SENATE—*Thursday, July 21, 1983*

(Legislative day of Monday, July 18, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend James R. Downs, minister of the Vincennes Avenue Wesleyan Church, Washington, Ind. The Reverend Downs is sponsored by the Honorable DAN QUAYLE.

PRAYER

The Reverend James R. Downs offered the following prayer:

O God, Ruler of Heaven and Earth. We thank Thee for this great Nation. It is great because Thou hast made it great. We thank Thee for the national and spiritual freedom that we enjoy. We are thankful for these men who have been elected to serve our great Nation. In Psalms 105: 22, Thy word declares the need of teaching His senators wisdom.

O God, teach us to be wise, and enable us to fulfill Thy will on Earth as it is in Heaven. Give us wisdom to fear Thee, and to love Thee, to cleave unto Thee with full purpose of heart. Quicken us, O God, in our dullness, that we may not serve Thee in a lifeless manner, but that we may abound in Thy work. Make us to be faithful in all our intercourse with our neighbors, that we may be ready to do good, that we may be just and kind, peaceable and patient, humble and self-denying, and make us to be useful in the world that, so glorifying Thee on Earth, we may be glorified with Thee in the world to come. In Christ's name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

CONGRATULATIONS TO VISITING CHAPLAIN

Mr. BAKER. Mr. President, I congratulate our guest Chaplain today, as I do Senator QUAYLE for sponsoring him. I offer to yield to Senator QUAYLE at this time if he wishes.

Mr. QUAYLE. I thank the majority leader.

Mr. President, it is certainly a personal pleasure for me to thank the Reverend James R. Downs for saying our opening prayer this morning. He is a fellow Hoosier, from Washington, Ind., where he is the pastor of the Vincennes Avenue Wesleyan Church. He and his family are visiting the Nation's Capital and I am personally grateful that he was able to lead us in prayer this morning. He, as so many of us are, is deeply concerned with the future course of our country.

Our Nation has become what it is because of the concern and commitment of people like Reverend Downs. I believe it is worthwhile for those of us in the Senate to listen to the deeply felt convictions and beliefs of Reverend Downs and the millions of Americans whose thoughts and values he symbolizes. I thank Reverend Downs for his thought-provoking words and wish him continued success in his important pastoral mission.

Mr. BAKER. Mr. President, I thank the Senator from Indiana once more for permitting us to share this moment with Reverend Downs.

THE HYDRILLA, THE CARP, AND THE TVA

Mr. BAKER. Mr. President, I shall not take very long, but I could not resist mentioning one item this morning. Lately, we have been deeply involved in matters of high controversy, and tempers have occasionally flared at such a level that I thought it might be a welcome relief to comment on something indigenous to my own State and perhaps of a less ponderous nature. It is brought about, Mr. President, by an article I saw yesterday that, once again, pointed out the innovative approach of the Tennessee Valley Authority to the great problems of the Nation.

They have a problem down there with an aquatic weed, which is called the hydrilla. Anybody who knows it knows that it is a fancy name for a water lily and that it has grown and prospered in the valley since the TVA impounded our streams and made those beautiful and marvelous and useful lakes. But the hydrilla is neither beautiful nor marvelous, nor useful.

It fouls the propellers of power boats as they make their way over the lakes, no doubt on important missions. It clogs the water intakes and fouls the turbines and otherwise makes a general nuisance of itself. But most important, it reproduces at an amazing, astonishing, and disturbing rate. Pretty soon, the entire Tennessee Valley may be hip deep in hydrilla. So the TVA, once again in the forefront of scientific problem solving, has discovered a fish that eats hydrilla. It is called the white Amur carp. They imported the carp and dumped it in the lake and, sure enough, the carp is growing fat and happy and the hydrilla population is decreasing and all is well with the world.

I even say a poem about the fish that says:

Don't go near the water, friend,
  The grassy-carp is loose.
Yesterday, it ate my dog,
  Today, it ate my goose.

Mr. President, I congratulate the TVA on its initiative, on its demiurgic thinking, and on its effort to rid the valley of a great pest. But as in so many scientific experiments of this type, I hope that, before long, I am not on the floor urging some sort of control policy for the grassy carp for fear that it devour us all.

Mr. President, the TVA was formed in 1933. My father served in Congress for 14 years and never had a minute's worth of trouble with it. Ever since, all I have had is problems. Maybe this will be the last of a series.

Mr. President, on that solemn note, I am prepared to yield the floor to the distinguished minority leader, who may have more weighty subjects to discuss.

The PRESIDING OFFICER (Mr. ABDNOR). The minority leader is recognized.

THE BLACK FLY PROBLEM

Mr. BYRD. Mr. President, there may be more weighty subjects, but I am troubled about the Japanese beetle, which is working on the trees in my yard. I can understand the Senator's problem. We also have in West Virginia, on the New River as it borders Raleigh County and Summers County, what is called the black fly problem. The black fly is a nuisance. It bites people. But the fish in the stream—the New River rises in North Carolina, where I was born, the motto of which State is "To Be Rather Than to Seem"—feed upon the larvae of the black fly. So we have a real problem in those two counties. Conservationists, fishermen, and so on, do not want a certain substance which is called BTI to be sprayed on the river because they fear that it will result in the reduction of the larvae of the black fly, cutting the food chain of the fish, and

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

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resulting in fewer fish. So the Senator and I have some problems in common.

Mr. BAKER. Mr. President, which reminds me of another quick anecdote, and then I will stop being facetious and talk about the MX missile.

I recall clearly many years ago—shortly after I came to the Senate, as a matter of fact—that there was a proposal to put a certain area of Tennessee into wilderness. It was a pristine area, and the forests were virgin. It was a gorgeous area to behold. It abounded with wildlife, flora, and fauna.

