up environmental conditions," he said. But he added that "chlorine has made the hole deeper," referring to the "ozone hole" concept used to describe the depleted layer.

Although Watson said the Antarctic experience could have implications for other regions of comparable climate, he emphasized that the findings were preliminary and it is too soon to project global meaning.

But environmentalists immediately interpreted the data as reason for CFC curbs and fast ratification of an international agreement tentatively approved by 46 nations earlier this month that would freeze world consumption of the chemical at 1986 levels and cut by half its use in the industrial world within a decade.

[From the New York Times, Oct. 1, 1987]

ANTARCTICA OZONE LOSS IS WORST EVER RECORDED

(By Philip Shabecoff)

GREENBELT, MD, Sept. 30—The ozone shield over Antarctica dwindled this month to the lowest level observed since measurements began more than a decade ago, researchers reported today.

Preliminary findings indicate that both man-made chemicals and the extreme South Polar meteorological conditions are responsible for the depletion, said the scientists, whose Antarctic expedition was financed by Federal and private groups.

The shield protects the earth's surface from harmful ultraviolet radiation from the sun that can cause skin cancer and other health problems in humans.

OZONE HOLE ALARMS SCIENTISTS

Already concerned that the buildup of certain chemicals would thin the ozone layer worldwide, scientists were alarmed by the recent discovery of a drastic seasonal depletion of ozone in Antarctica.

The depletion occurs each year in the Antarctic springtime. Between mid-August and mid-September this year, the expedition found, the ozone at an altitude of 11 miles had been reduced by 50 percent. Last year the ozone level had been reduced by 40 percent.

Leaders of the expedition cautioned, however, that because the causes of the Antarctic ozone hole are still not fully understood, it would be premature to draw any global conclusions based the expedition's findings.

Earlier this month, when leaders of dozens of nations agreed at meeting in Montreal to freeze and later reduce use of chlorofluorocarbons, industrial chemicals that destroy ozone in the upper atmosphere, they left open the possibility that additional action might be taken if new information suggested that the problem was more severe than thought. But the leaders of the expedition cautioned today against any such conclusions at this time.

Robert Watson, the chief scientist for the National Aeronautics and Space Administration's ozone project, said the data collected by the expedition were inadequate "for national or international policy making." The expedition was financed by NASA, the National Science Foundation and the Chemical Manufacturers Association.

At a news conference at NASA's Goddard Space Flight Center here, Dr. Watson and Dr. Dan Albritton of the atmospheric agency said that more time and more research, including an intensive study of what is happening to the ozone layer in the temperate latitudes, was required before the implications of this expedition's findings were clearly understood.

Information collected by the expedition, which was gathered by two aircraft flying a series of missions with monitoring equipment over the antarctic continent, did strongly support the view that chlorofluorocarbons were a key factor in the destruction of atmospheric ozone.

F. Sherwood Rowland, a scientist at the University of California who in the early 1970's first proposed the theory that the man-made chemicals could destroy the ozone layer, said in an interview today that a "key" finding of the Antarctic expedition was that there were high levels of active chlorine in the Antarctic atmosphere.

"This confirms with lots of details that chlorine is very much involved," Dr. Rowland said.

A statement read by Dr. Watson said that "there is no longer debate" as to whether there is chlorine in the "perturbed region" at "abundances sufficient to destroy ozone if our current understanding of the chlorine-ozone catalytic cycle is correct."

Chlorofluorocarbons, widely used in refrigerants, foams, aerosols, packaging and other products, are also believed to be contributing to the warming of the earth's atmosphere by the buildup of gases that keep the sun's heat from escaping back into space.

But Dr. Albritton said the extreme cold of Antarctica, which is the coldest place on earth, seemed to be "moving at fast forward" changes that were occurring far more slowly elsewhere around the earth.

Dr. Watson said the researchers believed that chlorofluorocarbons "are having a role in the destruction of ozone at all latitudes." He added that in temperate zones the destruction seemed to take place at high latitudes, largely from about 15 to 18 miles from the earth's surface.

The expedition found that the rapid and extensive depletion of the ozone was almost entirely limited to the atmosphere over the Antarctic Continent itself. The expedition found that the loss of ozone was occurring so rapidly, once falling by 10 percent in a

single day in one area, that the depletion could not be explained solely by a chemical reaction. For that reason, the researchers said, it also had to reflect a meteorological change, such as rapid temperature change or an influx of air from another region.

The explanation offered for the appearance of the ozone hole in the Antarctic springtime was that as the sun appeared after the dark Antarctic winter, the chlorine adhering to ice crystals in the atmosphere was converted by the sunlight from passive to active molecules that then reacted with and destroyed the ozone. Dr. Albritton noted that the South Pole is colder than the North Pole and that the air there does not circulate as much.

The expedition found that the low temperatures and low water content of the Antarctic air reduced the levels of nitrogen in air. Nitrogen oxides tend to bind with chlorine and make it less destructive to the ozone; therefore, the less nitrogen there is, the more active is the chlorine in the air.

Dr. Watson said there was now twice as much chlorine in the Antarctic atmosphere as there was in 1975, when measurements were first taken.

Dr. Albritton noted that because chlorofluorocarbons stay in the air up to 250 years, they tended to be distributed evenly through the atmosphere. This means that levels of chlorine are no higher in the Antarctic atmosphere than they are over other regions of the globe.

In some areas of the Antarctic, the chlorine levels reached as high as one part per billion in the atmosphere, levels that indicated an accumulation of chlorinated chemicals over the years.

Rafe Pomerance, senior associate of the World Resources Institute, a private policy and research group, said, "The results are so dramatic, particularly the findings of very high levels of CFC's, that it will increase pressure on all fronts, including pressures to ratify the Montreal protocol for the protection of the ozone layer, more research and faster reductions of CFC's.".

Dr. Rowland, meanwhile, said that the results of this expedition make it clear that "the agreement in Montreal is only a good first step. We need to go further," he said, by reducing the consumption of CFC's by 90 percent.●

NEW MEXICO TECH'S CENTER FOR EXPLOSIVES TECHNOLOGY RESEARCH AND RESEARCH CENTER FOR ENERGETIC MATERIALS

● Mr. DOMENICI. Mr. President, ever since the beginning of the U.S. atomic program at Los Alamos, NM has been at the forefront of nuclear weapons research and development. The work done at our national laboratories at Los Alamos and Sandia has allowed the United States to maintain a strong, safe, and effective nuclear deterrent. It is this deterrent that has kept our world at relative peace for more than 40 years.

I am proud of the vital role that my state has traditionally played in our country's defense strategy. We will continue to lead the way—whether it is in the strategic or conventional areas. And the work goes well beyond anything nuclear. A good example of this is in the area of blast effects of conventional explosives used for mining and construction.

In recent years, the New Mexico Institute of Mining and Technology at Socorro has established two new centers for research on the chemistry and physics of explosions. This research is making it possible for our scientists to create new substances that will be used in the technologies of the next century.

According to a recent article in the science section of the New York Times, "The use of precisely controlled explosions has recently yielded metal alloys so light, strong and resistant to heat as to be suitable for the skins of spacecraft and such hypersonic airlines of the future as the 'Orient Express,' on which passengers might fly from New York to Tokyo in less than 4 hours."

Mr. President, this is an exciting field of research. It holds so much promise for our country's efforts in space and national defense. There is also much promise for its commercial applications.

The centers for technical excellence at New Mexico Tech are a major achievement for our country. Together with White Sands Missile Range, these centers place New Mexico at the forefront of research and testing on blast effects.

I submit the following article from the New York Times for the RECORD.

EXPLOSION IS FASHIONED INTO PRECISE TOOLS OF PRECISION

(By Malcolm W. Browne)

SOCORRO, N.M.—Borrowing techniques developed for nuclear weapons programs, scientists are learning to use finely tuned explosions to create a host of extraordinary new substances likely to play key roles in 21st-century technology.

The use of precisely controlled explosions has recently yielded metal alloys so light, strong and resistant to heat as to be suitable for the skins of spacecraft and such hypersonic airliners of the future as the "Orient Express," on which passengers might fly from New York to Tokyo in less than four hours.

The thundrous blasts that regularly rock this university town have also spawned huge industrial diamonds, superconductors that transmit electricity without resistance, ultrahard ceramics for cutting tools and new forms of military armor potentially capable of stopping the latest antitank projectiles.

During the past four years, Socorro has become a unique center for research in the chemistry and physics of explosions. Contributions come from the state of New Mexico, the National Science Foundation, the Defense Department, the Sandia and Los Alamos National Laboratories and many other governmental and industrial organizations.

The campus of The New Mexico Institute of Mining and Technology, which covers a range of barren mountains and desert wilderness, provides an ideal setting for experiments that sometimes require the detonation of several tons of high explosives. In 1983, the New Mexico Legislature established the Center for Explosives Technology Research here, and last year, the Research Center for Energetic Materials was added, with support from Federal agencies and industrial corporations.

The director of the two new research centers is Dr. Per-Anders Persson, who before coming to the United States in 1983 directed research at Sweden's Nitro-Nobel Company. Founded by Alfred Nobel, the inventor of dynamite, the company is one of the world's leading manufacturers of explosives.

Since up to 20,000 explosives are now known to chemists, Dr. Persson's multi-national team of experts has an enormous pallette of ingredients for its custom-tailored blasts. Moreover, chemists and physicists here are constantly at work developing new explosives.

"Dynamite is still one of the most powerful of blasting agents," Dr. Persson said, "but blasters are rapidly switching to explosives that are safer, easier to handle and much cheaper. We're working on mixtures of fuel oil and ammonium nitrate, which is a common fertilizer, with water and emulsifying agents.

One of the latest tools used at the research center is a device designed for nuclear weapons called an explosive planewave lens. At the instant of a nuclear explosion, the fissionable fuel, such as plutonium or uranium 235, must be brought together into a "critical mass" very rapidly and under enormous pressure. To do this requires the explosion of conventional chemicals, which slam the fissionable components together hard enough to cause an instantaneous chain fission reaction.

To make this work, the bomb designer must precisely mold and machine lenses of appropriate explosives in such a way that when detonated, their shock waves will collectively drive all the fissionable components together.

An explosive lens is made, Dr. Persson said, by molding a thin cone of fast-detonating explosive around a cone of somewhat slower detonating explosive. When this double cone is detonated at its apex, the detonation wave moving along its sides has farther to travel before reaching the cone's base than does the detonation wave that moves straight down.

But since the fast-detonating explosive is used on the sides of the cone, the two detonation waves reach the base at the same time. By altering the compositions of the explosives and the geometry of the concentric cones, a detonation wave of any desired curvature, including a flat wave front, can be made to emerge from the base of the cone.

When a simple piece of high explosive detonates, it generates a spherical shock wave that balloons outward more or less uniformly in all directions. (A shock wave is a rapidly moving barrier, ahead of which matter remains undisturbed and behind which matter is traveling at nearly the same speed as the shock wave itself.)

But in an explosion to be used as a precision tool, a spherical shock wave, which shatters, scatters and distorts objects in its path, is inappropriate. To make the new materials emerging from Socorro's laboratories, scientists are using plane waves—shock waves that imitate the flat face of a swiftly moving hammer head.

Struck by such a "hammer," materials undergo chemical and physical changes impossible under normal conditions.

FORMING NEW ALLOYS

Currently, the explosives research center must buy its explosive lenses from Los Alamos National Laboratory at a cost of about $1,500 each. But the center has devised a way to make these bomb triggers for only $150 on its own, and plans to make them available to industrial researchers.

"Under shock compression," said Dr. Naresh Thadham, a metallurgist at the center who formerly worked at Los Alamos, "extraordinary chemical reactions can occur. For example, such normally incompatible metals as titanium and aluminum react chemically under explosive shock to form wonderful new alloys for the aerospace industry."

Titanium-aluminum alloys will find use, he said, in hypersonic aircraft, whose exteriors must resist the intense heat of re-entry into the atmosphere.

Dr. Alan R. Miller, a New Mexico Tech professor of metallurgy, has used explosive lenses to make composite materials. In one, powdered aluminum is compressed by explosive shock around a mesh of steel piano wires. The immense strength of this material is analogous to that of concrete reinforced by an internal structure of steel rods.

Since steel and aluminum expand at different rates when heated, steel reinforced aluminum had been considered impractical until Dr. Miller's explosion bonding experiments, which create such strong bonds between dissimilar materials that differences in thermal expansion rates do not separate them.

Dr. Miller has also explosively embedded strong reinforcing plastic fibers within metal—a trick impossible through conventional metal casting, which would burn up the plastic.

Explosive lenses are bonding together fine grains of a variety of ultrahard materials, including diamond dust and cubic boron nitride, a substance that is superior to diamond for cutting iron-based materials. Better drills and cutting tools than any ever made are expected to result, scientists here say.

"We have also begun shock-compression experiments aimed at producing room-temperature superconductors," Dr. Miller said. "We've already created low-temperature superconductors with explosions, and we think we're on the right track." If such materials can be produced in quantity and fabricated into useful implements, many important new technologies will become possible, including power transmission systems from which no electricity would be lost.

"If it turns out that shock compression is a good way to make high-temperature superconductors," Dr. Miller said, "we might be able to build a superconducting power line simply by pouring the powdered ingredients along a trough in the ground and setting off a strip of shaped-charge explosive above it."

ARMOR-PIERCING WEAPONS

Meanwhile, new shock-compressed ceramic materials made at the center out of titanium, boron, silicon, carbon and other ingredients are likely to find their way into weapons soon. "What we want to do," Dr. Persson said, "is to make sheets of ultrahard ceramics up to six inches on a side. Such tiles could be patched together to make armor that will be relatively impenetrable."

The problem of piercing the laminated armor used in Soviet tanks has spurred efforts of explosives experts to improve the hollow-charge warheads used in antitank missiles. A hollow charge, opposite in its effects to a lens, concentrates its shock energy in a thin, penetrating jet.

The charge is cylindrical, but its forward face is indented to form an internal cone. The cone is lined with metal—often copper—and when the charge is detonated, the sides of the cone blow inward, crushing the metal between them and squirting it out as a high-speed jet of solid metal. Such jets can be used to penetrate tanks or tap huge vats of molten steel. Hollow charges shaped as grooves rather than indented cones can fire foil-thin sheets of metal that can cleanly sever huge girders.

Los Alamos National Laboratory in New Mexico, where the atomic bomb was invented, is among the institutions that support research at the explosives center. Dr. William C. Davis, a fellow at Los Alamos and a leading expert in detonation physics, not only leads seminars in explosion physics at New Mexico Tech but serves as an adviser to the research center.

"Unfortunately," he told a seminar of graduate students here, "explosions are noisy and destructive, and they therefore attract a certain number of nuts. But let the rest of us concentrate our attention on the fascinating science that explosions can reveal."

Dr. Davis noted that the gases produced by a blast are always in turbulent motion, and that the dynamics of an explosion are therefore extremely difficult to calculate, even with the help of the world's most powerful computers.

"But we are making progress in understanding the underlying complexities of turbulence, and this understanding is essential to astronomy, physics, biology and other sciences," he said. "Continuing progress will depend partly on attracting young scientists to the exciting study of explosives."●

JEWISH SETTLERS IN MICHIGAN

● Mr. RIEGLE. Mr. President, today's New York Times carried a fascinating article concerning one of the first Jewish settlers in the United States. The story which was written by William E. Schmidt, discusses the excavation and reconstruction of the house and trading outpost of Ezekiel Solomon, who is considered the first Jewish settler in Michigan and the Northwest Territories.

Donald R. Kisch, an attorney from Bloomington, IL, who recently visited the excavation site stated that,

"Mr. Solomon's story is a neglected chapter of Jewish history and the texture of Jewish life * * * in putting the emphasis on Israel and Europe we sometimes overlook the fact that Jews have had a long and rich history on our own continent."

During the celebration of Yom Kippur, the holiest Jewish holiday, I believe that it is appropriate to acknowledge this historical discovery, and commend it to my colleagues' attention.

I therefore ask that the full text of the article entitled "In Search of a Past at Northwest Outpost" be printed in the RECORD.

The article follows:

IN SEARCH OF A PAST AT NORTHWEST OUTPOST

(By William E. Schmidt)

MACKINAW CITY, MICH., Sept. 24.—To the archologists who have been excavating the small, sandy plot here, the site is known simply as "house C of the southeast row house," the buried ruins of an 18th-century fur traders' dwelliing.

But to many Jews in the Midwest, the dig has taken on a separate and very special meaning since it is the archeological reconstruction of the house and trading outpost of Ezekiel Solomon, whom historians describe as the first Jewish settler in Michigan and the Northwest Territories.

Over the last three years the excavation has drawn dozens of Jewish spectators and volunteers, many of whom have journeyed to this small tourist town, a cluster of motels and souvenir shops opposite Mackinac island, as if on a kind of pilgrimage.

"It is amazing just to imagine his being here, bringing some small touch of 'yiddishkeit' to what must have been such a strange world of savages and French fur traders and Jesuits and British officers," said Donald R. Kisch, a lawyer from Bloomington, Ill., who, after spending part of July here, circulated an article about the excavation among Jewish congregations in Illinois.

To Mr. Kisch, Mr. Solomon's story is a neglected chapter of Jewish history and the texture of Jewish life, or yiddishkeit. "In putting the emphasis on Israel and Europe, we sometimes overlook the fact that Jews have had a long and rich history on our own continent." Mr. Kisch said.

The ruins of the Solomon house lie buried beneath a grassy field inside the rebuilt palisade of old Fort Michilimackinac, a frontier garrison at this historic watery crossroads that is now a tourist attraction, overlooking the Straits of Mackinac and the Mackinac Bridge to Michigan's Upper Peninsula.

Two hundred years ago the fort was a remote British outpost in the New World where traders like Mr. Solomon plied their trade, bartering glass beads, blankets and other goods with the Indians and French trappers in return for beaver pelts.

According to historical documents, Ezekiel Solomon was a Berlin-born Jew who emigrated to Montreal, where he was active in a Sephardic congregation and was elected to an honorary position.

As a member of a syndicate of five Jewish businessmen in Montreal, he acquired a license from the British to trade furs, and in 1761 he made the perilous 1,000-mile journey to Fort Michilimackinac.

Although he was captured in 1763 in an Indian attack that wiped out most of the British, he returned the next year and went on to establish a properous trading business. In 1765, with a partner, Gershon Levy, he purchased the small two-room house, part of several row houses inside the palisade, and converted it to use as a trading post.

The house stood until 1781, when the British demolished it, along with the rest of the fortress, and moved their garrison to nearby Mackinac Island. Meanwhile, Mr. Solomon married a young Roman Catholic woman, fathered five children and died in 1805.

Dr. Donald P. Heldman, the director for archeology at the Mackinac Island State Park Commission, which has been overseeing archeological activity at sites near here since the 1950's, says work on the Solomon house will be concluded next year.

Since it began in 1983, the excavation has already yielded more than 90,000 artifacts. These include thousands of glass Venetian beads, bits of gun parts and knives, bullets and crockery, rings, pipes for smoking, rosary beads and crucifixes, all materials that were imported by Mr. Solomon by canoe for trading with the Indians and British garrison.

So far, to the disappointment of some of the Jewish volunteers who have come over the summer to work on the site, not a single artifact reflecting Mr. Solomon's religious faith has yet been found.

"You keep hoping you'll turn up a menorah, or maybe a mezuzah," said Judy Kisch, who worked alongside her husband last summer.

Meanwhile, Dr. Heldman said that tens of thousands of pieces of bone debris found on the site would be examined by other scientists, with an eye to what they might reveal about the eating preferences of Mr. Solomon or others who lived in the house.

"It would be too much to expect that he kept a kosher diet," said Mr. Kirsch, marveling over Mr. Solomon's grit in adapting to life on the frontier. "You know, when you think what life must have been like back then, I just can't help but ask the old question: What was a nice Jewish boy like him doing in a place like that?"●

"DISPOSABLE CITIES"

● Mr. SIMON. Mr. President, today I would like to insert in the RECORD an article that I hope will be of vital interest to cities and towns across our Nation. This article, written by Mr. Philip K. Howard, is entitled "Disposable Cities." It was written for the Mayor's Institute of Design sponsored by the National Endowment for the Arts. The article accurately describes some of the problems facing our inner cities and the reasons for the decay and disappearance of the vibrant core of these cities.

Mr. Howard discusses the long-term destructiveness of the growing number of faceless, glass, and concrete towers overtaking our inner cities. The unique diversity of business, shopping, and cultural activities offered within the city has been replaced by sameness, "closeness has been replaced by dispersal, and human interaction has been replaced by isolation." I believe that our cities need a dramatic redirection of future residential growth to revive the center cities and to prevent the suburbs themselves for being dispersed throughout the broader region. I plan to send copies of this article "as food for thought" to Governors and mayors across the country.

New office towers, being built at an alarmingly rapid rate, are built as islands set back from the sidewalk. These "islands look inward to fancy lobbies and rarely offer retail shops to persons on the sidewalk," if a sidewalk even exists. The buildings, which contain underground garages and interior shopping, were designed to keep people in, not spill out into the flow of city streets. Almost "every American city has had its main street victimized by gleaming new office towers bearing the promise of prosperity while in fact having an effect more akin to giant mausoleums." Downtowns have become "highrise commercial parks, rather than the diverse business, retail, cultural, and residential core of a city."

A consequence of this growing phenomenon is urban sprawl, where suburbs occupy vast regions of land and life has grown impersonal and increasingly inconvenient. Everything requires a trip in an automobile and offers no opportunity to walk anywhere. In Atlanta, GA, for example, over 90 percent of the office space built in the last 10 years was outside the central business district.

The growth of our cities must be turned inward and neighborhoods must be created downtown. Local and State governments must implement development and design guidelines to ensure that neighborhoods are oriented for pedestrian traffic. The purpose is to create a neighborhood, which will in turn revitalize downtown, not maximize housing stock.

Those of us in government must work with private sector businesses to reverse this decay of our inner cities and restore them to their previous strength and vitality.

Mr. President. I ask that Mr. Howard's "Disposable Cities" article be included in the RECORD.

The article follows:

DISPOSABLE CITIES—AN OVERVIEW OF THE SHAPE OF OUR POST-WAR URBAN AREAS

(By Philip K. Howard)

ATLANTA AND EVERY OTHER CITY

In the early 1950's, it was exciting to leave our small town and visit my grandparents in Atlanta, a city of trolley cars, regularly-scheduled ice-cream trucks and the magnificent Fox Theatre. The sidewalks of downtown were abuzz with businessmen in their business hats and shoppers pouring into Rich's and Davidson's the way New Yorkers do into Bloomingdales. My grandparents lived on Elmira Place, in "Little Five Points", a cozy tree-lined community only a trolley ride from downtown. Little Five Points had its own village center, to which residents would walk pulling their shopping carts, and to which I would wander for a soda pop and to gaze at the model ships and planes on display at the amazing hobby shop.

Today, Atlanta is an endless suburb virtually indistinguishable from any small or large city. Every trip requires an automobile and it is impossible to walk even to do incidental shopping. Little Five Points contains boarded-up windows and pornography shops. The downtown no longer serves any function other than as the central business district, and that role has eroded in the face of waves of new office construction along the ring roads 10 and 20 miles out. The glass and concrete towers in downtown Atlanta have little to do with the street around them, and the sidwalks appear to become more lifeless every year.

Atlanta is no different than most other cities. This is the remarkable dullness of the post-World War II American city—except for differences in climate, it is hard to figure out which city you are in. The airports, the roads, the office towers, the malls, the suburban neighborhoods all look the same.

After forty years of suburbanization, most of America's cities no longer offer the basic urban qualities that give cities their reason to be. Diversity has been replaced by sameness, closeness has been replaced by dispersal and human interaction has been replaced by isolation. Unless there are dramatic changes in government land-use policies, the suburbs, like the center city before them, will also begin to lose their attraction, and growth will be diverted in yet another direction. The questions for the remainder of this century are where the new growth will occur, and whether the suburbs can be stabilized, the downtowns revived, and the cities themselves can reassert their social, cultural and business leadership.

THE ROOTS OF URBAN DECLINE: THE FLIGHT OF HOUSING

The beginnings of the center city's decline are no mystery, and lay chiefly in a massive post-war government subsidy, in the form of expressways, that made ever-expanding rings of suburbs possible. The expressways made distance from the center of the city seemingly irrelevant, and allowed the suburb to combine a rural vision with ready access to the business, retail and cultural life of a city. The insignificance of distance, a concept unprecedented in urban history, contradicted the precept of closeness that gave cities their reason to be.

The suburbs would have grown even without the billions of government dollars poured into urban expressways. But, without the expressways, commmuting limits soon would have been reached, and closer neighborhoods would themselves have been the object of the natural progression to multi-family housing. This was the pattern in cities that grew before the war. Instead, the unlimited availability of convenient single-family housing dissipated the need for neighborhoods of multi-family housing. The suburbs soon achieved the stature as the only acceptable middle-class neighborhoods and, for young professionals, the demand for apartments was met by "garden apartment" complexes miles away from downtown.

The older middle-class neighborhoods close to the center found themselves ripped apart by new expressways built to meet greater demand of the suburban traffic. If not razed for warehouses and parking lots, what was left of these neighborhoods became what are known as "transitional neighborhood." My grandmother continued to live in Little Five Points, but the lawns of Elmira Place became unkempt and it became a place where cars were abandoned and where my grandmother, then in her nineties, was mugged.

DOWNTOWN AS OFFICE PARK

As the sunbelt cities evolved after the war from tranquil, mercantile hubs into fast-growing affluent metropolises, the downtowns should have developed with ever more diverse and interesting retail, entertainment and cultural activity. The key ingredients—more people, new buildings, more leisure time, higher educational achievement and more money—were present in abundance. With magnificent new office towers, the main commercial arteries should have bustled with young professionals going from meeting to meeting, residents and out-of-towners shopping at new boutiques and all dining at the latest restaurants. Instead,

the opposite happened: downtown became lifeless.

The two villains were distance, noted above, and design: the new office towers were not built to reinforce the line of prewar brick office buildings, but as isolated glass and concrete islands set back from the sidewalk. These islands looked inward to fancy lobbies and rarely offered retail shops to persons on the sidewalks. The buildings, which contained underground garages and interior shopping for sundries, were designed to keep people in, not spill them out into the flow of the city. This design type can actually be traced to misguided application of the theories of Le Corbusier, who championed self-contained futuristic tower-communities, and to architects like John Portman, whose Hyatt Regency in Atlanta popularized the glitzy interior atrium encased in a concrete fortress with no relationship to the city around it. Virtually every American city and suburb, large and small, has had its main street victimized by gleaming new office towers bearing the promise of prosperity while having an effect more akin to giant mausoleums.

The local restaurants and department stores could not possibly survive as whole blockfronts of their neighbors were demolished and replaced by vacant plazas in front of office towers. As retail storefronts were closed down, downtown began to lose its draw as the retail center, which resulted in a great decline in the numbers of retail customers. The flip side of "agglomerative economics"—the well-established notion that a grouping of retail stores draw more customers than the same stores in smaller combinations—was quickly proven in the city after city.

Perhaps the loss of middle-class shoppers caused developers to insulate their tenants from the minorities who were the only occupants of any nearby downtown neighborbood. Or perhaps the architecture of isolation made the streets so dead that no middle-class person would ever be drawn there for shopping or entertainment. Whichever trend came first, they clearly fed each other.

As a result, rather than offering diversity, the downtowns today offer giant pods of sameness—each tower containing a similar newstands and coffee shops. Downtown has become a high-rise commercial park, rather than the diverse business, retail, cultural and residential core of a city.

THE MONOPOLY OF SUBURBAN NEIGHBORHOODS

Suburban neighborhoods represent the finest popular housing ever available, anywhere. We are a country containing millions of relatively new houses with modern conveniences on large green lots. It is not difficult to understand why in a short space of forty years, the suburbs have achieved a virtual monopoly on middle and upper class residential units within the past-war urban areas.

The overwhelming success of the suburbs has also resulted, in recent years, in mounting costs to the quality of suburban life. The newness and lack of definition to many neighborhoods mean that the "neighbors" often do not ever meet each other and leads to the type of anonymity that one expects in big city apartment districts but without the convenience. Everything requires a trip in an automobile: schools, groceries, the half-gallon of milk that was forgotten. There is no occassion to walk anywhere, and consequently little occasion to step outside and have a chat with the neighbors.

The growth of the suburbs after the war followed a pattern similar to consumer trends, with allegiance to new buildings in new places. Older shopping strips and neighborhoods were left behind to decay, which in turn fueled the outward march of nearby residents. The vastness of the resulting suburban "cities"—a thousand square miles, more or less, in case of cities like Atlanta, Houston and Denver—has led to remarkable inefficiency that is felt, among other ways, in the traffic jams that exist through much of the day.

These characteristics are in the nature of an expansive suburb geography and, for most, are obviously offset by the benefits of a spacious house. The monopoly of the suburbs has, however, resulted in a broader and potentially far more important cost. The absence of a strong and diverse downtown or, indeed a dynamic neighborhood anywhere in these metropolitan areas, has weakened the cord which gave the suburbs their reason to be—their proximity to a city, with the business, social and cultural advantages of a city.

In the post-war cities, the suburbanite generally cannot drive to a place where there is urban activity: the stroll down Wisconsin Avenue in the Georgetown district of Washingotn, D.C., or through any number of neighborhoods in San Francisco or Boston, is not available in the new cities. There is no neighborhood in which to window-shop, dine out and take a night-time stroll while observing the variety and fashion of fellow citizens.

Nor, of course, is it possible for the suburbanite, or a friend, to choose to move to a different type of place. The suburb is all there is.

SUBURBAN COMMERCE: THE DRIVE-IN

The retail in the suburbs has gone from dominance by the drive-in "strip" to the interior mall surrounded by acres of parking. Like the modern downtown, the mall must survive on a partial market—in its case, late afternoon and early evening traffic—and as a result lacks indigenous shops and restaurants. Instead, these malls offer the same standardized and safe retail, boosted by large-scale advertising, that is found in every mall across the country.

Office development in the suburbs represents much of the urban office growth in the last decade. In Atlanta, for example, over 90% of office space built in the last 10 years was outside the central business district. These new offices, gleaming sculptural forms against the skyline, have no relationship to any street or neighborhood and epitomize the architecture of isolation. Most of the buildings do not have sidewalks, and could not be reached even by a very determined pedestrian.

The unanswered question about these projects is to what uses they will be recycled when their sheen of newness wears off and the original lease expires. Unlike the age-old pattern in downtowns, where scarce land has always required recycling of buildings, the siting of these new suburban towers and malls has little intrinsic logic. When the market changes, or goes elsewhere, the se buildings and their parking lots can be abandoned as easily as renovated. The decay of their predecessors, the commercial strips and shopping centers, indicates that, if the same growth pattern continues, these new malls and office towers will over time also deteriorate.

THE ATTEMPTED ANTIDOTES

Complaints about the sprawl of the suburbs have been heard since the 1950's, but the new highways continued to be built and local roads continued to be widened. It seems that the suburbs were thought to be perpetually prosperous and that any problems could be fixed by the highways department. Buckhead, the center of one of Atlanta's nicest suburbs, is a typical example of benign destruction: first the mansions on Peachtree Street went the way of commercial strips, and now Buckhead is receiving millions of square feet of office space. Atlanta's response is to announce new widened roads through the heart of the residential neighborhoods that stand between Buckhead and the expressway. The next phase—the decline and strip commerce in those neighborhoods—is entirely predictable.

Virtually no effort has been made by Atlanta or other cities to zone the suburban commercial and retail development in such a way as to create a unified commercial community instead of unconnected drive-ins. Within Buckhead, for example, the new buildings are built without any relation to what is left of the old Buckhead retail center. A recent article in The Atlantic Monthly, "How Business in Reshaping America", notes that places like Buckhead are absorbing most of the retail and commercial growth, and describes these areas as new "urban villages". The growth is certainly in the suburbs, but there is nothing village-like about these collections of towers at traffic intersections. Indeed, their primary function is not even as local service centers; instead, they compound the traffic inefficiency by competing with the center city and each other for regional business.

In contrast to the suburbs, the center city has received an enormous amount of government attention and money. What is remarkable is how these efforts for the most part have completely missed the heart of the problem. Billion-dollar monorails (Miami) and subways (Atlanta), were built to carry populations to a downtown there is no longer any reason to visit. The ridership on these new systems does not even begin to justify the cost; in Atlanta's MARTA system, fares do not cover even half the operating costs. The transit systems cannot possibly expand enough to effectively cover the hundreds of square miles of sprawl.

Special downtown entertainment or tourist attractions have been tried in most large cities, and do little more than occasionally draw a crowd. In Atlanta, the "Omni Center", a shopping mall and ice rink attached to Atlanta's sports arena, went into bankruptcy at a time when the rest of Atlanta was booming. "Underground Atlanta", a section of downtown that had decked over with elevated streets, was restored into restaurants and night-clubs. It survived for several years on novelty and the lunch crowd, and then expired, with not enough traffic in a city of over two million people to keep it busy. Atlanta in recent months has authorized a $100 million subsidy to re-open Underground Atlanta, because otherwise there is nothing for the conventioneers to do.

All across the country, there was a trend in the 1970's to transform downtown shopping streets into pedestrian malls. These proved to be an immediate and continuing disappointment. The stroll down the Fourth Street Mall in the center of Louisville, Kentucky, with new plantings, nice benches and no automobiles, reveals numerous vacant shops and an inescapable loneliness. There are no pedestrians to walk the malls.

THE MISSING INGREDIENT: PEOPLE

The symptoms of decline of our post-war urban areas are numerous. There is one missing structural element however, which has caused the downtown to lose all dynamism and the cities themselves to lose their focus and identities. The missing ingredient in cities is neighborhoods of people who live, work and shop downtown. It seems so obvious.

Consider Washington, D.C. without the Georgetown district, New York without Manhattan, Charleston and San Francisco without their downtown neighborhoods, or any European city without its city neighborhoods. Each of these cities has solid middle to upper class neighborhoods adjacent to its business district; the larger the adjoining neighborhood, the stronger the business and retail district. For our post-war cities to thrive, and for their suburbs to survive, these neighborhoods must be re-created.