The Interior Department, in its good judgment and wisdom, sent people out to ask local citizens how they feel about these projects. They stopped one man going down the street in Oneida, Tenn., and asked, "What do you think about putting this area into a wilderness?"

Well, this fine, old gentleman said, "Wilderness, heck. We spent 100 years getting the bear and the boar off Main Street, and we don't see much profit in putting us into a wilderness."

Mr. BYRD. I will bet that the old gentleman's word was not "heck." (Laughter.)

DR. RUDOLPH PENNER SELECTED AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

Mr. BAKER. Mr. President, I am pleased to announce that Dr. Rudolph Penner of the American Enterprise Institute has been selected as the new director of the Congressional Budget Office.

Dr. Penner was a unanimous selection of the special search committee established by the House and Senate Budget Committees to replace the outgoing director, Dr. Alice M. Rivlin.

I know Dr. Penner and believe him to be an outstanding selection. He brings a combination of experience and ability that may be unique.

Mr. President, at this time I should like to read into the RECORD the letter of appointment signed by the Speaker of the House and the President pro tempore of the Senate, dated July 20, 1983:

Pursuant to the provisions of Section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Speaker of the House of Representatives and the President pro tempore of the Senate hereby appoint Dr. Rudolph G. Penner as Director of the Congressional Budget Office for the term of office beginning on January 3, 1983, to take effect on September 1, 1983.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.
STROM THURMOND,
President pro tempore of the Senate.

Mr. BAKER. Mr. President, I congratulate the search committee and the House and Senate Budget Committees on their work, which was accomplished with unusual cooperation and bipartisan understanding. I thank the Speaker of the House for his assistance and patience.

I ask unanimous consent to have printed in the RECORD at this time a statement by the chairman of the Senate Budget Committee, Senator PETE V. DOMENICI.

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. DOMENICI. Mr. President, the selection of Dr. Rudolph G. Penner of the American Enterprise Institute culminates a search that saw more than a dozen candidates nominated for the directorship of the Congressional Budget Office.

A bipartisan, bicameral search committee interviewed nine of the candidates who indicated they were interested in the CBO job. We had excellent candidates, attesting the high esteem in which the CBO job has risen in the economics profession under the outgoing director, Dr. Alice Rivlin.

I believe that Dr. Penner, who was chosen after serious deliberations by the search committee, is an outstanding choice. He brings unique qualifications to the job, having served in the executive branch in fiscal and budget capacities and having produced excellent work as an analytical economist and fiscal researcher. I believe that his unusual combination of qualifications made Dr. Penner the best choice of an excellent group of candidates and I wholeheartedly endorse his selection by the search committee.

I must especially commend Senator NANCY KASSEBAUM, a member of the search committee, who devoted many hours to interviewing candidates with me. Her help was invaluable and her insights illuminating.

I must also thank Chairman JIM JONES, of the House Budget Committee, for his cooperation and his diligence. He, along with Representative BUTLER DERRICK and Majority Leader JIM WRIGHT, contributed mightily to our selection process.

Finally, special thanks must go to Representative BILL FRENZEL, who, along with Senator KASSEBAUM, did the bulk of interviewing and analyzing in the absence of other members of the search committee. As all who know him can attest, Representative FRENZEL brought a combination of toughmindedness and great intellect to his task that made all of our jobs easier.

It was because of the work of these men and women that our selection process for the new CBO Director was, this year, more efficient and less controversial than ever before in history. The search committee went about its work in a highly professional manner, assisted by senior staff of the House and Senate Budget Committees, who did their usual outstanding job. This combination of factors has given us not only a professional selection process, but an outstanding choice in Dr. Rudy Penner.

Mr. President, I would also like to thank the majority leader, Senator BAKER, for his forbearance and his help. Because of the complications in the budget process this year, we were delayed in the selection for Dr. Rivlin's successor. Senator BAKER, as always, indulged the process and assisted in his extraordinarily gracious manner.

In conclusion, Mr. President, we have a new CBO Director who, I believe, will continue and build upon the tradition established by Dr. Rivlin—a tradition of excellence, non-partisanship, and the highest technical competence. I congratulate Dr. Penner and I congratulate Dr. Rivlin, who now moves to Brookings. She has done a great job under greatly trying circumstances and we will miss her.

I submit for the RECORD a copy of Dr. Penner's "vita."

The material follows:

VITA OF RUDOLPH GERHARD PENNER

Date and place of birth: July 15, 1936, Windsor, Ontario, Canada.

Degrees: B. Comm., University of Toronto, 1958; Ph. D., the Johns Hopkins University, 1963.

TEACHING POSITIONS

Instructor, McCoy College, the Johns Hopkins University, 1960-61. Assistant Professor, University of Rochester, 1961-66. Visiting Assistant professor, Princeton University, 1965-66. Associate Professor, University of Rochester, Septemer 1, 1966-September 1, 1970.

OTHER PROFESSIONAL EXPERIENCE

Consultant to the United Nations Conference on World Trade and Development, 1963-64;

Consultant to Federal Aviation Agency through Mathematica, Princeton, N.J., 1965-66.

Consultant to Temporary Commission on New York State Constitution, 1966.

Consultant to Canadian Cabinet Task Force, 1967.

Economic Advisor to Ministry of Local Government and Rural Development, Government of Tanzania, and Fellow of Economic Research Bureau, University College, Dar es Salaam, Tanzania, 1967-68.

Consultant to the U.S. Treasury, 1968.

Acting Chairman, Department of Economics, University of Rochester, 1968-69.

Member, Shoup Tax Mission to Liberia, 1969.

Senior Staff Economist, Council of Economic Advisers, 1970-71.

Consultant, Cost of Living Council, 1971.

Consultant, Department of Labor and Philadelphia Federal Reserve Bank, 1972.

Deputy Assistant Secretary for Economic Affairs, Department of Housing and Urban Development, September 1973-March 1975.