Downtown neighborhoods are our urban wetlands, from which much of a city's life and diversity spawns. Yes civic attention has focused almost exclusively on trick solutions like monorails, amusement centers and landscaping on closed streets. When they have considered the issue of downtown housing, the cities have focused primarily on subsidized housing which, though critical, does little either to revive downtown or to release minorities from their increasing isolation from jobs and the rest of society, both located in the suburbs.

The residents of these downtown neighborhoods provide the basic market for upscale retail, specialty shops and restaurants that have traditionally provided much of the glamour of cities. This downtown population finds it convenient and exciting to live adjacent to a street with storefronts, and with a short walk or commute to work. This population is among the largest supporters of cultural activity. Their concentration in sidewalk neighborhoods, where unscheduled encounters are the rule rather than the exception, breeds cultural life and interest. It also fosters diversity, and real integration is in the nature of pedestrian-oriented neighborhoods as much as it is the exception in the suburbs, where open housing provides the house but not human contact.

The strength of urban downtown neighborhoods is vital to downtown's attractiveness as a commercial center. With part of its working population living next door, the central business district regains some of the reason-to-be that was lost when downtown, faced with competition from suburban office parks, became simply another location to commute to. For the office worker who lives in the suburbs, the rebirth of sophisticated shops and night-life in downtown provides a draw for working downtown not found in suburban offices. In Atlanta, the rebirth of a pre-war suburb around 14th Street, between downtown and Buckhead, offering a modicum of pedestrian ambience, is generally considered the magnet for inducing several million square feet of office space there.

The city's attraction to the outside world is also tied to the qualities that are present only with affluent downtown neighborhoods. Would we rather take our families to visit San Francisco or Atlanta? Boston or Houston? Savannah, Ga. or Stamford, Connecticut? On an obvious level, these comparisons are unfair. Atlanta is not soon to be transformed into San Francisco, nor should it be, but one might reasonably question why a city of 2 million people has so few of the qualities found in cities of comparable size prior to World War II. The absence of downtown neighborhoods and the vacuum of urban activity relegates the post-war cities to being destinations without distinction, and deprives them of the opportunity to display and exploit their own special characters.

The importance of downtown neighborhoods is not that they are better places to live than the suburbs. The importance is that, without adjacent pedestrian neighborhoods, downtown has become a sterile office park rather that the vital core of a city, and the suburbs themselves lose the reason to be that stems from a strong urban core. Today, there are few compelling reasons why a businesss without strong ties should not pack up the modems and move to a smaller town or city that offers the same benefits with few of the costs—the same or nicer house, virtually the same retail and entertainment, with greater sense of community and without the congestion and impersonality of the sprawling post-war cities. Businesses searching for new homes are making this judgment every day.

A city like Atlanta, however, has enormous diversity and character to exploit, diversity that should distinguish it from smaller and more parochial communities. That diversity has difficulty revealing itself in a city that offers nothing but drive-ins, and contains no equivalent of a town center or square, where the individuals who make up the retail, commercial and cultural communities can intermingle, create, climb ladders and strive for accomplishments, of whatever sort, not available in smaller communities.

REFORM AND REALITY

We take our cities as we find them. The issue is not rejection of the suburbs, but where the growth will occur in the future: whether the sprawl will continue at the same pace, or whether it will drive growth outside the area altogether, or, the other likely options, whether growth will occur in new high-rises in existing suburbs, or through renewal of neighborhoods or areas that were left behind as the suburbs marched outwards.

Except for rebirth of downtown neighborhoods, none of these alternatives has redeeming features. Continued sprawl worsens the current inefficiencies; diversion of growth to smaller towns or cities is a clear measure of the decline of our cities; high rise development in the suburbs, an active phenomenon, destabilizes nearby residential communities and offers none of the efficiencies of a strong center core. By contrast, reclaiming areas near the center city is efficient—it brings people near their jobs—and creates a social fabric in the downtown area where there is now a void. Yet little priority is directed at downtown housing. It is as if the city fathers believe there is no demand for such housing or, if attempted at all, that the point is only to provide that many dwelling units, rather than as the means of re-energizing the entire city.

The objective facts indicate that there would be significant demand to live downtown if the critical mass could be achieved to create a neighborhood. Downtown neighborhoods, where they exist, support the highest property values in those cities, as found in New York, San Francisco, Boston, Chicago, and Washington. The demand is further shown by the reclamation in recent years of run down middle-class neighborhoods in cities like Baltimore and Philadelphia, and by grass roots efforts to reclaim pre-war pedestrian suburbs even in the bastions of new and better, like Atlanta.

In cities without downtown neighborhoods, multi-family housing has again become a significant proportion of the housing market—in 1985 in Atlanta, accounting for 31% of all new units. This demand, however, has been largely met by "garden apartment" complexes in the suburbs, a location that guarantees most of the disadvantages of the suburbs—the long commute, no ready access to services—without the advantages of the typical suburban homestead.

A principal difficulty in cities like Atlanta is not demand, but supply: the post-war cities have few or no neighborhoods to reclaim near the center city. It would take a brave developer indeed to build an isolated apartment project in the vacuum surrounding the center city.

A neighborhood core has to be built from little or nothing which will require public-private partners. The patchwork of ownership in the blocks near the center cities makes it virtually impossible for private parties to assemble an area large enough to create a functioning neighborhood. In adopting the partnership hat, Government must have the clear vision that its goal here is not utopia, but its own self-preservation in beginning to remedy the planning and zoning mistakes of the last four decades. The task required is primarily to stage the development so that the private developers collectively will create a working neighborhood that will attract residents.

THE NEW NEIGHBORHOODS

The most difficult problem in creating new neighborhoods is ensuring that what is built is not a large housing project but a neighborhood with a sense of community that people like to visit and to live in.

Virtually no multi-family residential developments built since the Second World War have abided by the precepts of what people actually like. Instead, developers have stacked apartments within towers that resemble brick-clad versions of new office buildings, or have lined up rows of identical prim garden apartments or "townhouses" based on suburban house design, each with its own drive-in parking slot. Each of these housing types in its own way represents another example of the architecture of isolation. Neither design type creates a neighborhood.

The most important post-war examples of new American neighborhoods, both very imperfect, are Reston, Virginia and Battery Park City. Reston, which functions as a suburb of Washington, D.C., was conceived as a new town and designed to integrate retail and housing around a town plaza which opens onto a small lake. Reston is largely unsuccessful as a village, for reasons that in hindsight seem obvious. Little of the housing is on or adjacent to the town square and is instead spread out in conventional suburban attached and single-family units. There is no village street, but only a few shops on its open square. The design of the town square and adjacent buildings have a uniform, hard edge design, which announces to all that this is a project, not a real village.

Unlike Reston, Battery Park City has an ample concentration of housing units. Despite praise, however, Battery Park City cannot avoid the effects of being a collection of medium and high-rise towers, albeit ones juxtaposed against attractive park land. Battery Park City is a well-designed housing project, but it is unclear whether it

will ever be the type of neighborhood, common elsewhere in Manhattan, that draws people for its liveliness and sense of community.

The neighborhoods to emulate are the neighborhoods that people like. In a period of fifteen years, Soho in New York was transformed from a district of 5-story manufacturing buildings into one of the most famous and popular residential and retail districts in the country. Georgetown is a district of townhouses bisected by two main shopping streets that bristle with excitement. Gramercy Park in New York was a development of townhouses in 1840 that has retained its basic character despite losing about half the houses to high-rise apartment buildings. In Chicago, the area surrounding Rush Street contains turn of the century townhouses that establish its basic character, but most of the population reside in adjacent high rise towers on Lake Michigan. The entertainment streets, which are adjacent to the townhouse area and are largely on a low-rise scale, provide boutiques, art galleries and restaurants not only for the local community but for all of Chicago.

Consider any city neighborhood which you like and it is likely to have the following characteristics, which should provide the basic guidelines for new urban neighborhoods:

The character of the neighborhood should be established by low-rise buildings. The purpose is to create a neighborhood, which will in turn revitalize downtown, not to maximize housing stock. High-rise towers are acceptable only to the extent that they do not overwhelm the smaller structure. It would be difficult, and perhaps impossible, to identify a development of high-rise towers which conveys a sense of a lively urban neighborhood. The excitement on the upper east side of New York, for example, is found on the low-rise Madison and Lexington Avenues, whose character is further supported by townhouse-scale side streets. It is no accident that the remarkable surge in the glamour of Madison Avenue in the last five years occurred coincident with a virtual ban on high-rise buildings. All the developer energy is now being spent making storefronts and buildings more enticing, rather than tearing them down for 30-story towers. By way of contrast, compare the feeling on the developed blocks of First to Third Avenues in New York.

All the buildings in the new neighborhood, residential and commercial, should be connected to each other and should maintain a uniform street wall. This is a characteristic of any successful city commercial street, in America and elsewhere, and also a characteristic of successful city housing of any size. Indentations or "designed" setbacks and plazas interrupt the continuity and sense of uniform fabric of the neighborhood.

General uniformity of massing is vital to an overall sense of the neighborhood, but sameness in detail is destructive and gives the look of a housing project. Reston's design is monolithic. The designs in Georgetown and Gramercy Park have an overall uniformity but display individuality from building to building. Consequently, there should be an effort to attract diversital developers and owners building within a master plan. Efforts should be made to retain certain existing buildings, even apparently disfunctional buildings, to provide texture and a reference to the past. The neighborhood must not resemble a housing project.

The new neighborhood must be oriented to the pedestrian and inviting to outsiders in the same way that the commercial streets of San Francisco or the upper east side in New York are. No self-contained building fortresses should be permitted, and no restricted streets; there is ample room in the interior of blocks for private garden spaces. The neighborhood should be characterized by activity and excitement on its main streets. By way of example, streets with storefronts might have apartments above in order to further integrate the urban functions.

Landscaping is the least important aspect of this project, and town squares and open spaces can suck vitality from a neighborhood as easily as they can benefit it. This is the lesson that should be learned from Reston and virtually every housing project. Much of the praise of Battery Park City has been directed towards its straightforward park design—grass, park benches in a row and nice views.

Zoning of areas adjacent to the new neighborhood—and this applies equally to suburban centers as well—must require that buildings be interconnected, with retail and other activity along the sidewalk, so that the broader area can begin to function as a community rather than as unconnected drive-ins.

Little Five Points was a neighborhood where the neighbors chatted, ran into each other walking to and fro doing errands and, even though the neighbors were not always the friends that came to dinner, they all constituted an important part of each others' lives. The fabric of a strong society, with commitment to shared values, stems in large part from such relationships.

Today, we accept isolation—whether behind the glass windshield or in a self-contained glass tower—as a common part of life. We enjoy new malls and towers in the same way that we like new automobiles, without considering that buildings last the better part of lifetime, or longer, and are new only briefly. In the post-war prosperity, representing four decades of new and better everything, we have forgotten that buildings are not consumer items, and cannot be built without relation to each other and cannot be discarded without long-term impacts.

These buildings define the pattern of our daily routine, and the pattern of our collective daily routine is the way our city functions. Almost without our noticing it, a society of drive-in buildings has left us increasingly isolated and left our cities lifeless and littered with drive-ins of prior years.

The growth of our cities must be turned inward, and downtown neighborhoods must be created. These neighborhoods function as the fountain of urban vitality, and are the source of pedestrian interaction, indigenous retail, spontaneous culture and diversity instead of sameness. Unlike the pattern of the last forty years, the continued growth of these neighborhoods will increase the intensity and attraction of downtown rather than leaving it behind. The seed of a trend is there, but the government must be the initiating partner if urban neighborhoods of any size are to be created in this century. Downtown needs people, and rather than spending $100 million to prop up an uneconomic tourist attraction like Underground Atlanta, cities should focus their resources on a real solution.●

S. 1699, THE CHAPTER 2 ELEMENTARY AND SECONDARY EDUCATION REFORM AMENDMENTS OF 1987

● Mr. SIMON. Mr. President, on September 17, I introduced S. 1699, along with my distinguished colleague from North Carolina, Mr. SANFORD, the Elementary and Secondary Education Reform Amendments of 1987. S. 1699 reforms and reauthorizes the chapter 2 block grant.

Mr. President, I ask that a section-by-section summary of this bill, S. 1699, be printed in the RECORD.

On that same day, an editorial appeared in the Wall Street Journal titled "A Six-Syllable Word." The article commends the Secretary of Education for his recent speeches here in Washington and in Chapel Hill, NC, on the important question of holding educators accountable for results under State education reform laws, in addition to being responsible for the expenditure of State and local funds. Secretary Bennett, following up on the National Governors Association report—Time for Results—has also urged more accountability in Federal education programs. I share that view.

Accountability, however, is not a one-way street. The Congress and the President should also be held accountable when we fail to fully fund programs like Head Start, the Chapter 1/Title I Compensatory Education Program, and the Education for Handicapped Children Act (Public Law 94-142). There is mounting evidence in the polls and in public attitudes that American taxpayers are willing to pay for excellence in education and higher teacher salaries. What we need to do—in partnership with the States—is strengthen curriculum, raise graduation standards, and increase accountability among those who teach our children, superintend our schools and establish educational policy. It is time for results.

Mr. President. I ask that the September 17, 1987, Wall Street Journal article be included in the RECORD at this point.

The material follows:

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1987 DRAFT BILL

Section-by-section summary, Sept. 22, 1987

Section 1—Short Title: Elementary and Secondary Education Reform Amendments of 1987.

TITLE I—IMPROVED PROGRAMS FOR ELEMENTARY AND SECONDARY EDUCATION UNDER CHAPTER 2

Section 101—Reauthorization and Purpose

1. Amends Section 561 of the Education Consolidation and Improvement Act of 1981 to eliminate references to consolidation and to emphasize the programmatic purpose of the Act. Shifts the focus of Chapter 2 funds to primarily target Chapter 1, "at-risk" student populations and State-based educational reform efforts.

2. Extends Authorization of the Education Consolidation and Improvement Act of 1981 for five years, to FY 1993.

Section 102—Within State Allocation

1. Amends Section 564(a)(2) of the Act to clarify the advisory duties of the advisory committee as set forth in the state application.

2. Amends Section 564(a)(3) of the Act to clarify requirements on contents of the state application.

3. Requires that the State reserve 20% of the allocation for administration of this chapter, and distribute not less than 80% to local education agencies.

4. Defines the criterion for distribution of funds to local education agencies (LEAs) or consortia of such agencies, to include the degree to which the project for which assistance is sought for the needs of educationally disadvantaged students, and the degree to which the project has the potential to achieve its stated goals through the priority objectives described in Section 571.

5. Requires a peer review panel assist in the establishment of criteria for grants under this chapter to local educational agencies.

6. Defines the make-up of the peer review panel to be broadly representative of the school community and consist of 3 elementary and secondary teachers; 3 parents; 2 principals; 2 superintendents of local educational agencies; 2 local school board members; and the head of the State educational agencies (SEAs) or designee, and in the case the SEA is a State board, 2 members of the board.

7. Specifies that the minimum grant to any local educational agency or consortia within a State shall be $25,000, except grants for library resources to small institutions may be less than that amount.

Section 103—Local Applications

1. Requires that local applications include a description of how projects will contribute to goals established for assisting educationally disadvantaged students' achievement or the quality of education through the priorities specified in the Act; the planned use of funds; and the allocation of funds required to implement section 586.

2. LEAs applications to the State must include a statement of: educational priorities and goals, and the procedures for an annual evaluation on how the agency did or did not achieve the objectives.

Section 104—Educational Priorities

1. Replaces Subchapters A, B, and C of chapter 2 of the Act with a list of priorities to assist the educationally disadvantaged students by which funds shall be allocated to local educational agencies.

2. Priorities include:

Increasing the availability and quality of instruction of pre-kindergarten programs, especially for economically disadvantaged children including, children with handicaps;

Expanding and improving student dropout prevention programs, particularly prevention and reentry activities;

Increasing parental involvement in education and enhancing the literacy of such parents by integrating early childhood education and adult education for parents into unified "Even Start" programs;

Carrying out projects to enrich secondary school curricula, including junior high and middle schools, including new methods in approaches to teaching, the use of stated achievement goals for students, the continuous monitoring of student progress, and the strengthening of course work and requirements;

Expanding and improving programs to identify and educate gifted and talented children, particularly those who may not be identified through traditional assessment methods; and

Implementing educational reforms adopted by the State.

3. Allows funding of additional activities including purchase of library equipment, testing, guidance, and counseling programs associated with the priorities described above.

Section 105—Technical Amendments

1. Amends subchapter and chapter headings.

TITLE II—THE TEACHER TRAINING AND IMPROVEMENT ACT

Section 201—Short Title (Teacher Training and Improvement Act)

Section 202—Statement of Purpose

Section 203—Authorization of Appropriations

1. Authorizes $80,000,000 to be appropriated for FY 1988, and such sums as necessary for each of the four succeeding fiscal years.

Section 204—Definitions

1. Defines the following terms: elementary school, eligible recipient, nonprofit, preservice education, and secondary school.

Section 205—Reservation and Allotment of Funds

1. Allows the Secretary of Education to reserve up to 20% of the appropriated funds for national programs under section 210.

2. Provides that the Secretary reserve from the remainder amount .5% for projects and activities in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands and the Trust Territory of the Pacific Islands; and .5% for section 206 activities to benefit schools supported by the Department of the Interior which serve Indian children.

3. Provides that funds reserved for the islands be distributed according to need as determined by the Secretary.

4. Remaining funds shall be distributed to States according to the relative number of school-aged children.

5. Provides that the Secretary may reallot funds among the States if a State does not submit an application or indicates that it cannot use all the funds available to it.

6. Provides that the Secretary may reallot funds to other states (but not Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands) on a competitive basis.

Section 206—Programs for Indian Children

1. Provides that funds allotted to the Department of the Interior be used to support inservice education for teachers; provide scholarships for teachers and administrators for additional training; establish cooperative exchange programs between schools and public and private employers to enhance the effectiveness of teachers and administrators in those schools; or other activities consistent with the purposes of this title.

2. The Secretary of the Interior shall provide such information as is reasonably required to carry out the Secretary of Education's responsibilities under this title.

Section 207—State Application

1. Lays out the requirements for state applications. Each State application shall cover 3 fiscal years; be submitted at the time and in the manner specified by the Secretary.

2. The application will also contain information including assurances that the State educational agency will be responsible for:

Supervision and fiscal control of the program;

Continuing administrative direction and control by a public agency of funds used for private nonprofit elementary and secondary school;

Distributing at least 90% of funds on a competitive basis;

Using no more than 5% of the State's allotment for State administration;

and assurances that no portion of the funds will be used to improve preservice education or teacher education programs unless the State has met, with less than its full allotment, inservice education needs; retraining of teachers who wish to teach different subjects; programs to attract qualified persons from businesses and the profession to become teachers or school administrators; and inservice education for professors and instructors in teacher education programs.

3. The application will contain descriptions of priorities and goals the State has taken into account the needs of schools that desire to participate in projects under this title; the procedures the State will use to ensure that participation of a variety of eligible recipients; procedures and criteria the State will use to select local projects together with the methods they will use to conduct annual evaluations on how the agency did or did not meet the priorities or goals; how various agencies and organizations will be involved in developing State priorities; any project the State will carry out with the portion of its allotment not distributed to eligible recipients; and the procedures the States will use to ensure compliance with section 209.

4. Provides that each State application after the first must contain information on the preceding State application, including participation, and an evaluation of how well the projects accomplished the goals set forth.

Section 208—State and Local Projects

1. Provides that an eligible recipient shall submit an application to the State educational agency to carry out a local project under this section.

2. Requires that the State educational agency use the undistributed portion of its allotment for administration.

3. Provides that funds be used to support inservice education for teachers and school administrators, retrain teachers, improve teacher education programs with an emphasis on attracting minority applicants, develop exchange programs between professional personnel in education and other fields, and to support other activities consistent with this title.

4. Prohibits use of funds for improvement of teacher education programs unless other needs have already been met.

5. Specifies that priority be given to improving teaching in English, mathematics, the natural physical sciences, the social sciences, the humanities (including foreign languages), and other academic subjects.

6. Allows State agencies to require that participants remain a teacher or school administrator for a specified period of time or repay the cost of training.

7. Specifies that local projects be developed cooperatively with local educational agencies, private schools, higher educational institutions, cultural institutions, professional associations, private industry, and

other interested public and private agencies, organizations, or institutions.

Section 209—Participation of Private School Teachers and Administrators

1. Provides that participation will be consistent with enrollments in private nonprofit elementary and secondary schools in the area to be served by a local project.

2. To satisfy this requirement, the State educational agency shall consult with private nonprofit school representatives during the design and development of the project to determine needs and interests, and then provide benefits in such schools accordingly.

3. Prohibits use of funds for religious worship, proselytization, or activity of a school or department of divinity; provide for improvement of religious instruction, or provide benefits to teachers or school administrators in institutions that are denied tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954.

Section 210—National Programs

1. Provides that the Secretary may use funds reserved under section 205(a) for research, development, evaluation, demonstration, dissemination, and data collection activities which are of national significance and are consistent with the purposes of this title through grants, cooperative agreements, or contracts.

2. Specifies the activities the Secretary shall carry out, including:

Developing centers and summer institutes for teachers and school administrators;

Awarding scholarships or fellowships for additional education;

Developing exchange programs in which outstanding teachers or school administrators from one school district or State are temporarily assigned to another school district or State;

Developing model programs for personnel exchange between educational institutions and private industry;

Making awards for the development and testing of teacher education programs;

Recognizing teachers and school administrators for their excellent performance by supporting opportunities for further study or to write or conduct research;

Awarding Presidential teacher internships to persons in other professions and recent graduates who lack coursework in education but would like to teach;

Collecting and disseminating information about exemplary inservice teacher education programs, teacher shortages and surpluses, and teacher qualifications;

Supporting research on teaching and improving preservice and inservice education;

Developing model programs for preservice and inservice training designed to provide teachers with the skills needed to maintain an orderly classroom environment conducive to learning; and

Supporting other activities that are consistent with the purposes of this Act.

3. The Secretary must carry out the activities described above prior to initiating additional activities.

4. Allows the Secretary to require that participants remain a teacher or school administrator for a specified period of time or repay the cost of training.

5. The Secretary shall disseminate summary results of exemplary programs.

Section 211—Use of Funds

1. Specifies that Federal funds made available to a State or local educational agency under this title be used to supplement and in no case to supplant non-Federal funds.

2. No Federal funds under this title may be used to benefit teachers or school administrators in private, for-profit schools.

[From the Wall Street Journal, Sept. 17, 1987]

A SIX-SYLLABLE WORD

In an important speech last week, Secretary of Education William J. Bennett Placed squarely on the table a six-syllable word most politicians don't much care for—accountability.

"Accountability," he said in a speech directed at presidential candidates of both parties, "the giving and taking of responsibility for results, is the linchpin, the keystone, the sine qua non of the reform movement" in American education. Yet there is still too little accountability for what goes on in the schools, Mr. Bennett said.

"In general," the eduaction secretary argued, "if you do something good to or for a group of students, nothing happens to you or for you. Likewise, if you do something bad to or for a group of students, again, in general, nothing happens to you or for you." Mr. Bennett has for some time been arguing for a system that gives rewards to teachers, principals and school systems that show exceptional progress in educating the young.

At their debate last Friday in Chapel Hill, N.C., the Democratic presidential hopefuls responded. Al Gore Jr. said he would have Mr. Bennett fired, Bruce Babbitt said the education secretary was conducting a "witch hunt" against teachers' unions. All seven contenders committed to spending more money, Another $4 billion, said Mr. Biden. Another $12 billion, said Mr. Gephardt.

Ever since the NEA got out the vote for Jimmy Carter's successful campaign in 1976, a sine qua non of Democratic politics has been staying on the right side of the teachers' unions, which means shouting for more federal spending on education. But between 1960 and 1980, per-pupil outlays more than doubled in constant dollars, while average SAT scores were declining 85 points. This year some $300 billion in federal, state, local and private spending will be devoted to education, more than to defense. Today the U.S. spends more per capita on education than any other nation in the world. What most people who pay tax money into U.S. school systems are looking for now is a better return on their investment.

It shouldn't surprise anyone that politicians running for federal office would mainly issue calls for more spending, since spending is mainly what federal politicans do. Nor is it surprising that much of the actual classroom-based progress being made to improve school performance is the work of the nation's governors. So far, they've shown a much better understanding of the need for accountability in education, and of linking rewards (or sanctions) with results.

Three states cited by Mr. Bennett in his speech last week have developed model programs for accountability. One in Indiana was passed by the state legislature over the objection of the Indiana Teachers' Association. It includes a performance/based school accreditation system, performance-based rewards for schools, and testing for children at certain grade levels.

In Ohio, a program still under consideration by the state legislature would require testing at certain grade levels and permit parents to compare school districts on the basis of test scores. In New Jersey, Governor Tom Kean rejected provisions in a proposed reform program that would have allowed administrators and principals in failed school districts to hold onto their full tenure rights.

The botton line, as spelled out earlier this year in a report by the National Governors Association, is that if "someone has to pay a penalty for continued failure . . . it should not be the students." It's much more likely that improvements in school performance will begin to emerge when teachers, principals and administrators know that they will be held accountable for performance—that they will be censured for failure, and rewarded for success. Incentives are as appropriate in education as in any other field.

It should be added that education isn't a one-way process. No one has yet come up with a magic formula any teacher can use to turn out accomplished students. Learning also requires a substained sense of initiative and personal responsibility by the students themselves. But if teachers and administrators are held accountable for their work, as Mr. Bennett suggests, they will begin to demand more and expect more of their students. The students will repsond. And U.S. education will benefit.●

PLAZA MEDICAL ASSISTS ABDUL GHAFFAR

● Mr. LAUTENBERG. Mr. President, I would like to bring to my colleagues' attention the services that Plaza Medical in Camden, NJ provided to Abdul Ghaffar, an Afghan resistance fighter who was in dire need of medical attention that was unavailable in Afghanistan or Pakistan.

Plaza Medical participated in the Intergovernmental Committee for Migration's Afghan Relief project so that Abdul Ghaffar was able to receive necessary medical treatment for a gunshot wound he received 4 years ago in his leg. Plaza Medical recognized that it was in a position to provide extremely valuable services to Abdul while he recovered from his surgery and offered to help. Thanks to the services Plaza Medical provided along with Cooper Hospital, Abdul rapidly recovered from his surgery, and is now able to return to his family and friends in Afghanistan.

A number of extremely dedicated individuals at Plaza Medical worked hard to facilitate Abdul's medical care while he was in New Jersey. I understand that Craig Koff, Administrator; Pat Melcher, R.N. and her nursing staff; Marion Flocco, dietician and her staff; Lisa Gwin, physical therapist; Michelle Strittmatter, therapeutic recreationist; and Frances Rodriguez, social services; were particularly instrumental in ensuring that Abdul received quality care and necessary attention.

Mr. President, Plaza Medical provided an important service to Abdul Ghaffar. I commend them for cooperating with Cooper Hospital to provide the necessary medical treatment that Abdul desperately needed.●

CRANE ARMY AMMUNITION ACTIVITY

● Mr. LUGAR. Mr. President, today marks the 10th anniversary of the establishment of the Crane Army Ammunition Activity, located at the Naval Weapons Support Center in Crane, IN. As the Senate is meeting here today, a special ceremony is being held at Crane to commemorate this milestone.

The Crane Army Ammunition Activity has been a critical component of our nation's defense readiness. Its mission includes: production and renovation of conventional ammunition and related components; manufacturing, industrial engineering, and product assurance; storing and shipping of conventional ammunition and related items; preparing for mobilization in all areas of conventional ammunition, production, renovation, shipping, receiving, disposal and demilitarization.

The Crane Army Ammunition Activity has earned an outstanding reputation for quality of performance. It is a highly dependable government facility for our Armed Forces. The work force has proven that it can respond timely and efficiently. Hoosiers employed at Crane are pleased to have the opportunity to contribute to the defense of our country. Many years of service to the United States are reflected in the lives of the present and former employees.

I would also like to pay special tribute to those persons from all Crane facilities who have died during their official duties. Their deaths in preparing our military for combat is no less noble than those killed in conditions of war. Those who have died on duty, and all Crane employees, have shown great commitment to the United States. For this service and dedication, we are proud and grateful.

Those who have died in service since 1942 at all Crane government operations are: Bud Hamilton, Adam Yost, Adolph Seipel, Claude Collins, Roy Callahan, Henry Lottes, Carl Pruett, Carol Davis, Charles Gardner, Juanita Roach, James Wraley, David Stoner, Clarence Butler, Billy Leach, Leo Buckingham, Hohn Cliver, Reina Bruner, Pat Bowling, Betty Byrer, Don Jerger, and Tom Patterson.●

REVISED 302 ALLOCATIONS

● Mr. CHILES. Mr. President, pursuant to section 9 of the concurrent resolution on the budget—fiscal year 1988, I ask that this letter, with attachment, be printed in the RECORD.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 1, 1987.

Hon. GEORGE BUSH,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Committee on Appropriations has recently voted to report out legislation in compliance with section 9 of the Budget Resolution dealing with the Welfare Reform initiative. This legislation addresses the areas specified in the Budget Resolution and does not exceed the funding constraints found in section 9. Consequently, pursuant to section 9 of the Budget Resolution, I am submitting to the Senate today revised allocations under section 302(a) for the Committee on Appropriations, appropriately revised to accommodate this initiative. Pursuant to the Budget Resolution, these allocations should be deemed for all purposes to replace those submitted on June 24.

Sincerely,

LAWTON CHILES.

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT FOR 1988

[In millions of dollars]

Committees	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	586,140	593,475	0	0
Agriculture, Nutrition and Forestry	26,285	28,919	(18,723)	4,425
Armed Services	44,256	30,359	161	161
Banking, Housing, and Urban Affairs	6,567	3,639	0	0
Commerce, Science, and Transportation	1,933	150	393	393
Energy and Natural Resources	1,302	875	28	28
Environment and Public Works	14,839	777	6	6
Finance	602,543	547,088	57,614	57,650
Foreign Relations	7,304	7,247	0	0
Governmental Affairs	63,684	40,136	0	0
Judiciary	1,701	786	98	98
Labor and Human Resoruces	3,184	2,546	4,038	4,611
Rules and Administration	82	262	0	0
Small Business	43	0	0	0
Veterans' Affairs	1,558	1,234	15,235	15,244
Select Indian Affairs	531	413	0	0
Not allocated to committees	(−208,750)	(−217,106)	0	0
Total, budget	1,153,200	1,040,800	58,850	82,616 ●

INFORMED CONSENT: NEW JERSEY

● Mr. HUMPHREY. Mr. President, informed consent is a necessary ingredient to proper health care, and is required in virtually all medical procedures. However, in the case of abortion, the requirement for informed consent is often ignored. What this has meant is that women all across America are suffering negative consequences from their abortions, consequences they were never told might result.

I urge my colleagues to support my informed consent bills, S. 272 and S. 273, and end this injustice toward women. Women contemplating abortion should not be denied the right to know the details of this medical procedure which cannot be undone. I ask unanimous consent that the following letters, sent to my office from two New Jersey women, be entered into the RECORD. They clearly demonstrate the need for informed consent.

The letters follow:

FEBRUARY 5, 1987.

DEAR SENATOR HUMPHREY: I am writing to tell you that I had an abortion when I was 21 years old. If this will help even one person from getting an abortion then I praise God that I can help.

I was in nursing school and would have been asked to leave if anyone found out that I was pregnant. So I found a clinic that offered abortion services and went there. Shortly after arriving they did a pregnancy test that turned out positive. I was then taken into an examination room, put on a table and given a suction abortion.

No one said anything to me at all this time even though I was crying. The nurse patted me on the shoulder and gave me a tissue.

When the doctor was finished he told me to rest a few minutes and left the room to dispose of the contents of a paper cup.

After I was dressed he gave me some instructions about what to expect for as far as bleeding went and that was it.

Not once did anyone mention the emotional agony that I would go through. No one even tried to explain the pros and cons to give me a better view of what I was doing.

I hope that this will help you in your efforts.

Sincerely in Christ,

DEBRA NICOLOSI.

NEW JERSEY.

FEBRUARY 12, 1987.

DEAR SENATOR HUMPHREY: I read an article in Concerned Women of America magazine about abortion. The article asked if there were any women who had had an abortion without adequate counseling to write in hope to help other women who might be considering having one.

Let me just say that no one ever told me what exactly would happen to the unborn fetus. The abortion clinic nor the doctor I went to first that recommended having it and where. I felt and still do at times feel like a murderer even though I have asked the lord to forgive me and I know he did. The mental memories you have to live with are horrifying in the least. You don't even know if it would have been a boy or a girl and you can't stop thinking about it or what you did. Everytime someone mentions the word abortion or baby you relive it over again like a nightmare that won't go away. You even think God will punish you and not ever be able to get pregnant again.

Please allow counseling for women who are thinking about abortion before they have to suffer all their lives like me; or land up in a mental ward or worse.

Sincerely,

MRS. W. LANDRY.

NEW JERSEY.●

BUDGET SCOREKEEPING

● Mr. CHILES. Mr. President, I submit the following letter for the RECORD.

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, October 1, 1987.

Hon. JOHN C. STENNIS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter is to inform you of a revision in scorekeeping by the Committee on the Budget in connection with the effects on fiscal year 1988 of H.R. 1827, making supplemental appropriations for the fiscal year ending September 30, 1987, and for other purposes, Pub. L. No. 100-71 (July 11, 1987). Through reexamination of the treatment of mandatory and discretionary components of H.R. 1827 and other components of the 302(a) allocation to the Committee on Appropriations, we have determined that an adjustment of the accounting under section 302(a) of the Congressional Budget Act of 1974 is called for, having the effect of increasing discretionary spending available to the Committee on Appropriations by the amounts of $68 million in budget authority and $504 million in outlays.

It is of course the prerogative of the Committee on Appropriations to allocate this spending among its subcommittees and make appropriate accounting adjustments in their 302(b) spending levels.