Assistant Director for Economic Policy, Office of Management and Budget, Executive Office of the President, March 1975-January 1977.

Director of Tax Policy Studies, American Enterprise Institute, February 1977 to present.●

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I wonder if the Senator from Colorado has any use for my time at this point.

Mr. HART. I thank the Senator.

BAKERISMS

Mr. HART. Mr. President, I only wish to observe that the majority leader's remarks this morning with regard to the weed and the fish reminded me of one of my first recollections after coming to the Senate and serving with the distinguished Senator from Tennessee on the Committee on Environment and Public Works, where he was fond of issuing what I would now call "Bakerisms"—which I hope at some time are collected in a volume.

The majority leader, then merely a Senator from Tennessee, used to say often of the complicated environmental issues, "If it ain't broke, don't fix it." I suppose that is the moral of the weed and the fish.

Beyond that, I would just say that I would hope for a minute or two before the vote on cloture, but perhaps we can talk about that later.

Mr. BYRD. I guess the President got that impression from the Senator from Tennessee—"If it ain't broke, don't fix it."

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, has a time been provided for the transaction of routine morning business?

The PRESIDING OFFICER. There has been.

Mr. BAKER. On what basis?

The PRESIDING OFFICER. Not more than 10 minutes for the transaction of morning business, with statements therein limited to 1 minute each.

Mr. BAKER. And after the time for the transaction of routine morning business, the Senate will be back on the defense authorization bill, will it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. What will be the pending question at that time?

The PRESIDING OFFICER. The pending question will be the Warner amendment to the Tower amendment.

Mr. BAKER. I thank the Chair.

Mr. President, I have no further need for my time under the standing order. If any remains, I am prepared to yield it back.

Mr. BYRD. I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 1 minute each.

COCAINE—AN INTERNATIONAL THREAT

Mrs. HAWKINS. Mr. President, too often, drug trafficking and abuse are considered only an American problem. The shocking facts reveal that it is a worldwide problem which demands international action.

Cocaine trafficking and abuse have become a serious problem for many European countries in recent years. From 1977 through 1981 the amount of cocaine seized in Europe increased almost fourfold—from 59 kilograms to 232 kilograms. Moreover, the number of seizure incidents more than doubled in 1981 compared to 1978—98 versus 48.

Cocaine, long popular among the wealthier segments of society in Europe and the Middle East has become in recent years increasingly available to other segments of society due to cheaper prices for cocaine and easier travel to and from source countries in South America. The region continues to play a dual role in the traffic in cocaine: It is a consumer area and a transit point for cocaine destined for other parts of the world. Because of the increasing availability of cocaine and recent changes in trafficking patterns in Europe, a review of the more important aspects of the cocaine trafficking situation is given for 1980 and 1981. During these low years most of the seizures took place in two major transit countries, France and the Federal Republic of Germany, and in the four primary recipient countries—Italy, the Netherlands, Spain and the United Kingdom.

FRANCE

Seizures in France rose by 150 percent from about 34 kilograms in 1980 to over 85 kilograms in 1981. During this 2-year period France has been the primary point of entry to Europe used by traffickers in cocaine arriving via commercial airlines from South America. Almost all of the seizure incidents reported during the last 2 years were made at international airports servicing Paris. There was one incident at the Nice International Airport. Information resulting from the seizures made at the airports indicates that much of the cocaine was destined for countries other than France, such as Italy, the Netherlands, and the United States. The quarterly seizures peaked during the first quarter of 1981, and declined later in the year following the intense and successful law enforcement activities of the first quarter. France, however, is a convenient point of entry to Europe, and remains popular with cocaine traffickers.

FEDERAL REPUBLIC OF GERMANY

This country is used primarily as a transit point for cocaine destined usually for the Netherlands and Italy. Close to 37 kilograms—96 percent—of the more than 38 reported for the 2-year period were seized at the international airport servicing Frankfurt in 15 incidents. The remaining seizures occurred in Berlin, Hamburg, Kleve, and Munich. In one instance German authorities seized cocaine which had been smuggled into Hamburg by a South American crew member aboard an Ecuadoran vessel. This was the only incident reported involving cocaine known to have been smuggled to Europe by vessel. The incident which occurred at Kleve involved a small amount of cocaine purchased in the Netherlands by two U.S. citizens residing in Germany.

SPAIN

Ranking second in the amount of cocaine seized during 1980 and 1981 but first in the number of seizures reported, Spain holds a dual position in the cocaine traffic. It is not only a primary recipient country for cocaine but also a transit country. Spain is used by cocaine traffickers who are often destined for the Netherlands and, more recently, for Italy. It is interesting to note that while cocaine traffickers destined for such countries as the Netherlands and Italy enter Europe via Spain, during the last 2 years there have been an increasing number of incidents in France or at the Franco-Spanish border involving traffickers destined for Spain.

Of the 55 seizure incidents, 30—55 percent—were made at airports servicing Madrid, Barcelona, and Las Palmas in the Canary Islands. They accounted for about 48 kilograms of cocaine, divided fairly evenly—25 and 23 kilograms respectively—between 1980 and 1981. The remaining 25 seizures—45 percent—took place at locations other than airports, and included the only seizure of a clandestine cocaine laboratory in Europe during 1980. The decline in the seizure total for 1981 is related to the decrease in seizures at nonairport locations—which dropped to about 8 kilograms from the 33 kilograms reported during 1980—brought on partially by very successful local enforcement efforts of previous years.

ITALY

Seizures made at nonairport locations have been the dominant pattern, particularly during 1981 when less than 2 of the 30 kilograms seized were at an airport. Cocaine reaches Italy via several routes. A popular pattern involved Italian males who arrived in Paris from Lima and were destined for Italy. After successful French enforcement efforts targeted against Italians arriving from Lima, similar seizures began to occur at the airports servic-

ing Frankfurt and Zurich. Recently, an Italian male, who arrive from Lima and was destined for Milan, was arrested at Las Palmas, Canary Islands. A second pattern in the traffic of cocaine to Italy involves Chileans who usually travel via France or Switzerland and are destined for Milan.