Sincerely,

LAWTON CHILES,
Chairman.●

THE NOMINATION OF JUDGE ROBERT BORK TO THE U.S. SUPREME COURT

● Mr. GLENN. Mr. President, the Senate has a constitutional role in approving or disapproving Judge Robert Bork to the Supreme Court. This particular appointment is undoubtedly one of the most important Senate confirmations we will have for a long time.

In assessing Judge Bork's nomination, my vote in the Senate must be decided on what I believe are the best interests of the Nation and the State of Ohio.

Having now made those judgments, I must in good conscience oppose the Bork nomination.

On a number of specific concerns, I do not believe Judge Bork's views reflect the feelings and values of most Americans and Ohioans. For example:

Individual rights: A primary role of the Supreme Court is to actively protect the fundamental rights of all Americans. In Judge Bork's view, the Court is limited to the exact wording of the Constitution in defending individual liberties, nothing more, nothing less. But in some cases, it is uncertain what the framer's intent was, or might be, in light of changing customs, morals, mores, and ethics now generally accepted by most Americans.

Civil rights: The legislation passed in the 1960's to guarantee the rights of black Americans was a long overdue remedy to decades of slavery and oppression. In Judge Bork's view, the legislation constituted "an extraordinary incursion into individual freedom." While black Americans were fighting for the right to sit at lunch counters and to stay in hotels with white Americans, Judge Bork was criticizing the Public Accommodations Civil Rights Act of 1964. Bork publicly stated his opposition to the Civil Rights law which opened public accommodations to people of all colors, implying this would infringe upon the rights of those who would discriminate to choose their own morality.

Women's rights: The courts have an important role to play in protecting women against discrimination. In Judge Bork's view, cases of sex discrimination should not receive heightened scrutiny under the equal protection clause of the 14th amendment. Consider how much worse off our mothers, wives, sisters, and daughters would be if Judge Bork's views had prevailed.

Privacy: Bork has stated that a right of privacy is not derived from constitutional materials. Specifically, Bork disagrees with the Supreme Court's decision on Griswold versus Connecticut, in which the Court found a right to privacy in the context of a married couple's use of contraceptives. Clearly this view jeopardizes all subsequent Supreme Court rulings predicated upon a privacy right, such as the right to choose to have an abortion (Roe versus Wade), and the right to be free from involuntary sterilization by the state (Skinner versus Oklahoma).

Congressional Access to Courts: Bork has ruled that Members of Congress have no standing to sue the executive branch in court. Under his view, Congress as an entity could not challenge the constitutionality of the executive branch's actions in the Iran-Contra affair; nor could individual Members have challenged the constitutionality of the Gramm-Rudman Act.

"One man, one vote": Bork opposes this Supreme Court ruling, stating that the principle runs counter to the text of the Fourteenth Amendment. Consistently, Bork opposed the Supreme Court's decision upholding the authority of Congress to curb the use of literacy tests in order to protect the right to vote.

The promise and the greatness of the American dream has always rested on the high premium we place on the rights of the individual. We're not the only country in the world to use "majority rule," but no other Constitution protects the fundamental human rights of individuals the way ours does. In protecting these rights, the Supreme Court has become the historic guardian of individual liberty.

But Judge Bork, for example, would have allowed States to ban contraceptives, to require voters to pay a poll tax, to enforce restrictive covenants, to outlaw abortion, and to sterilize prison inmates against their will, among other things.

While the above is only a partial review of the record, I don't believe that most Americans and Ohioans will see Judge Bork's views as falling within the mainstream of American judicial and legal thought that they want for their children and America's future.

I therefore urge my Senate colleagues to join me in rejecting his nomination.●

THE HELMS AMENDMENT TO REPEAL THE DC INSURANCE LAW

● Mr. KENNEDY. Mr. President, yesterday's vote on the amendment proposed by Senator HELMS to the Appropriation Act for the District of Columbia concerns me greatly. This amendment allows for the repeal of a law passed by the District which imposes a 5-year moratorium on the use of the HIV antibody test by health and life insurers. Such action compels me to respond.

Under the principle of home rule, the District of Columbia has the right to legislate its own insurance regulations. Although the Home Rule Act does allow for congressional oversight of District laws, it must act within 30 days. More than a year has passed. Though Senator HELMS has put this question before the Senate before, this measure has not made it through Congress. Either there is home rule or there is not. I object strongly to this action at this late date. For Congress to have acted now makes a mockery of home rule.

I am also opposed to this amendment on the merits. The AIDS crisis demands immediate attention. We must do everything within our power to help stop the spread of this deadly virus. We must reach out with compassion and care to those who have been exposed to the virus or stricken by the disease. The public and private sector must work together to find a way to provide health services for the growing AIDS population. It is estimated that the direct cost of health care for people with AIDS will swell to $16 billion or more by 1991. Abandonment by insurers of people infected with the AIDS virus is not an adequate or acceptable response.

The District of Columbia has tried to deal wisely and compassionately with one of the most complex issues involving AIDS, and the Congress should not have overridden that decision.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, in recent months our perceptions of the Soviet Union have undergone rapid change. Glasnost has inspired a new openness in many areas of Soviet policy. This is to be commended. For me a particularly encouraging step has been the release of several longstanding refuseniks.

It is, however, only a step. Many more steps must be taken. For every refusenik released many more remain behind. Among them is my good friend, Naum Meiman.

If further progress is to be made, the recent releases cannot be taken for granted. Glasnost is not an irreversible process, as recent criticisms by two

senior Politburo conservatives have shown. Constant pressure for the release of Naum, and others like him, must be maintained.

For this reason, I call, once again, for the immediate release of Naum Meiman to freedom in the West.●

ECONOMIC EXPANSION IN 59TH MONTH

● Mr. DANFORTH. Mr. President, today marks the beginning of the 59th month of economic expansion for the U.S. economy. The strength and resilience of the economy continue to surprise and, in some cases, to confound the observers. The facts speak for themselves: the longest peacetime expansion on record; the third longest expansion on record, surpassed only by two periods of wartime stimulus; the creation of more than 13.5 million jobs; the lowest jobless level since 1979; significant gains in median family income and the net worth of American households; inflation that is down dramatically from the ruinous levels of the 1970's.

Let me state my belief that continuation of this economic growth, and its distribution to all parts of the nation and all sectors of the economy, demand a decision by Congress to meet the deficit reduction targets we have promised to meet, and to focus our efforts first on spending, and not on new taxes.

I ask that the New York Times article of today's date, entitled "Economic Expansion in U.S. Continues Into a 59th Month," be printed in the RECORD.

ECONOMIC EXPANSION IN UNITED STATES CONTINUES INTO A 59TH MONTH

(By Robert Pear)

WASHINGTON, Sept. 30.—The United States enters its 59th consecutive month of economic growth on Thursday, marking the third-longest expansion of the economy since monthly records were first kept in 1854.

The duration of the current expansion has confounded liberal skeptics, surprised some conservative ideologues and handed Republican candidates a political issue they can use to advantage in elections for the White House and Congress next year.

Since the economy began to pull out of the last recession in November 1982, the nation has created more than 13.5 million jobs. The unemployment rate fell in July to its lowest level since 1979 as employment surged, even in manufacturing, and the rate remained at the same level, 5.9 percent, in August.

Median family income, after adjustment for inflation, rose last year for the fourth consecutive year, according to the Census Bureau. Despite fears about the revival of inflation, the stock market continues strong. The Congressional Budget Office estimates that the net worth of American households has increased 39 percent since late 1982, thanks to increases in the value of stocks, homes and other assets.

And the outlook remains bright. The Government yesterday reported an increase of six-tenths of 1 percent for August in its index of leading economic indicators, which predicts trends three to six months in advance. It was the seventh consecutive rise for the Government's main barometer of economic activity. [Page D1.]

GET OUT OF THE WAY

President Reagan says the sustained growth of the economy results, in large part, from his market-oriented policies: his successful campaign to reduce individual income tax rates and Federal regulation while shifting assets and programs from Government to private industry. Others say increased spending, particularly for a military buildup, sustained the growth.

Mr. Reagan said Tuesday that he had helped set off a global "revolution in economic thinking" based on this precept: "The best thing government can do is get out of the way. And that's just what we've tried to do."

The extent of the Reagan Administration's role, though, is a matter of debate. The length of the current expansion also fits into a long-term trend. Geoffrey H. Moore, director of the Center for International Business Cycle Research at Columbia University, said, "The periods of business expansion have become longer and the periods of recession shorter."

"Service industries like banking and insurance have become much more important as a source of employment, and they are less affected by business cycles than the goods-producing industries like manufacturing," he said in an interview. "Typically the service industries don't carry inventories. You can't stock a service. So the service industries have to produce rather steadily and continuously to meet demand.

Only two economic expansions were longer than the current one, and both occurred in wartime. One lasted 106 months, from February 1961 to December 1969, driven in good part by the impact of the Vietnam War. The other ran 80 months through World War II from June 1938 to February 1945.

Economists said these factors had contributed to the unusual duration of the current economic growth:

A huge infusion of foreign investment has made it possible for American businesses to get the money they need to expand production even as the Government borrows more and more to finance its budget deficits.

Consumer spending has outpaced the growth in personal income and fueled demand for goods and services. Drawing on their personal savings and taking on debt to make purchase, consumers pushed the personal saving rate to its lowest level since 1949.

Members of the baby boom generation who surged into the labor force in the 1970's have gained experience in their jobs and have presumably become more productive, according to Gordon W. Green Jr., assistant chief of the population division of the Census Bureau. In addition, the educational level of American workers continues to rise, even though employers say it is not high enough.

The sharp reduction in inflation, from 12.4 percent in 1980 to 1.1 percent last year, stabilized the economy and restored confidence in its future performance. And tax cuts in 1981 and 1984 apparently stimulated investment, as Mr. Reagan intended.

President Reagan's military buildup created jobs, partly offsetting the long-term loss of jobs in manufacturing. From 1980 to 1985, the number of people holding jobs related to military contracting grew by 45 percent, to a total of 3.2 million, according to a study by the Commerce and Labor Departments.

And military spending rose from $157.5 billion in the fiscal year 1981 to $273.4 billion in 1986. Military outlays accounted for 5.3 percent of the gross national product in 1981 and 6.6 percent in 1986, a slightly higher proportion than in the last year of the Vietnam War.

Lester C. Thurow, dean of the Sloan School of Management at the Massachusetts Institute of Technology, said the growth of the economy tended to confirm the ideas of John Maynard Keynes. "In 1982, we gave the economy a tremendous dose of Keynesian medicine," Mr. Thurow said in an interview. "If you reduce taxes and increase defense spending, it stimulates demand."

IMPACT OF OIL SHOCK

The previous record for the longest peacetime expansion was 58 months, from March 1975 to January 1980, following a serious recession that had been exacerbated by the oil crisis.

Some of the same factors that helped fuel the growth of the last five years have also stirred concern.

C. Fred Bergsten, a Treasury official in the Carter Administration who now serves as director of the Institute for International Economics, a private research center here, said, "We now know the miracle of supply-side economics: Foreigners supplied many of the goods and most of the money."

FUNDS FROM ABROAD

The net inflow of funds from foreign countries totaled $117.4 billion last year and $203.7 billion in the period from 1982 through 1986, according to data compiled by the Commerce Department. Some of the foreign money was lent directly to the United States Government through purchases of Treasury securities. Some was invested in corporate stocks and bonds.

Foreign holdings of such bonds, which reflect borrowing by American corporations in foreign markets, soared to $142 billion last year, from $32.8 billion in 1984, according to the Commerce Department. Foreign investors' spending to acquire or establish businesses in the United States reached a record $31.5 billion last year, double the figure for 1984.

Payment of interest and dividends to foreigners will be a major expense in future years, economists say.

"The combination of the dollar's decline and the massive net U.S. obligations to foreigners will reduce the overall rate of growth of the American standard of living," said Martin Feldstein, a professor of economics at Harvard who served as chairman of Mr. Reagan's Council of Economic Advisers from 1982 to 1984. "In the future, we as a nation will have to give up some of each year's production to service our public and private debts to the rest of the world."

THE SHADOW OF THE DEFICIT

The Federal budget deficit reached a record $220.7 billion in the fiscal year ended Sept. 30, 1986, a record. The budget deficit and the United States trade deficit are closely linked.

Beryl W. Sprinkel, the departing chairman of the Council of Economic Advisers, said the trade deficit "reflects the fact that, as a nation, we are spending more than we are producing and importing the difference." Budget deficits, he said, account for

"a substantial portion of this excess of expenditure over income."

In a speech Tuesday at the annual meetings of the World Bank and the International Monetary Fund, Mr. Reagan acknowledged that the United States' record trade deficit was "of justifiable concern." But he said that unemployment in this country had declined dramatically since late 1982, even though the trade deficit had soared. By contrast, he said, in Japan and West Germany, which have large trade surpluses, unemployment has increased.

Mr. Reagan sometimes portrays his economic record as a continuous, glittering success story. But economic growth has been much slower in recent years than in the first year and a half of the expansion.

Prof. Victor Zarnowitz of the University of Chicago, an expert on business cycles, said, "From mid-1984 to date, the average annual rate of growth has been less than the post-war trend of 3.3 percent a year from 1948 to 1975." The economy grew at a rate of 7 percent a year from late 1982 to the middle of 1984. Since then, growth has averaged less than 3 percent a year.

A SHIFT IN SPENDING

Mr. Sprinkel, acknowledged that economic growth was "weaker than expected" in 1985 and 1986. The main reason, he said, is that there was "a shift in domestic spending away from domestically produced goods to imports."

Jerry J. Jasinowksi, chief economist for the National Association of Manufacturers, however, said that the sluggish growth of the economy in the last two years had, in a curious way, prolonged the expansion.

"Slow growth," he said, "has provided more economic stability and has prevented inflation from accelerating in such a way that the Federal Reserve would have to tighten monetary policy and bring on the risk of a recession."

COMMEMORATING THE 100TH ANNIVERSARY OF THE GARLOCK PACKING CO.

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 100th anniversary of the Garlock Packing Co. Garlock, a division of Colt Industries, has a tradition of excellence and a past to be proud of.

In 1887, Olin J. Garlock, an industrious 26-year-old equipped with a new U.S. patent opened the Garlock Packing Co. near Rochester, NY. Garlock's ingenius idea for manufacturing large quantities of packing for steam engines proved successful and the company grew at an amazing rate.

The Garlock Packing Co. has come across many milestones during one century of growth. Joining with Colt Industries in 1976 gave Garlock the extra strength needed to lead the industry into a new era in the 1980's. Garlock made history with its research and development of nonasbestos products and today is known for the best there is in the sealing industry. Their gasketing and packing is used by most industries in the United States and around the world.

In spite of Garlock's world wide success, the company has not forgotten its humble beginnings and has contributed to the improved economics of the town of Palmyra and the surrounding towns and boroughs in Wayne County. By providing new jobs and industry, Garlock has made Palmyra known for more than just a charming small town.

I am pleased to wish the Garlock Packing Co. a happy 100th birthday and wish them all the success in the years to come.●

THE SOVIET REFUSENIK YOM KIPPUR HUNGER STRIKE

● Mr. D'AMATO. Mr. President, I rise today to call to the attention of my colleagues and of all Americans a hunger strike and demonstration being staged simultaneously in Leningrad, Moscow, and Washington. This hunger strike and demonstration is staged on behalf of the Soviet refuseniks Alexander Zapesochny, Eugene Gilbo, Irina Alievskaya, Lev Shapiro, and all others who are separated from their families as a result of Soviet oppression.

I was invited to attend the Washington demonstration by its organizers, but because the Senate was in session and voting, I was unable to accept their invitation. Instead, I sent a message to be read at the demonstration they held at the Soviet Embassy.

I ask that that statement appear in the RECORD.

At their demonstration, the organizers intend to read a statement appealing to the Soviet officials for the release of Alexander, Lev, Eugene, and Irina. This heartfelt appeal deserves the attention of my colleagues. I ask that it appear in the RECORD.

In closing, I commend everyone who had a hand in organizing or participating in this activity. It is important that the American people never forget the fact that the Soviets are not keeping their human rights promises and that families are divided and good people are suffering because of it. Activities such as this demonstration and hunger strike are necessary in order to keep the cause of Soviet Jewry and the plight of people denied their human rights in the forefront of our consciousness and our concerns.

Thank you, Mr. President.

U.S. SENATE,
Washington, DC, October 1, 1987.

Message to All Participants in the Soviet Refusenik Yom Kippur Hunger Strike Demonstration.

DEAR FRIENDS: While Senate business prevents me from being with you in person today, rest assured that you have my strong and enthusiastic support as we struggle to achieve Soviet compliance with their international human rights obligations.

The plight of Soviet Jewry compels our concern and our personal involvement. We must act, as you are acting today, to make certain that the Gorbachev's press agentry—the glamour of "glasnost"—does not obscure the suffering of those like Alexander Zapesochny, Eugene Gilbo, Lev Shapiro, Igor Smirnov, and Irina Alievskaya who are still denied the right to leave the Soviet Union.

We have heard many promising words from Mikhail Gorbachev. There have even been some actions. But Soviet actions lag far behind Soviet promises.

It is time and past time for Soviet actions to catch up with Soviet words. If this does not happen soon, we will be bound to conclude that glasnost is all glamour and no reality, that it is a propaganda Potemkin Village intended to fool the West into a new detente.

I commend Rabbi Judea Miller and Sandy Gradinger, two residents of Rochester, New York, for their outstanding efforts in organizing this demonstration and the hunger strike.

I stand with you in support of the human rights guaranteed by the Helsinki Final Act and the International Declaration on Human Rights. I stand with you as we seek the release from the Soviet Union of Alexander, Eugene, Lev, Igor, Irina, and all the others who want to exercise their right to be reunited with their families, a right whose denial is particularly cruel during the holidays.

Sincerely,

ALFONSE D'AMATO,
U.S. Senator.

THE SOVIET REFUSENIK YOM KIPPUR HUNGER STRIKE

Yom Kippur is the holiest day for the Jewish People.

It is one this day that we set our personal resolutions for the coming year. . . . promises that we make for the betterment of ourselves and others.

We who stand together today in Washington, Leningrad and Moscow, do resolve and promise that for the coming year we will fight relentlessly for the Human Rights and Family Unification addressed in the Helsinki Final Act and the International Declaration of Human Rights to which the Soviet Union is a signatory.

Furthermore, we resolve to join together on the eve of this Day of Atonement, a fast day, to initiate a hunger strike, Demonstrating our determination in this effort. We promise to continue to question General Secretary Gorbachev who has professed a policy of Glasnost and openness to us.

We ask; What is Glasnost when refuseniks still are being denied visas to emigrate to the West to join their families?

We ask; What is Glasnost if holidays can not be shared between family members?

We ask; What is Glasnost if we have to use Hunger Strikes and other visible demonstrations to make the world aware of the plight of Soviet Jewry?

Through the efforts of Rabbi Judea Miller and Sandy Gradinger, two members of the Rochester N.Y. community, who have recently returned from the Soviet Union and visited the homes of Refuseniks Alexander Zapesochny, Eugene Gilbo, Lev Shapiro, Irina Alievskaya and Igor Smirnov, We have a first hand account of the sorrow and distress of living separately from family members. Rabbi Miller and Mr. Gradinger also had an opportunity to share the concerns of divided families with Soviet Dissident Andrai Sakharov.

The Joint Hunger Strike, we begin today is to protest the separation of all Soviet Refuseniks and their families in the West: a protest against forcefully and willfully dividing families.

Through our Yom Kippur fast and this symbolic Hunger Strike we stand in solidarity protesting divided families.●

APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, yesterday we completed action on three more appropriations bills, Interior, D.C., and legislative branch. That is a considerable achievement, and one that would not have been possible without the able assistance and cooperation of the managers of those bills.

The managers of the Interior bill, Senators JOHNSTON and MCCLURE, carried out their task with efficiency and dispatch. We began consideration of the bill Tuesday evening and completed work on it with the rollcall vote on final passage early yesterday morning. That would not have been possible without the talented assistance of the professional staff of both the majority, particularly Charlie Estees and Don Knowles, and the minority, Jeff Celik.

Likewise, the managers of the District of Columbia bill, Senators HARKIN and NICKLES, were able to complete action on that bill within the space of a few hours yesterday. While not large in terms of dollars, that bill nonetheless contains important programs and the managers, with the assistance of majority staff Tim Leeth and minority staff Keith Kennedy, fulfilled their responsibilities in a most capable manner.

The fourth regular appropriations bill passed by the Senate this year, legislative branch, was managed by Senators BUMPERS and GRASSLEY with their usual combination of hard work, attention to detail and, perseverance. Dealing with appropriations for the Congress and the issues involved in it is never easy. Yet the managers and their staff, Tim Leeth for the majority and Keith Kennedy for the minority, successfully traversed the minefield and completed action on that bill within a few hours.

Mr. President, the managers of these three bills and their staff, deserve the thanks of all Senators. All were prepared to come to the floor and manage their bills on short notice. That requires a degree of preparedness on the part of managers and staff that reveals both skill and professionalism. The Senate is indeed fortunate to have these Senators and staff willing and able to perform these important duties.

The Senate has now passed four regular appropriations bills for fiscal year 1988, which begins today. Two other bills are on the calendar, energy and water, and Commerce, State, Justice, and available for action. The Appropriations Committee, under the leadership of Senators STENNIS and HATFIELD, are proceeding at full speed to report the remaining bills that have been received from the House. My goal is to have the Senate act on all House-passed bills as soon as possible so that conferences may convene and bills sent to the White House.

As my colleagues will recall, no regular appropriations bill was enacted last year. I intend to do all I can to see that the President receives as many appropriations bills as possible this year. I want to thank the Republican leader for his assistance in this regard and all my colleagues for their cooperation in achieving this goal.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1988 AND 1989

The Senate continued the consideration of the bill (S. 1174).

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:15 tomorrow morning; provided further that upon the conclusion of the two orders for the leaders, which would be reduced on tomorrow morning to 5 minutes each, the Senate, at no later than 9 o'clock, return to the consideration of the unfinished business, the DOD authorization bill, that the Dole-Warner amendment dealing with SALT II compliance be placed before the Senate at 9 o'clock tomorrow, that there be 30 minutes thereon to be equally divided between Mr. NUNN and the offerers of the amendment, and that upon the expiration of the 30 minutes, to wit, 9:30, the Senate proceed to vote on the Dole-Warner amendment without amendment.

Mr. WARNER. Up or down.

Mr. BYRD. On means up or down.

Provided further that upon the disposition of the Dole-Warner amendment, the Senate proceed to the further consideration of the Bumpers amendment, No. 825, that there be 30 minutes thereon, 20 minutes to be under the control of Mr. BUMPERS, 10 minutes to be under the control of Mr. WARNER, upon the expiration of which time or the yielding back thereof the Senate proceed without any intervening motion to vote on the Bumpers amendment without amendment thereto; provided further that on the disposition of the Bumpers amendment, the Senate proceed to third reading on S. 1174 and without any further intervening action or debate or motion the Senate proceed to the consideration of House bill H.R. 1748, that all after the enacting clause be stricken and that the language of the Senate bill S. 1174 be inserted in lieu thereof, that without any further debate or motion or amendment the Senate proceed to third reading, without any further intervening debate or motion the Senate proceed to passage of the bill, and that upon the motion to reconsider there be no time for debate; provided further that upon the disposition of the House bill, the Senate proceed to the consideration of the State Department authorization bill, which I already have authority to do after consulting with the distinguished Republican leader, and I have consulted with him; provided further that the language of the Weicker-Hatfield amendment be placed on the calendar in the form of a resolution and that the majority leader be authorized to move to that resolution, take it up after consultation with the distinguished Republican leader without debate and that it be made the pending business at any time.

Mr. NUNN and Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. It is my understanding, Mr. President—and I am afraid the Senator from Arkansas has already left—that following the Dole-Warner amendment, we go to the Bumpers-Leahy amendment; 20 minutes has been reserved for the Senator from Arkansas. I ask the distinguished Senator from West Virginia if he would reserve 5 minutes to the Senator from Vermont out of the 20 minutes of the time allotted to the Senator from Arkansas under Bumpers-Leahy so it would still be 20 minutes, but it would be 15 minutes under his control, 5 minutes under mine. And I understand there is no problem with that with the Senator from Arkansas. If it turns out that I am wrong, I will immediately yield my 5 minutes to him.

Mr. BYRD. That is not wrong. That is absolutely preeminently correct, and I make that part of my request.

Mr. President, I modify my request to provide that prior to the third reading of S. 1174, the distinguished chairman and ranking members be allowed to offer their technical amendments and/or motions which are purely technical in nature, with no debate thereon except that a brief explanation not exceeding 5 minutes be accorded to the managers.

Mr. DOLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there any objection?

Mr. DOLE. Reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, if there is no real problem, it has been called to my attention that there may be at least one Member on this side, maybe two, who would like to have a brief period for debate—not much, say, 25 minutes a side, 30 minutes a side; it may not take that long not to exceed 1 hour equally divided right before the final vote.

Mr. BYRD. All right. Does the distinguished Republican leader have ref-

erence to that debate occurring after third reading of the Senate bill or before passage of the House bill as amended by the Senate bill?

Mr. DOLE. That will be before the House bill.

Mr. BYRD. Mr. President, I add that to my request; that just prior to final passage of the House bill as amended by the text of the Senate language there be 1 hour of debate thereon to be equally divided between and controlled by Mr. NUNN and Mr. WARNER.

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

Mr. BYRD. Mr. President, I thank all Senators.

May I say before Senators leave, and let me reiterate that the amendment by Mr. DOLE—I wonder if the distinguished Republican leader would have his amendment printed in the RECORD overnight.

AMENDMENT NO. 839

Mr. WARNER. Mr. President, I was going to ask to send the amendment to the desk by Mr. DOLE and the Senator from Virginia and ask it be printed in the RECORD.

The PRESIDING OFFICER. The amendment will be printed.

The amendment is as follows:

At an appropriate place in the bill insert the following new section:

SEC. . SALT II COMPLIANCE AMENDMENT.

Notwithstanding any other provision of law, the United States shall not be obligated to abide by the provisions of the SALT II Treaty, in whole or in part, unless and until the following have occurred:

(a) The Senate has amended the Treaty so as to give it legal force if it were ratified;

(b) The Senate has given its advice and consent to the Treaty;

(c) The Union of Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned;

(d) Each party has ratified the Treaty in accordance with its own constitutional processes.

Mr. BYRD. Mr. President, I also ask unanimous consent that the pending amendments in the first and second degrees by Mr. WEICKER and Mr. HATFIELD be withdrawn, and that the pending amendment thereto by Mr. BYRD, Mr. NUNN, Mr. BUMPERS, Mr. SASSER, and Mr. ADAMS be withdrawn, and permit me to say that in withdrawing that amendment that 54 Senators today expressed support for that amendment by voting against, by voting for the motion to invoke cloture thereon.

It is not our desire to delay further action on the DOD authorization bill. But there were 54 Senators who wanted to vote on that amendment. We could not invoke cloture by 54 votes but a clear majority of the Senate indicated their support for the Byrd amendment. I ask therefore that it be withdrawn.

Mr. President, I ask unanimous consent that the Byrd, Nunn et al amendment be printed in the RECORD at this point.

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

The test of the amendment follows:

AMENDMENT NO. 732

Strike all after subsection (a) of the amendment and insert in lieu thereof, the following:

(b) Congress expresses its support for:

(1) a continued US presence in the Persian Gulf and the right of all non-belligerent shipping to free passage in the Gulf;

(2) continued work with the countries in the region and with our Allies to bring about a de-escalation of the conflicts in the region, and to bring a halt to those activities which threaten the freedom of navigation in international waters in this region; and

(3) diplomatic efforts underway in the United Nations and elsewhere to bring about an early resolution of the conflict between Iran and Iraq, identify the actions which led to the current conflict and contribute to its continuation, achieve a cease-fire as called for by United Nations Security Council Resolution 598, and take early action toward imposing sanctions on any party which refuses to accept a cease-fire.

(c)(1) The Congress determines that the circumstances in the Persian Gulf and the Gulf of Oman meet the conditions established in Section 4(a)(1) of the War Powers Resolution.

(2) Within thirty days after the date of enactment of this Act, the President shall submit a report to the Congress, in classified and unclassified form. The report shall provide a complete review of the policy of escorting vessels which had flown the flag of any country bordering the Persian Gulf on June 1, 1987, and which are currently or were formerly registered under the flag of the United States. This report shall also include a discussion of the following—

(A) the extent to which the policy of protecting reregistered vessels supports U.S. regional strategy;

(B) the anticipated duration of the operation;

(C) the objectives of the escorting operation and how the Administration measures progress toward those objectives;

(D) the funds which have been expended to date on the escort operation and the anticipated future requests for funds, including any request for reimbursement of previously expended funds;

(E) the impact of these operations on the diplomatic efforts to achieve a negotiated settlement of the Iran-Iraq war;

(F) the commitments which have been made, if any, by other governments to support this operation, and the commitments, if any, which have been made by the United States to those governments; and

(G) the impact these operations have had on the operational deployments and readiness of U.S. forces in other regions.

(3) Within sixty days after the report required by paragraph (2) is submitted, or 90 days after the date of enactment of this Act, whichever is sooner, the President shall terminate the registration of reregistered vessels under U.S. law and terminate the use of United States armed forces to escort reregistered vessels in the Persian Gulf region, unless the Congress has enacted a law providing specific authorization for such use and registration.

(e)(1)(A) The provisions of this subsection shall apply to the introduction and consideration in a House of Congress of a joint resolution introduced pursuant to subsection (c)(3).

(B) For purposes of this subsection, the term "joint resolution" means only a joint resolution which authorizes escorting of reregistered vessels in the Persian Gulf or the registration of those vessels under United States law, and which is introduced within 3 session days after the date on which the report of the President described in subsection (c)(2) is received by Congress.

(C) For purposes of this subsection, the term "session days" means days on which the respective House of Congress is in session.

(2) A joint resolution introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the 8th session day after its introduction.

(3) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged under paragraph (3) from further consideration of, a joint resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. Amendments to the joint resolution are in order under a two-hour time limitation for each amendment. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rule of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) If, before the passage by one House of a joint resolution of that House, that House receives the other House a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(f) For purposes of this section, the term "reregistered vessels" means vessels which had flown the flag of any country bordering the Persian Gulf on June 1, 1987 and which are currently or were formerly registered under the law of the United States.

(6) This subsection is enacted by the Congress—

(A) as an exercise of rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

The text of the agreement follows:

Ordered, That on Friday, October 2, 1987, at 9 a.m., the Senate resume consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes, and at that point the Dole/Warner/Byrd amendment, dealing with SALT II compliance, be the pending question, and that there be 30 minutes equally divided on the Dole/Warner/Byrd amendment, and that no amendments be in order to the amendment.

Ordered, That following the conclusion or yielding back of time on the Dole/Warner/Byrd amendment, the Senate proceed to vote on the Dole/Warner/Byrd amendment, without any intervening action.

Ordered further, That following the disposition of the Dole/Warner/Byrd amendment, there be 30 minutes of debate on the Bumpers amendment, 15 minutes for the Senator from Arkansas (Mr. Bumpers), 5 minutes for the Senator from Vermont (Mr. Leahy), and 10 minutes for the Senator from Virginia (Mr. Warner), and that no amendments be in order to the amendment.

Ordered further, That after the time has been used or yielded back on the Bumpers amendment, the Senate proceed to vote on the Bumpers amendment, without any intervening action.

Ordered further, That following the disposition of the Bumpers amendment, no further amendments be in order to S. 1174, relating to SALT.

Ordered further, That following the vote on the Bumpers amendment, the Senate proceed, without any intervening debate, motion, or amendment, to third reading of S. 1174, and that the Senator from West Virginia (Mr. Byrd) be recognized to call up, without any intervening debate, motion, or action, the House companion bill, H.R. 1748, and that all after the enacting clause be stricken and the language of S. 1174, as amended, be inserted, and that the Senate proceed immediately to third reading.

Ordered further, That prior to final passage of the House bill, as amended, there be 1 hour of debate thereon, to be equally divided and controlled by the Senator from Georgia (Mr. Nunn) and the Senator from Virginia (Mr. Warner).

Ordered further, That upon the expiration or yielding back of the time for debate on the House bill, the Senate proceed to final passage of the House Department of Defense Authorization bill, without intervening action.

Ordered further, That there be no time for debate on a motion to reconsider.

Ordered further, That prior to third reading, the managers be recognized to offer technical amendments or motions.

Ordered further, That the Weicker/Hatfield "War Powers" amendment, in the form of a resolution, be put on the calendar, and that it be in order for it to be called up at any time, without debate, by the Majority Leader, after consultation with the Republican Leader.

Ordered further, That upon disposition of the House bill, the Senate proceed to the consideration of S. 1394, the Department of State Authorization Bill.

Mr. ADAMS. Mr. President, will the majority leader yield for a question?

Mr. BYRD. Yes.

Has the original request been agreed to? It was agreed to, was it not, the overall time agreement?

The PRESIDING OFFICER. The majority leader is correct.

Mr. ADAMS. Mr. President, it is my understanding that the original underlying amendment will be on the floor for resolution and will be the pending business subject to the majority leader calling it up in consultation with the minority leader. So it is the pending business.

Mr. BYRD. Not quite that. May I state what we did?

The agreement provides that the Weicker-Hatfield language, the amendment, be placed on the calendar in the form of a resolution, that the majority leader has the authority to move at any time to call that resolution before the Senate after consultation with the able Republican leader.

So that is as good as having it pending, and it will be made pending at any time.

Mr. ADAMS. I thank the majority leader.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, earlier today I spoke of interest shared by the distinguished minority leader, the Senator from West Virginia, and the Senator from Georgia, in filing a bill at some appropriate time in the future which would provide for a commission, modeled after the one that addressed the issues on Social Security; and the purpose of this commission would be to review the War Power Act and report to the executive branch and legislative branch their findings and recommendations.