UNITED KINGDOM

A principal recipient country for cocaine in Europe, the United Kingdom is also to a lesser extent a transit country. Seizures at airports were about 18 kilograms in 1980, while seizures at nonairport locations were just over half that amount. Seizures at airports dropped by 58 percent from 1980 to 1981, compared with a 16-percent decline in seizures at nonairport locations for the 2-year period. On at least two occasions, cocaine destined for India and the South Pacific transited the United Kingdom. Seizures of cocaine destined for other European countries have been made in the United Kingdom. The traffic in cocaine in the United Kingdom is apparently dominated by Britons, as opposed to the other recipient countries where other nationality groups have established themselves; for example, Chileans in Italy and Colombians in Spain and the Netherlands.

THE NETHERLANDS

This in one of the four primary recipient countries in Europe. As with the other three, cocaine is intended for local consumption, or for redistribution to local markets elsewhere in Europe. Also, the Netherlands sometimes plays a secondary role as a transit country. Such was the case in 1981 when a group smuggling cocaine concealed in batteries via the Netherlands Antilles and the Netherlands to the United States was uncovered and immobilized. The 42 kilograms seized in the 2-year period are divided fairly evenly between seizures at airports—20 kilograms—and at nonairport locations—22 kilograms. All of the seizures at airports, totaling four, took place in 1980. Traffickers in cocaine destined for the Netherlands have tended to avoid direct travel to that country from South America. They prefer circuitous routes which take them through one or more other European countries—often Spain, The Federal Republic of Germany, Belgium, and Denmark. Seizures reported for the Netherlands dropped to 4½ kilograms for 1981—a decline of 88 percent. This sharp decline in seizures may be the result of the increased law enforcement efforts in European countries used as transit points by cocaine traffickers destined for the Netherlands, and of successes by Dutch authorities who, for example, seized the only clandestine cocaine laboratory in the region during 1981.

Switzerland, Belgium, and Denmark are also emerging as important transit countries. The role of Switzerland, in particular, has increased as traffickers have shifted their patterns of travel. In two instances, Zurich was used as a transit point by smuggling groups which had previously used Paris. Switzerland has been used as a transit point mainly by traffickers destined for Italy. Belgium is often on the route of cocaine traffickers destined for the Netherlands. There are, however, no direct flights between countries in South America and Belgium. Traffickers usually arrive in Belgium via France or Germany. Finally, Denmark is gaining in popularity with cocaine traffickers destined for the Netherlands and for Italy.

DAVID DODGE RELEASE

Mr. BRADLEY. Mr. President, I am pleased and grateful that we can rejoice in the release of David Dodge in Lebanon.

Mr. Dodge, a resident of Princeton, N.J., had been serving as acting president of the American University in Beirut when he was kidnaped over a year ago.

The Dodge family's service to Lebanon has been long and distinguished. The family established the American University there in 1866 and administered the school until 1948 when his father, Bayard, retired as president.

David Dodge, whose four children were all born in Beirut, returned to the country in 1980—during the civil strife—to bring stability to the university and serve as its acting pesident.

Mr. President, we are all pleased that he has survived his long ordeal and is in apparent good health. I wish him and his wife, Doris, well as they begin to resume the life they richly deserve. We join Doris Dodge and her four children in celebrating David's release.

THE NEUTRON BOMB—EASY WAY TO A NUCLEAR WAR

Mr. PROXMIRE. Mr. President, it is hard for this Senator to conceive of a greater tragedy than a nuclear war between the United States and the Soviet Union. I think every Member of the Senate from the most liberal to the most conservative must agree that we are determined to stop such a catastrophe. And yet we push ahead with weapons systems that are sure to make this nightmare cataclysm more likely. For instance, we have already voted into the defense authorization bill that is still before this body the approval of funds for the production of the neutron bomb even if not a single European ally will permit the bomb to be stationed on its territory.

Mr. President, if the prospect that either great power will launch an unprovoked major first-strike nuclear attack on the other are slight, and they certainly are, the prospect that in response to a conventional and successful Soviet tank attack in Europe we might use a neutron bomb is very real indeed.

The terrible danger of the neutron bomb is precisely that it is so easy to rationalize its use. We can argue that it will inflict limited damage, that it is in fact very little different than a big conventional weapon, that it is really not that much of a step up in military activity, and that it would achieve its end—stop a winning Soviet invasion, turn a defeat in Europe into a victory—that the Soviets would not want to go the whole way with a retaliation. But, Mr. President, this is exactly how a nuclear war can start. I hope and pray that in the appropriations process or somewhere down the line, perhaps in the House of Representatives, we can stop this slide into the abyss of nuclear war.

The Milwaukee Journal carried an editorial on Saturday, July 16, after our vote in the Senate that hammers this point squarely on the head. The editorial is appropriately titled: "A Classic No-Win Weapon." I ask unanimous consent that it be printed in the RECORD.

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

[From the Milwaukee Journal, Saturday, July 16, 1983]

A CLASSIC NO-WIN WEAPON

The Pentagon's quest for newer and more flexible weapons, such as the so-called neutron bomb, is probably inevitable. Everybody wants to own the most up-to-date item on the market.

But the neutron bomb also is highly dangerous—ironically because it would move the world a notch closer to the atomic holocaust that the bomb is supposed to deter.

By a vote of 47 to 42, the Senate has moved the bomb one step closer to reality. Senators revoked previously approved language that required at least one European ally to publicly accept the neutron bomb before production funds could be released.