I may say that this concept arose out of the many, many hours that the four of us have spent together in analyzing the complicated versions of the War Powers Act and in the common recognition of the difficult situation that we had here in the Senate. We would not have reached this unanimous-consent agreement tonight had it not been for the leadership of our two leaders, the chairman, and other Senators who have taken a very active role. They were willing to make compromises, recognizing, as Senator NUNN has stated eloquently, the complexities of the War Powers Act and the exigencies of this situation, as well as the need in our hearts to be supportive of our President at this critical time in the negotiations before the U.N. Security Council. We recognize the successes we have had thus far with allied involvement in the gulf and wish to support the men and women of the Armed Forces of the United States.

This proposal, which should appear in the RECORD following these remarks, expresses the sense of the Senate that the President should establish a bipartisan commission to review the War Powers Resolution and make recommendations for change, if appropriate.

Mr. President, in my opinion the War Powers Resolution in its present form is poorly suited for dealing with many of today's complex situations in which armed forces may be deployed. A short-term, band-aid fix is not enough. We need a more permanent, long-term solution, and that can only be obtained by a thoughtful bipartisan review of the War Powers Resolution and all related issues.

Since its enactment in 1973, four Presidents, representing both parties, have been reluctant to comply with the War Powers Act. Our Presidents have provided information to Congress "consisent with" the act, but they have rarely conceded that their options are controlled by the act. Every one of our Presidents has tried to work around it, sometimes leading to awkward contortions of logic and policy.

Congress has shown little more regard for this statute. It has been used only once, in Lebanon, and on that occasion Congress provided authority to allow military operations to continue. Never has Congress used it to terminate military operations. We have been reluctant to invoke the War Powers Act. In short, Congress and four Presidents have shunned this law.

We must ensure the law not only reflects a proper balance between constitutional executive and legislative prerogatives in the fields of command of the Armed Forces and war powers, but also that it provides a framework in which foreign policy and military decisions can be executed with bipartisanship and finality. For otherwise, our adversaries will be heartened while our friends and allies will despair over our apparent indecision. We should not hobble our Nation, our alliances, or our diplomacy in this way.

Mr. President, this proposal recommends establishment of a national commission for review of the War Powers Resolution. Its charter would include reviewing the War Powers Resolution and recommending improvements to make it a more useful tool of congressional oversight. This commission would be modeled along the lines of the bipartisan Greenspan Commission, which succeeded so well in its review of the Social Security system.

We should let wise and well-meaning men and women sit down together to study the War Powers Resolution. I reemphasize, Mr. President, we need a long-term solution, and I urge my colleagues to consider this proposal.

Mr. President, I also would like to place in the RECORD a proposal to establish the commission; a copy of Executive Order No. 12335, which established the Greenspan Commission.

A proposal, which I sent to the desk yesterday, for amending the War Powers Resolution; and an explanation thereof. Such a proposal could form one of the possible options which could be reviewed by this commission.

I so ask unanimous consent.

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

NATIONAL COMMISSION ON REVIEW OF THE WAR POWERS RESOLUTION

SEC. XXX. (a) It is the sense of the Senate that the President should expeditiously establish a National Commission on Review of the War Powers Resolution for the purpose of undertaking a bipartisan review of the War Powers Resolution and providing recommendations for change to the War Powers Resolution, if appropriate, to the President and the Congress.

(b) Such Commission should be composed of an equal number of members from—

(1) the Executive Branch of private life to be appointed by the President; and

(2) the Legislative Branch or private life to be appointed, in equal numbers, by the Majority Leader of the Senate and Speaker of the House of Representatives.

Not more than two-thirds of the Executive Branch members should be from the same political party. Not more than two-thirds of the Legislative Branch members should be from the same political party. The Commission should select one of its members to serve as Chairman.

EXECUTIVE ORDER NO. 12335

Dec. 16, 1981, 46 F.R. 61633, AS AMENDED BY EX. ORD. NO. 12397, DEC. 23, 1982, 47 F.R. 57651, EX. ORD. NO. 12402, JAN. 15, 1983, 48 F.R. 2311

NATIONAL COMMISSION ON SOCIAL SECURITY REFORM

By the authority vested in me as President by the Constitution of the United States of America, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I) [set out in the Appendix to Title 5, Government Organization and Employees], the National Commission on Social Security Reform, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the National Commission on Social Security Reform. The Commission shall be composed of fifteen members appointed or designated by the President and selected as follows:

(1) Five members selected by the President from among officers or employees of the Executive branch, private citizens of the United States, or both. Not more than three of the members selected by the President shall be members of the same political party;

(2) Five members selected by the Majority Leader of the Senate from among members of the Senate, private citizens of the United States, or both. Not more than three of the members selected by the Majority Leader shall be members of the same political party;

(3) Five members selected by the Speaker of the House of Representatives from among members of the House, private citizens of the United States, or both. Not more than three of the members selected by the Speaker shall be members of the same political party.

(b) The President shall designate a Chairman from among the members of the Commission.

Sec. 2. Functions. (a) The Commission shall review relevant analyses of the current and long-term financial condition of the Social Security trust funds; identify problems that may threaten the long-term solvency of such funds; analyze potential solutions to such problems that will both assure the financial integrity of the Social Security System and the provision of appropriate benefits; and provide appropriate recommendations to the Secretary of Health and Human Services, the President, and the Congress.

(b) The Commission shall make its report to the President by January 20, 1983.

Sec. 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law; provide the Commission such information as it may require for the purpose of carrying out its functions.

(b) Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707) [section 5701 to 5707 of Title 5], to the extent funds are available therefor.

(c) The Commission shall have a staff headed by an Executive Director. Any expenses of the Commission shall be paid from such funds as may be available to the Secretary of Health and Human Services.

Sec. 4. General. (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended [set out in the Appendix to Title 5], except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of Health and Human Services in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate thirty days after submitting its report.

RONALD REAGAN.

SEC. XXX. AMENDMENT OF THE WAR POWERS RESOLUTION

(a) Strike out sections 1-9 of the War Powers Resolution (50 U.S.C. 1541-1548) and insert in lieu thereof the following:

"SECTION 1. SHORT TITLE.—This joint resolution may be cited as the 'War Powers Resolution'.

SEC. 2. PURPOSE AND POLICY.—(a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 3. CONSULTATION.—The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

SEC. 4. REPORTING.—(a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace of waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

SEC. 5. CONGRESSIONAL ACTION.—(a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) If, within 21 calendar days after—

(1) a report is submitted or is required to be submitted under section 4(a)(1), whichever is earlier; or

(2) Congress is convened pursuant to subsection (a) of this section,

whichever is later, an enrolled joint resolution or bill, as described in section 6(a)(1), is presented to the President and is subsequently enacted into law, funds may not be obligated or expended, as provided in such joint resolution or bill, to support the continued use of the United States Armed Forces in the hostilities or situation described in the report submitted, or required to be submitted, pursuant to section 4(a)(1).

SEC. 6. CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL.—(a)(1) For purposes of this joint resolution, the term 'joint resolution or bill' means only a joint resolution or bill which prohibits the obligation or expenditure of funds to support the continued use of the United States Armed Forces in hostilities or situations described in a report submitted, or required to be submitted, pursuant to section 4(a)(1) and such prohibition is to become effective 30 or more days after the date of enactment of such joint resolution or bill.

(2) Any joint resolution or bill introduced pursuant to section 5(b) at least 16 calendar days before the expiration of the 21-day period specified in such section, shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than 14 calendar days before the expiration of the 21-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a)(2) and shall be reported out not later than nine calendar days before the expiration of the 21-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than three calendar days before the expiration of the 21-day period specified in section 5(b). In the event the conferees are unable to agree within 24 hours, they shall report back to their respective House in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such 21-day period.

SEC. 7. INTERPRETATION OF JOINT RESOLUTION—(a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and states that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.

(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to November 7, 1973 and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

(d) Nothing in this joint resolution—

(1) is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties; or

(2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

SEC. 8. SEPARABILITY CLAUSE—If any provision of this joint resolution or the application thereof to any person or circumstances is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.".

(b) The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to situations described by section 4(a)(1) of the War Powers Resolution which exist on or after that date.

DESCRIPTION OF PROPOSED MODIFICATION OF WAR POWERS RESOLUTION

The proposed modification would still require the President to submit a report within forty-eight hours after introducing military forces into a situation of hostilities or imminent hostilities.

It would still provide expedited procedures for Congress to express its will on the military operation. But Congress would now work its will through an expedited resolution terminating use of funds, rather than through a resolution of approval. This would correct one of the existing provisions most often attacked as unconstitutional, and establish the War Powers Act on a more sound basis.

Also, it would strike some sections from the War Powers Act which are unnecessary and possibly incorrect statements of constitutional law.

Finally, it would change the time frame for expedited action, from 60 days for a resolution of approval—the current procedure—to twenty-one days for an expedited resolution of disapproval.

Specifically, the proposal would make the following changes.

Section 2(c) is deleted, as unnecessary and perhaps an incorrect statement of constitutional law.

Section 5(b) would be replaced with an entirely new section, providing expedited procedures for considering a resolution terminating funding, rather than a resolution of approval.

Section 5(c) is deleted as unnecessary and as a constitutionally questionable intrusion on the President's authority as Commander-in-Chief and chief executive for foreign policy, and as probably conflicting with the Chada doctrine stated by the Supreme Court in 1983.

Section 6 is modified to reflect the 21 day period for expedited Congressional consideration, rather than the 60 day period.

Section 7 is deleted as unnecessary because it provides procedures for consideration of a concurrent resolution, the authority for which is deleted from the resolution.

The basis for the 21 calendar day period is as follows:

After the event which begins the process, the President would have 48 hours to make his report. Then the 21 day clock begins. It would include 5 days to introduce a pro-

posed resolution of disapproval, 2 days for committee action, and 3 days for floor action. Then the resolution of disapproval would be sent to the other body, where it would also be considered under expedited procedures. Two days in committee, three days for floor action, followed by three days for conference, and three additional days for floor debate. That is a total of 21 calendar days.

Twenty-one days may not be a sufficient amount of time, but is the shortest time period that seems possible.

The proposal would have certain advantages over the current procedure. It directly addresses the issue of how to reconcile the War Powers Act with the real-world situation in the Persian Gulf. It avoids an ad hoc approach to dealing with the War Powers Act generally.

It establishes a more solid basis for the constitutional authority of Congress to act. Congress still could terminate a military operation, but this directive would be based on the well-defined power of the purse.

Mr. BYRD. Mr. President, let me reiterate before any Senators leave, and I see the Senator from Wisconsin [Mr. PROXMIRE]. He has an amazing rollcall record for consecutive votes which he has not missed. And I do not want him to miss this first rollcall vote tomorrow.

Tomorrow at 9 o'clock the Senate proceeds under a 30-minute time limitation to debate the amendment by Mr. DOLE and Mr. WARNER, and upon the expiration or yielding back of that time the vote without any intervening action will occur. It will be a rollcall vote, and that rollcall vote will be a 30-minute rollcall vote. It is early. We will make that a 30-minute rollcall vote.

Mr. President, I ask unanimous consent that it be in order at this time—why do not we introduce the amendment? May I ask the distinguished Senator?

Mr. WARNER. Mr. President, I sent the amendment up on behalf of Mr. DOLE and myself.

Mr. DOLE. We asked that it be printed.

AMENDMENT NO. 839

Mr. DOLE. Mr. President, I send the amendment to the desk on behalf of myself and Senator WARNER, and I ask that the amendment be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. BYRD, and Mr. WARNER, proposes an amendment numbered 839.

At an appropriate place in the bill insert the following new section:

SEC. . SALT II COMPLIANCE AMENDMENT.

Notwithstanding any other provision of law, the United States shall not be obligated to abide by the provisions of the SALT II Treaty, in whole or in part, unless and until the following have occurred:

(a) The Senate has amended the Treaty so as to give it legal force if it were ratified;

(b) The Senate has given its advice and consent to the Treaty;

(c) The Union of Soviet Socialist Republics has agreed to all amendments, reservations and understandings upon which the Senate's advice and consent is conditioned;

(d) Each party has ratified the Treaty in accordance with its own constitutional processes.

Mr. BYRD. Mr. President, will the distinguished Republican leader get the yeas and nays now?

Mr. DOLE. Yes. 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 Republican leader is recognized.

Mr. DOLE. Mr. President, I will say one word. We will debate this in the morning. It is a simple straightforward amendment. I do not know of any major opposition. I wish I could have offered a substitute but I think in an effort to resolve the matter, and get this bill behind us, it has been a long effort by the distinguished chairman, Senator NUNN, and the distinguished ranking member, Senator WARNER. And I think everybody has had an opportunity to make their case or cases.

But I hope there would be a unanimous vote on this amendment. I cannot believe anybody would vote against it.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be added as a cosponsor to the Dole-Warner amendment.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, the Senator from Virginia mentioned a commission to look at the War Powers Act. I wanted to comment just briefly on that. I would be proud to work with him on that. We have discussed it. I have also discussed it with the Senator from West Virginia. I know he is interested in it. It is apparent to me that the War Powers Act as it now exists is not a workable piece of legislation. It had good intentions. I think when the forces of the United States are committed it is enormously important that the House and Senate be behind our fighting men, and be clear on the objectives and the strategy behind that commitment.

It is apparent that the situation in the Persian Gulf does not meet that description in my view now. It is also apparent as the majority leader said that 54 Senators wanted to be able to vote on the Byrd-Nunn amendment to the Weicker amendment.

That means to me that 54 Senators believed that the end of the hostilities had occurred and wanted a more tailored response rather than the much broader approach of the War Powers Act and wanted to tailor the debate that would ensue over the 60-day/90-day period to the question of flagging and not to the withdrawal of our forces.

It should be clear that that was the prevailing view here by the majority. We will not get a vote on it now. We may revisit this next week.

There is not a clear solution. It is a tough problem, no matter how you go. I do believe that the commission idea of the Senator from Virginia is good, and we will have to revisit this issue.

There are numerous problems with the War Powers Act as it exists, and I believe that is why we had the Byrd amendment, which was a much more carefully framed answer to the current dilemma we find ourselves in.

While I was against the flagging and I did not think it was in our best interests—and I still think it not in our best interests—I would be very reluctant to see us deflag until certain events have transpired to make the situation in the gulf different from what it is now.

However, I also believe that we needed to debate that issue and needed to pin the administration down, on behalf of the country, as to what our objectives are and what our strategy is in the Persian Gulf. If you do not know what the objectives are and what the strategy is, you do not know when to declare victory or when your goals have been achieved. I do not believe that has been achieved yet.

I believe the commission idea should be pursued, and I think we will have a debate on it next week.

Mr. BYRD. Mr. President, I, too, compliment the distinguished Senator from Virginia on the idea of establishing a commission. I would like to participate in the formulation of language that would deal with such, and I would be very happy to lend my time and best efforts to working with the Senator from Virginia and the Senator from Georgia in that respect.

Mr. WARNER. I am grateful for the statements on behalf of the concept of the commission expressed by the distinguished majority leader and the distinguished chairman of the Senate Armed Services Committee. Together with the distinguished minority leader, this will be a foursome that hopefully will create something.

I have sent to the desk on behalf of myself and the Senator from Georgia a draft of this concept for others to look at and study, and over the next few days maybe we will have a common idea of how to improve this.

Mr. BYRD. Mr. President, I thank both Senators.

Mr. President, the rollcall vote will begin at 9:30 tomorrow morning. That will be a 30-minute rollcall vote, and the call for the regular order will be made at the end of 30 minutes on the rollcall. That means, therefore, that the rollcall vote itself will be closed at 10 o'clock tomorrow.

Senators have been informed now, and there should be no reason why a Senator should not be here.

The PRESIDING OFFICER. Without objection, the amendments are in fact withdrawn.

Mr. BYRD. Mr. President, the amendment will now be printed in the RECORD.

I thank the Chair.

Mr. WARNER. Mr. President, before the majority leader closes I would like to make a comment.

Mr. BYRD. Yes.

Mr. WARNER. I wish to express to my distinguished leader and good friend heartfelt expression of appreciation for some guidance that he has given me today, and I do hope that no remarks made earlier will be considered by the majority leader or any other Member of this body as in any way impugning their love of this Nation.

I think we all stand on an equal footing when it comes to being patriots.

Mr. BYRD. Mr. President, as Alexander Pope said, let me say to my friend from Virginia for whom I have the greatest of respect and fondness, "Thou art my guide, philosopher, and friend."

Mr. President, does any Senator have anything further to say? Does the distinguished acting leader have any further statement or business to transact?

Mr. NUNN. Good night.

Mr. BYRD. Then, Mr. President, I thank all Senators. I thank the Republican leader. I thank the distinguished manager of the bill, Mr. NUNN, and I thank Mr. WARNER, the distinguished ranking member, for the hours that they have put into this measure, for the cooperation that they have given the leadership, for the understanding and the courtesies that they have extended to all of their colleagues on both sides at all times during the many, many days and weeks and months that this bill has been in the making.

I thank all Senators who are sponsors and cosponsors of the amendments that are going to be voted on tomorrow. I thank them for their cooperation and help in reaching this agreement which at last will see the Senate acting on the DOD authorization bill and we will see its being sent on its way to the conference.

Mr. President, there will be several rollcall votes tomorrow.

ORDERS FOR FRIDAY

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that following the prayer of the Chaplain, the two leaders be recognized under the standing order for not to exceed 5 minutes each and that they be followed by Mr. PROXMIRE for 5 minutes, by Mr. KARNES for 5 minutes, by Mr. SIMPSON for 10 minutes, by Mr. MCCAIN for 5 minutes, and by Mr. BENTSEN for 15 minutes.

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

RECESS UNTIL 8 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate come in at 8 o'clock.

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

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that any time between the completion of the time set forth in the order remaining prior to the hour of 9 a.m. be utilized for morning business and that Senators may speak therein for not to exceed 1 minute each.

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

PROGRAM

Mr. BYRD. Mr. President, the Senate will come in at 8 o'clock tomorrow morning. After the two leaders have been recognized under the standing order for not to exceed 5 minutes each, the following Senators will be recognized for the times allotted: Mr. PROXMIRE, 5 minutes; Mr. KARNES, 5 minutes; Mr. SIMPSON, 10 minutes; Mr. MCCAIN, 5 minutes; and Mr. BENTSEN, 15 minutes; after which there will be a period for morning business not extending beyond the hour of 9 o'clock a.m. with Senators permitted to speak therein for not to exceed 1 minute each.

At 9 o'clock, the Senate will proceed immediately to consider the amendment by Mr. DOLE and Mr. WARNER, with a time limit thereon of 30 minutes, to be equally divided and controlled by Mr. NUNN on the one side and Messrs. DOLE and WARNER on the other.

Following that debate, there will be a vote on the Dole-Warner amendment. That will be a 30-minute rollcall vote, with the call for regular order to be made at the close of the 30 minutes if all Senators have not therefore voted.

Upon the disposition of the Dole-Warner amendment, the Senate will proceed under an overall 30-minute time limitation to the Bumpers amendment. At the expiration of that time, the vote will occur on the Bumpers amendment. Upon the disposition of that amendment, the Senate will proceed to third reading on the Senate bill and, after third reading, the Senate will proceed to take up the House bill, which is the companion bill, and all after the enacting clause will be stricken and the language of the Senate will be inserted in lieu thereof.

Without further intervening motion or debate, the Senate will vote on the House bill.

Upon the disposition of the House bill, the Senate will then proceed to the consideration of the State Department authorization bill and votes are expected thereon.

So there will be rollcall votes tomorrow, Mr. President. I expect the Senate to complete its business on tomorrow by no later than the hour of 4 o'clock. The religious holiday Yom Kippur will begin, as far as the Senate is concerned, no later than 4 o'clock tomorrow. There will be no votes thereafter and Senators may wing their way to the various points of the compass, hopefully many of them toward the West—West Virginia—where they may see those iridescent sunsets and viridescent and verdant hills.

RECESS UNTIL 8 A.M. TOMORROW

Mr. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 8 o'clock tomorrow morning.

The motion was agreed to: and, at 10:27 p.m., the Senate recessed until Friday, October 2, 1987, at 8 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1987:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN R. SILBER, OF MASSACHUSETTS, TO BE A MEMBER OF THE ADVISORY BOARD FOR RADIO BROADCASTING TO CUBA FOR A TERM EXPIRING OCTOBER 27, 1989, REAPPOINTMENT.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BEVERLY FISHER WHITE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1990, VICE CAROLINE H. HUME, TERM EXPIRED.

U.S. INSTITUTE OF PEACE

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR TERMS EXPIRING JANUARY 19, 1991:

WILLIAM R. KINTNER, OF PENNSYLVANIA, REAPPOINTMENT.

MORRIS I. LEIBMAN, OF ILLINOIS, REAPPOINTMENT.

SIDNEY LOVETT, OF CONNECTICUT, REAPPOINTMENT.

RICHARD JOHN NEUHAUS, OF NEW YORK, REAPPOINTMENT.

ELSPETH DAVIES ROSTOW, OF TEXAS, NEW POSITION.

W. BRUCE WEINROD, OF THE DISTRICT OF COLUMBIA, REAPPOINTMENT.

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

STEPHEN A. EILERTSON	DAVID J. SCIENICKI
CHARLES M. OAKLEY	JACK L. SCISM, JR.
HERMAN M. PHILLIPS	JOHN N. TAVENNER

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CHARLES A. ADCOCK	ROBERT C. ELROD, JR.
KELLY J. BALTZ	FREDERICK S. GIFFEN
MATTHEW R. BECK	CARLOS D. GODINEZ
RONALD L. CARMODY	JOHN V. GURLEY

GREGORY W. HARSHBERGER
WILLIAM E. HART
PATRICK J. HEYE
DAVID S. KERN
THOMAS G. KOLLIE
STEVEN P. LAUX
WILLIAM DEAN MICHAEL
DAVID C. MIELKE
WILLIAM C. MINTER
PAUL A. ONORATO
DAVID A. PREVOST
BRYAN L. PRUITT
WILLIAM D. SMITH
JEAN-PAUL TENNANT
WILLIAM R. THIERBACH
ROGER S. THORSTAD
GREGORY J. WALKER
DAVID A. WARNE
DAVID M. WARNER
STEVEN R. WOLFE

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GUYTON G. HOWELL

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANET COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

EARL H. HARLEY

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE REGULAR MARINE CORPS DESIGNATED FOR LIMITED DUTY FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be lieutenant colonel

PEDRO GUTIERREZ, xxx-xx-xxxx

To be major

DAVID M. WHITE, xxx-xx-xxxx
RUSSELL L. ANDERSON, xxx-xx-xxxx
MICHAEL L. BALL, xxx-xx-xxxx
THOMAS I. BRANCH, xxx-xx-xxxx
WILLIAM S. BUSH, JR., xxx-xx-xxxx
WALTER D. CASEBOLT, xxx-xx-xxxx
PETER B. COLLINS, xxx-xx-xxxx
RICHARD D. COLVARD, xxx-xx-xxxx
BRIAN D. COPELAND, xxx-xx-xxxx
THOMAS J. DONAHOE, xxx-xx-xxxx
JEFFERY L. GILLILAND, xxx-xx-xxxx
MICHAEL K. GILLINGS, xxx-xx-xxxx
THOMAS, M. GRIMMER, xxx-xx-xxxx
JOHN R. HABERBUSH, xxx-xx-xxxx
ALAN J. HAMILL, xxx-xx-xxxx

I NOMINATE:

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS RESERVES FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER TITLE 10, UNITED STATES CODE SECTION 531:

To be captain

EUGENE A. HERRERA, xxx-xx-xxxx
JOHN G. KAVANAGH, xxx-xx-xxxx
THOMAS M. KEARNEY, xxx-xx-xxxx
RICHARD W. KOENEKE, xxx-xx-xxxx
DAVID R. KUECHENMEISTER, xxx-xx-xxxx
WALTER J. LEITMEYER, xxx-xx-xxxx
SIDNEY E. MILLS, JR., xxx-xx-xxxx
DAVID R. MUSGRAVE, xxx-xx-xxxx
GRANT F. NEWSHAM, xxx-xx-xxxx
STEPHEN P. NICHOLSON, xxx-xx-xxxx
MICHAEL L. OWEN, xxx-xx-xxxx
STEVEN D. PREDA, xxx-xx-xxxx
JEFFREY F. RICHARDSON, xxx-xx-xxxx
JOHN E. SANDBOTHE, xxx-xx-xxxx
ERIC H. SMITH, xxx-xx-xxxx
JOHN C. STRADLEY, JR., xxx-xx-xxxx
JOHN F. WALTER, xxx-xx-xxxx
PAUL G. WESLEY, xxx-xx-xxxx
BRAIN K. WHITE, xxx-xx-xxxx
DRUANNE D. WHITE, xxx-xx-xxxx
ERIC J. YOUNG, xxx-xx-xxxx

To be lieutenant

BRUCE I. ANDERSON, xxx-xx-xxxx
HAL M. ANGUS, xxx-xx-xxxx
EUGENE N. APICELLA, xxx-xx-xxxx
KEVIN E. BOHLEN, xxx-xx-xxxx
DAVID B. BOSTON, xxx-xx-xxxx
JAMES K. BOUNDS, xxx-xx-xxxx
PETER L. BOWLING, xxx-xx-xxxx
TERENCE P. BRENNAN, xxx-xx-xxxx
RICHARD A. BROCK, xxx-xx-xxxx
JOHN A. BRUSH, xxx-xx-xxxx
KENNETH L. BURNSIDE, xxx-xx-xxxx
DAVID BYRNES, xxx-xx-xxxx
JOHN A. CARPER III, xxx-xx-xxxx
THOMAS N. CARTER, xxx-xx-xxxx
ROBERT L. CHAPPELL, xxx-xx-xxxx
DANIEL G. CLANEY, xxx-xx-xxxx
PETER B. COLBY, xxx-xx-xxxx
KURT M. CONRAD, xxx-xx-xxxx
COLIN W. DAWSON, xxx-xx-xxxx
THOMAS F. DIETRICH, xxx-xx-xxxx
WILLIAM J. DVORAK, xxx-xx-xxxx
WINSTON I. EARLE, xxx-xx-xxxx
STEVEN M. EIDSMOE, xxx-xx-xxxx
JONATHAN T. ELLIOTT, xxx-xx-xxxx
ANTHONY S. EZELL, xxx-xx-xxxx
CARROLL R. FIELDS, xxx-xx-xxxx
DANIEL M. FITZGERALD, xxx-xx-xxxx
NANCY K. FLORES, xxx-xx-xxxx
CHARLES R. FRAWLEY, xxx-xx-xxxx
LAURA J. GAGLIO, xxx-xx-xxxx
ANTHONY M. GALLUCCI, xxx-xx-xxxx
FRANZ J. GAYL, xxx-xx-xxxx
JEFFREY G. GERVICKAS, xxx-xx-xxxx
ROLANDO GUZMAN, xxx-xx-xxxx
GLENN A. HADLOCK, xxx-xx-xxxx
JOHN R. HAHN, xxx-xx-xxxx
JOHN E. HAIRSTON, xxx-xx-xxxx
WADE C. HALL, xxx-xx-xxxx
ROBERT J. HANSBERRY, JR., xxx-xx-xxxx
BETSEY J. HARRIES, xxx-xx-xxxx
JOSEPH K. HAVILAND, xxx-xx-xxxx
THOMAS E. HENSON, JR., xxx-xx-xxxx
LARRY J. HOLCOMB, xxx-xx-xxxx
GERALD M. HORSEMAN, xxx-xx-xxxx
JAMES L. HORTON, xxx-xx-xxxx
ROBERT M. IORIO, xxx-xx-xxxx
SHARON D. JACKO, xxx-xx-xxxx
GINO V. JACKSON, xxx-xx-xxxx
JEROME, A. JACKSON, xxx-xx-xxxx
RICHARD E. JANKURA, JR., xxx-xx-xxxx
CATHERINE A. JOHNSON, xxx-xx-xxxx
CHERYL M. JONES, xxx-xx-xxxx
WILLIAM E. KAUFER, JR., xxx-xx-xxxx
JAMES T. KAUFMAN, xxx-xx-xxxx
KEVIN M. KELLY, xxx-xx-xxxx
MICHAEL M. KING, xxx-xx-xxxx
MICHAEL C. KOFFMAN, xxx-xx-xxxx
CURTIS D. KUSS, xxx-xx-xxxx
ROOSEVELT G. LAFONTANT, xxx-xx-xxxx
MARTIN E. LAPIERRE, JR., xxx-xx-xxxx
THOMAS E. LEARD, xxx-xx-xxxx
CHARLES L. LEVY, xxx-xx-xxxx
IGNATIUS P. LIBERTO, xxx-xx-xxxx
LIONEL LIMA, xxx-xx-xxxx
DENISE K. LUCERO, xxx-xx-xxxx
STEVEN T. MANNING, xxx-xx-xxxx
PAUL H. MARX, xxx-xx-xxxx
TERESA F. MCCARTHY, xxx-xx-xxxx
BRAD A. MCCULLOCH, xxx-xx-xxxx
MICHAEL D. MEAD, xxx-xx-xxxx
CY R. MILLER, xxx-xx-xxxx
DENNIS A. MOULTON, xxx-xx-xxxx
JAMES F. MULLA, xxx-xx-xxxx
MICHAEL M. MULLIN, xxx-xx-xxxx
BRIAN P. MURPHY, xxx-xx-xxxx
ROBERT M. MURRAY, xxx-xx-xxxx
WILLIAM F. NICHOLSON, xxx-xx-xxxx
JEFFREY A. PEARCE, xxx-xx-xxxx
JOEL H. PIEHL, xxx-xx-xxxx
STEVEN J. PILOTTE, xxx-xx-xxxx
FRANK G. PINKSTON, JR., xxx-xx-xxxx
DAVID L. POPE, xxx-xx-xxxx
GERALD R. RAPP, JR., xxx-xx-xxxx
JOHN P. REPKO, xxx-xx-xxxx
JAMES A. RICE, xxx-xx-xxxx
WILLIAM F. RITTER, xxx-xx-xxxx
WILLIAM S. RITTER, JR., xxx-xx-xxxx
DAVID L. ROBBINS, xxx-xx-xxxx
JAMES H. ROBERTSON, xxx-xx-xxxx
JOHN E. ROCHA, xxx-xx-xxxx
STACEY A. RUFF, xxx-xx-xxxx
OTTO J. RUTT, JR., xxx-xx-xxxx
SCOTT E. RYDEEN, xxx-xx-xxxx
ERIC L. SEGARRA, xxx-xx-xxxx
ROBERT J. SENINI, xxx-xx-xxxx
BRADLEY H. SHUMAKER, xxx-xx-xxxx
MARTIN H. SITLER, xxx-xx-xxxx
GREGORY W. SLACK, xxx-xx-xxxx
STEPHEN T. SMITH, xxx-xx-xxxx
JAMES P. SMYTH, xxx-xx-xxxx
STEVEN F. SNYDER, xxx-xx-xxxx
EUGENE F. SOLE, xxx-xx-xxxx
RICHARD M. SPELL, JR., xxx-xx-xxxx
DAVID M. SPELLACY, xxx-xx-xxxx
RICHARD W. SPOONER, xxx-xx-xxxx
CRAIG J. STILES, xxx-xx-xxxx
JEFFREY D. STRANG, xxx-xx-xxxx
TODD F. SWEENEY, xxx-xx-xxxx
LAWRENCE N. TAL, xxx-xx-xxxx
TAMARA A. TALIAFERRO, xxx-xx-xxxx
DAVID C. TAPPARO, xxx-xx-xxxx
MARK J. TOAL, xxx-xx-xxxx
FRANK D. TOPLEY, JR., xxx-xx-xxxx
ROBERT E. WALLACE, xxx-xx-xxxx
JUDITH F. WESTERN, xxx-xx-xxxx
JAMES D. WHITLATCH II, xxx-xx-xxxx
BRANDON W. WILSON, xxx-xx-xxxx
GRIFFITH J. WINTHROP III, xxx-xx-xxxx
PAUL M. WOJCIK, xxx-xx-xxxx
MICHAEL K. WOODWARD, xxx-xx-xxxx
SCOTT S. WOTHE, xxx-xx-xxxx
DANIEL W. CHRISTOPHER, xxx-xx-xxxx
DANIEL W. COWDREY, xxx-xx-xxxx
DOUGLAS F. CROMWELL, xxx-xx-xxxx
DAVID W. FANIKOS, xxx-xx-xxxx
JOSEPH F. GATELY, xxx-xx-xxxx
THOMAS C. GILLESPIE, xxx-xx-xxxx
THOMAS B. GLICK, xxx-xx-xxxx
RICHARD G. HEROLD, JR., xxx-xx-xxxx
RUSSELL E. JAMISON, JR., xxx-xx-xxxx
ERIC R. JUNGER, xxx-xx-xxxx
ASAD A. KHAN, xxx-xx-xxxx
GRAYDON A. KRAPOHL, xxx-xx-xxxx
JOHN M. LEWIS III, xxx-xx-xxxx
DONALD S. MACDONALD, xxx-xx-xxxx
SCOTT N. MACFARLANE, xxx-xx-xxxx
PHIHO NGUYEN, xxx-xx-xxxx
BRIAN T. OLIVER, xxx-xx-xxxx
DANTE G. PAMINTUAN, xxx-xx-xxxx
DAVID K. PIGMAN, xxx-xx-xxxx
NATHANIEL PLOWDEN, xxx-xx-xxxx
RAYNARD A. PORTER, xxx-xx-xxxx
TERENCE W. REID, xxx-xx-xxxx
GARRY K. ROSENGRANT, xxx-xx-xxxx
STEVE SCHEPS, xxx-xx-xxxx
ERIC M. TRANTER, xxx-xx-xxxx
FREDERICK L. WELTER, xxx-xx-xxxx
JOHN A. WILSON, JR., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate October 1, 1987:

DEPARTMENT OF THE TREASURY

JOHN K. MEAGHER, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

O. DONALDSON CHAPOTON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

ALAN F. HOLMER, OF VIRGINIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.