The neutron bomb is so named because it expends most of it energy in deadly neutron radiation, not heat and blast. That's its appeal to military planners. Even though it's lethal, it's not so destructive to buildings and bridges. Thus, it's more usable than conventional, city-busting nukes. It's more flexible.

And that's why it's so dangerous. Any weapon that's more usable is more likely to be used, especially in a crisis. The use of a conventional weapon is not always disastrous. But the nuclear game is played in an entirely different ball park.

If Adversary A uses a nuclear weapon, it automatically becomes easier for Adversary B to rationalize the use of a nuke of its own, probably a slightly larger nuke. That action-reaction sequence runs the high and inescapable risk of unstoppable escalation into a global nuclear holocaust. By its very nature, such a war would vanquish the victor along with the loser.

Thus, it's the self-interest of every country to preserve the barrier that now separates all conventional weapons from all nuclear weapons. Small nuclear weapons, like

neutron bombs, tend to make that barrier easier to breach.

It's no wonder that many Europeans are afraid of the neutron bomb; they know that such a weapon makes the possibility of nuclear war less remote. It's time that more Americans—especially those in Congress—realized the same. Neutron bombs have no place in the arsenal of the United States or any other country.

NOT TOO LATE TO RESTORE U.S. CREDIBILITY

Mr. PROXMIRE. Mr. President, over the years, while speaking before numerous and diverse groups, I have been repeatedly asked why, after all these years, the United States has not yet ratified the Genocide Convention, which makes genocide an international crime.

I am sad to say that I honestly do not have a good answer to this question.

But despite the delay, it is still not too late. I remain completely convinced that ratification of this treaty is crucial if the United States is to continue to play a prominent role in defending human rights throughout the world, especially in the Soviet Union.

I recently read an article in the Washington Post which reported the publication of a blatantly anti-Semitic book in the Soviet Union entitled "The Class Essence of Zionism." Among other things, the book, written by Lev Korneev, charges that Jews collaborated with the Nazis in perpetrating the crimes of the Holocaust and singles out the Soviet Jewish community as a community of people susceptible to bribery and treachery because of their so-called dual loyalties.

The publication of this book is especially disturbing because of its timing. According to the Washington Post, publication comes at a time when the Government has launched what the article calls a fierce anti-Zionist and anti-Israeli propaganda drive designed to discourage Jewish emigration from the Soviet Union. Jewish emigration from the Soviet Union, once as high as 51,000 in 1979, has reached a distressing nadir: Last year only 2,688 Jews were allowed to emigrate, and in the first third of this year, a mere 421 Jews left the Soviet Union.

The Soviet Jews are trapped in a hostile environment, the victims of harsh anti-Semitism which has been exacerbated by this recent book—a book which has been warmly reviewed by the official Soviet press.

Our failure to ratify the Genocide Treaty has hindered our ability to protest effectively Soviet human rights violations. When American diplomats attempt to raise objections to specific Soviet actions, the Soviets are quick to ignore our words because of what they see as hypocrisy in our position: We are registering complaints over their human rights violations yet we have not ratified a basic human rights document, a document the Soviets have ratified.

We cannot permit the Soviets to use our failure to ratify the Genocide Convention as an excuse. We must restore our credibility as a defender of human rights.

Mr. President, I urge my colleagues to act immediately and ratify the Genocide Convention without further delay.

DAVID DODGE, ACTING PRESIDENT OF AMERICAN UNIVERSITY OF BEIRUT, HAS BEEN RELEASED BY HIS KIDNAPERS

Mr. CHAFEE. Mr. President, I think we all share a sense of joy in the fact that the news was released today that David Dodge, the acting president of American University of Beirut, who was captured about a year ago on the campus of the American University, has been released by his kidnapers.

Many here know David Dodge—I do, I went to school with him—and this news is extremely exciting and an answer to the prayers of many people, particularly his family, who are located in Princeton, N.J.

The deputy White House press secretary, Mr. Speakes, said that Mr. Dodge is described as being in excellent physical and mental condition.

He was kidnaped on July 20, 1982, by two gunmen in West Beirut while en route from his office to his campus residence.

President Reagan stated that he is deeply gratified by Mr. Dodge's release and has directed that a U.S. military aircraft be put at Mr. Dodge's disposal for his return to the United States.

We know no further details, except there was a statement from the White House that the Government of the United States is grateful to Syrian President Hafez Al-Assad and to Dr. Rifaat Al-Assad for the humanitarian efforts they undertook.

Mr. President, I personally—and I think I speak for many Members of this Chamber—express our gratitude at the release of Mr. Dodge and our thankfulness to all who partook in arranging for his release. It is a piece of good news and it is long overdue. I think it brings a sense of joy to all of us.

Mr. MOYNIHAN. Mr. President, just as a representative of the other side of the aisle, may I join in this rejoicing and particularly thank our friend from Rhode Island who brought us this good news. There is not that much from that part of the world, or any part of the world. What a fine thing this is to hear.

Mr. SARBANES. Mr. President, I join the distinguished Senator from Rhode Island in welcoming this news of the release of David Dodge. The Dodge family, over the years, has made an enormous contribution to education, both in this country and in the Middle East. Their efforts there with respect to the university have been a model in terms of such activities throughout the world.

Many of us have shared the very deep concern which the Senator expressed about David Dodge, his safety, and his whereabouts now for more than a year. This certainly comes as welcome news.

I commend the Senator on bringing it to the attention of the Senate.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Maryland and the distinguished Senator from New York for their comments. As the Senator from New York said, good news from that area is not all that common. Out of the labyrinth of conflicting views and forces, somehow it worked out that David came back to us safe and sound.

So I repeat again the sense of joy that all of us feel about this good news.

DR. DAVID DODGE

Mr. BAKER. Mr. President, it is not often that we have the opportunity to hear an item of truly good news, but today we do.

A year ago Tuesday, Dr. David Dodge, the distinguished acting president and long-time vice president for administration of the American University of Beirut, was abducted from the university campus in Beirut by unknown gunmen. Over the past year, the many efforts to determine his whereabouts proved fruitless. But today, the State Department has announced that Dr. Dodge has been released and that he is healthy and well. Although few details are known of his captivity or the means by which his release was achieved, it is apparent that the Government of Syria played an instrumental role, and for that we are grateful.

I know that all of my colleagues in the Senate join with Dr. Dodge's family in our relief on his safe return and wish him a peaceful recuperation from the effects of his long ordeal.

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. BAKER. Mr. President, I ask unamimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

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

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The PRESIDING OFFICER. The Senate will resume consideration of the unfinished business which the clerk will state.

The bill clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the time between now and 11 a.m. shall be equally divided and controlled by the majority leader and the minority leader or their designees.

The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum with the time charged equally against the two sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, the minority leader suggested and I agree that it would be good practice to provide a brief time for the principals in the present matter to discuss this amendment prior to the cloture vote.

Therefore, I ask unanimous consent that the provisions of rule XXII to the contrary notwithstanding there be 4 minutes of debate to follow on after the establishment of the live quorum contemplated by the rule and prior to the vote and that the time be equally divided between the distinguished chairman of the Armed Services Committee (Mr. TOWER) and the distinguished Senator from Colorado (Mr. HART).

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

Mr. BAKER. Now, Mr. President, I am prepared to yield the floor. I have no further need for recognition.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, a parliamentary inquiry.

Mr. TOWER. Mr. President, under whose control is the time allocated before the quorum call?

The PRESIDING OFFICER. Under the previous order after the quorum such time will be equally divided between the Senator from Texas and the Senator from Colorado. But at the present, the time is controlled by the majority leader and the minority leader, or their designees.

Mr. BAKER. Mr. President, I designate the distinguished chairman of the Armed Services Committee, the manager of the bill, to control the time on our side.

Mr. BYRD. Mr. President, I designate Mr. HART to control the time on this side.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I am perfectly willing to defer to the Senator from Texas if he has remarks he wishes to make.

Mr. TOWER. I thank my friend from Colorado. I have nothing to say at the moment. It is my understanding the Senator from Colorado wants to deliver himself of a few remarks.

Mr. HART. I thank the chairman of the committee.

Mr. President, the issue before us is the question of the wisdom of procuring a new generation land-based intercontinental ballistic missile larger than any produced in the history of American nuclear armament with more warheads than any other missile in our arsenal, and the disposition, deployment, if you will, of that missile in silos which almost all experts on all sides of the nuclear question now concede to either be at the present time or very shortly, certainly by the time of the deployment of the so-called MX missile, vulnerable to a first-strike Soviet attack. Vulnerability in this case, Mr. President, is conceded to mean the ability, given accuracy of Soviet missiles and the yield of their warheads, the ability to target with a high degree of effectiveness those installations; namely, the silos, in which the proposed MX missile would be placed.

Mr. President, the history of the MX missile is an interesting one which other speakers have addressed themselves to.

But when the Air Force in the early 1970's began to explore the possibility, if not the need, for a new generation land-based missile to replace existing Minuteman II's and III's, the Air Force had before it three criteria. The committee in its report correctly identified those criteria in its brief history of the MX missile. Those criteria, according to the committee report, are as follows and I quote the report:

It was determined that this new missile should have these qualities: It should preserve the synergistic features of the strategic triad and the unique characteristics of the ICBM.

Leave aside for the moment what the phrase "synergistic features of the strategic triad" means.

Secondly, provide improved counterforce capability.

That is to say, ability to hit the so-called hard targets or military targets.

And, third and most importantly—

And be based in a survivable manner.

I quote from page 108 of the Armed Services Committee report.

It is as much as anything else, Mr. President, that characteristic or requirement that is at issue before the Senate today, and it is that question to which Senators should address themselves. Many have, some perhaps have not. It is the view of the Senator from Colorado that many taxpaying voting American citizens are not yet aware of the fact that the administration, many in Congress, propose to build not only a brandnew, expensive, very accurate, very destructive, new missile but in fact to deploy it directly contrary to the principal feature which was contained in its qualities and in its criteria throughout its 10- to 12-year history; namely, that it be based in a survivable mode.

Some oppose the MX altogether. Some Senators, some House Members, many Americans just fundamentally do not believe either we can afford to spend this money or that it contributes to our defense overall to have this missile or that the United States ought to be engaged in this type of nuclear arms race. They think of that as being fallacious.

But for many of us what is the most disturbing feature of the MX is its deployment, what in the jargon is its deployment mode; namely, where are we going to put it, where will it be housed.

That decision, Mr. President, to the surprise of many was not made until 90 days ago. Then in the picture enters the so-called Scowcroft Commission, one of a series of commissions and bodies and committees, ad hoc groups and task forces formed to try to figure out what to do with the MX missile.

The Senator from Connecticut (Mr. DODD) yesterday wrapped it up, I think very pointedly, when he said "They tried to find a place for it on the surface of the sea and under the surface of the sea, on land and underground, inside of caves, in open trenches, in closed trenches, in silos packed close together, and silos widely separated." But at no time in the understanding of the Senator from Colorado did any serious proponent of the MX missile or student of the subject ever seriously propose that the MX be placed in

fixed silos except perhaps during a period in the fall of 1981. Then it was suggested that perhaps what we ought to do is have what was called an interim basing mode. Interim meant put it somewhere for the time being until we could figure out where we could put it for the long haul.

At that time, the recollection of the Senator from Colorado is, about September, October 1981, the fall of 1981, there was an outcry, an outcry against the interim basing mode. The outcry came from all quarters. The outcry included the chairman of the Senate Armed Services Committee, the ranking member of the Senate Armed Services Committee, the Senator from Washington, many former defense officials who were strong proponents of the MX missile, some existing Defense Department officials, some uniformed senior military officers, some retired military officers, all of whom to a person said, "This makes no sense." Some had quite colorful language. Some talked about that deployment mode, that housing of the missile, if you will, as creating a situation in which the MX, the brand new expensive destructive missile, would become a sitting duck. The Senator from Colorado happens to agree with that completely. It is because of that agreement and that conviction that he has sought to obtain support in the Senate and around the country for another look at this situation.

Some want to kill the missile outright. Some just do not want a missile at all. The purpose of the Senator from Colorado is to say if we are going forward with the missile the last thing we ought to do with it is put it in fixed vulnerable silos for two reasons: One, that it sends a signal to our adversaries that we are prepared to fight a nuclear war and we are prepared to fight a nuclear war on a very fine hair-trigger; and, second, that by putting perhaps our most modern expensive destructive asset in a place where it can be knocked out by a preemptive strike, we may be inclined to launch that missile before the Soviet warheads get here.

Some may ask, "What is wrong with that?" What is wrong with that is sometimes our system for detecting Soviet incoming missiles and warheads is defective.

The reason the Senator from Colorado feels strongly about that is because he participated in a study with the distinguished Senator from Arizona, Senator GOLDWATER, at the behest of the Senate Armed Services Committee in the fall of 1980, and Senator GOLDWATER and the Senator from Colorado issued a report to the Committee on Armed Services of the U.S. Senate dated October 9, 1980. That report, which to my knowledge has never been questioned or refuted, documented a series of occurrences in which, again in the jargon we call the strategic warning system, malfunctioned, broke down, sent false signals to our commanders.

Now clearly those signals were false or we probably would not be here today talking about it. That is the point. But the fact is we spent tens of billions of dollars on a system I think every dollar of which the Senator from Colorado has supported very strongly, on a system telling it what the other side is doing, what it is doing with its nuclear forces, what it is doing with its conventional forces, and whether it is preparing to launch or whether it, in fact, has launched an attack against this country.

The fact of the matter is that this strategic warning system breaks down. The report, which the Senator from Colorado has mentioned, documents a rather alarming—not a rather alarming—an alarming series of breakdowns in that system.

Many of those, according to the report, are self-correcting; that is to say, the computers blinked, showed Soviet warheads on their way and somebody punched a button, or maybe they did not even punch a button, and the computers blinked again and the warheads disappeared. They were not, in fact, on their way at all. Well, that may cause people a little internal distress for a few seconds, but it goes away rapidly.

There are several occasions, Mr. President, as this report documents, when the warnings were serious. There was one particularly on June 3, 1980, as the report indicates, at approximately 2:26 a.m., Eastern Daylight Time. The Strategic Air Command post display system indicated that two sea-launched ballistic missiles had been launched toward the United States. Eighteen seconds later, the display system showed an increased number of sea-launched ballistic missile launches. Then the report continues to document what happened. The Strategic Air Command calls the North American Air Defense Command in Colorado Springs. They, in turn, call the Pentagon and there was contradiction among the various aspects of the reporting system.

The fact of the matter is that the warning went on for some time, a number of minutes at the very least. During that time, the strategic forces of the United States went to various higher states of alert to respond to this warning. The story is a pretty interesting one in an academic sense. It is more than interesting in a personal and security sense.

What it says is that there is probably no amount of money that the United States can spend on a strategic warning system to make it perfect, to guarantee absolutely, iron-clad and copper-riveted, that we can develop a system, to tell us that Soviet warheads are or are not on the way with no degree of error.

That is important, Mr. President. That is important if you are going to spend $30 billion to put a 10-warhead, 192,000-pound missile in a vulnerable silo, indeed, if you are going to put 100 or 200 of them in those silos, and depend on a system, albeit an expensive system to tell you with absolute certainty, absolute certainty, that Soviet warheads are or are not on the way. And to the degree you have uncertainty about that system, to that very degree, in direct proportion, you are inclined not to lose that expensive system by letting it ride out that attack; that is to say, by letting it absorb that first strike.

Why? Well, because most Air Force studies show that, at the very best, a first strike would destroy 70 percent—70 percent—of those missiles that we age going to spend $30 billion on, our frontline deterrent.

Some studies, including those which have not been as carefully studied as others, indicate that up to——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. Mr. President, has the time of the Senator from Colorado expired?

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

Mr. TOWER. I will be glad to yield him 2 or 3 minutes, if he wishes additional time.

Mr. HART. I thank the Senator from Texas. I will take 2 more minutes.

Some studies of the survivability of the MX missile in fixed silos indicate that up to 95 percent of the missiles deployed in those silos would be destroyed by a Soviet first strike.

Now I ask every Senator, indeed, I ask every thoughtful American, to consider the circumstance in which the United States has spent $30 billion on a new land-based ICBM with 10 warheads, each targeted on the most important Soviet military target, put in silos which the strategic warning system of the United States indicate are under attack, and whether the commanders, the senior military and political commanders of this country, the policymakers of this Nation, will permit that Soviet attack to eliminate 95 percent of those vulnerable missiles.

If the decision is not to permit 95 percent of those missiles to be destroyed, then the clear alternative is to fire them before the incoming warheads arrive. That, Mr. President, is called launch on warning, and that, Mr. President, is at the very center of the issue before the Senate.

It has not been addressed, in the judgment of the Senator from Colorado, by the supporters of the missile.

We have yet to hear concrete military, strategic, or philosophical support for the vulnerable basing of the next leg of the strategic triad.

I thank the Senator from Texas for yielding.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, with the rejection by the House of Representatives last night of an amendment to delete production funds for the MX—an action delayed by opponents of the MX for several months in an effort to prevent the authorization of these funds—the pivotal battleground for trench warfare against the MX missile has become the Senate.

While the Senator from Colorado denies that this was his intent, whether it was his intent or not, he is to be commended for having successfully staved off Senate consideration—and almost certain approval—of the MX until after the House took its important action. As a result, the House of Representatives was able to consider this matter in a handful of hours unencumbered by the influence of our votes on the MX program. I might note parenthetically that this body has been obliged to take portions of 9 days thus far for its corresponding debate on the MX.

Mr. President, I believe we can say today, in the aftermath of last night's highly significant vote in the House of Representatives, that the outcome of votes on the MX in this Chamber is not really in question. I feel certain that few Senators—if any—are under any illusions what the ultimate disposition by the Senate on the MX will be.

We have, thus far, had a full debate on the merits and liabilities of the MX; ample time has been afforded for Members, who wish to do so, to make their views known. In fact, time has hung somewhat heavy on our hands as the Senate has considered this matter of the MX missile program.

I believe, however, Mr. President, that few votes have been changed in this protracted discussion. So the remaining issue really is less one of whether than it is one of when will the Senate reaffirm its earlier support for the MX program in the context of the Scowcroft Commission recommendations? Will Members of the Senate have an opportunity to do so today? Will that opportunity be postponed until tomorrow, or Saturday, or perhaps the end of next week?

The decision on this matter really lies with those who are inclined to vote against the first cloture motion out of party loyalty or tradition of custom or some sense of Senatorial courtesy to those who have already had so much of the Senate's time. I say to my distinguished colleagues who are so inclined, the decision is yours.

Notice is hereby served, however, that if it is the will of those Members who would deny us cloture and the prospect of a reasonably speedy conclusion of this debate to vote against the pending motion, I am prepared to insist that the Senate keep such hours, including late Friday and Saturday and as long as might be necessary next week, to complete action on this legislation.

It would be my hope that 60 Members of this distinguished body will see the handwriting on the wall and join me in insuring that the amount of time further devoted by the Senate to consideration of the MX missile in this defense authorization legislation is reduced to a minimum.

I urge my colleagues to vote favorably on the cloture motion.

EXPLANATION OF VOTE

Mr. SASSER. Mr. President, on every occasion in my career in the U.S. Senate in which the question has come before this body: Should we invoke cloture, limit debate on the matter before us and bring it to a final vote, I have supported the motion to invoke cloture.

Cloture is necessary in order to terminate dilatory, diversionary and delaying tactics where arguments have been exhausted, the choice is clear, and final resolution of an issue is possible in an up-or-down vote.

I expect that I will continue to hold fast to this conviction when such circumstances exist. They do not exist today. The arguments on the issue before us have hardly been exhausted. The choice has not been narrowed, and an up-or-down vote today will not resolve the matter.

A number of Senators wish to discuss amendments with respect to specific points of the MX missile. These amendments address unresolved policy questions, questions which ought to be resolved by thorough discussion and debate.

On matters of national defense and national security, I have always sought to work and vote in a spirit of bipartisanship—once the basic policy premises for our national security have been settled on.

Yet, the policy upon which MX basing is founded is muddled and misdirected. It needs to be clarified, to be resolved.

For instance, we started with a missile whose deployment was at one time justified because of its "deceptive basing and survivability." We then went through the call for dense-packing; this was quickly abandoned because existing Minuteman silos were too old, too vulnerable.

We are now told that deployment and funding are justified because these silos are just what the Scowcroft Commission ordered.

The absence of clarity and definition in this key policy question raises another policy question. Is such a weapon, with such doubts about its vulnerability, really a bargaining chip in arms control talks?

All these questions are worthy of extended debate. Numerous amendments have been filed to clarify these policy questions. I and many of my colleagues stand ready to debate these questions in a responsible and deliberative manner. Therefore, there is no immediate need to involve cloture at this time.

Clearly we need more time, more debate on the MX question; the future of our defense and arms control policies hinge on this MX debate.

So, today, I will cast my vote against the motion to invoke cloture.

Mr. TOWER. Mr. President, we are expecting some distinguished members of the Federal Republic of Germany to arrive in the Chamber in just a few moments. I hope Senators will come to the Chamber to meet them. The distinguished Minister of Defense of the Federal Republic of Germany, Dr. Wörner, and three of his colleagues from the Bundestag will be arriving shortly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, I yield now to the Senator from Texas, the manager of the bill, so he may ask consent of the Senate to engage in a special proceeding.

VISIT TO THE SENATE BY THE MINISTER OF DEFENSE AND MEMBERS OF THE BUNDESTAG, OF THE FEDERAL REPUBLIC OF GERMANY

Mr. TOWER. Mr. President, we are honored to have with us today the Minister of Defense of the Federal Republic of Germany, Dr. Manfred Wörner. Dr. Wörner is a long-time friend of the United States. He is a man of enormous capability, a man who is extremely well known to us. We are delighted to have him with us today.

He is accompanied by three of this colleagues from the Bundestag: Miss Hellwig, Dr. Feldman, and Mr. Kolbow, all of the Bundestag of the Federal Republic of Germany. I invite my colleagues to greet our guests.

(Applause.)

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate

stand in recess for 1 minute so that Members might meet our friends from West Germany.

There being no objection, the Senate, at 10:55 a.m., recessed until 10:56 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued with the consideration of the bill.

Mr. TOWER. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, there are 3 minutes, approximately, left before the time for the quorum call contemplated by rule XXII will begin. It is the intention of the leadership to urge the clerk to call the roll as rapidly as reasonably possible. If a quorum is not present, a motion will be made to instruct the Sergeant at Arms to request the attendance of absent Senators. That, of course, will require a rollcall vote. Therefore, Senators are urged to come to the floor at this time and should be aware that there may be a record vote within the next 10 or 15 minutes.

I think they should come to the Chamber at this point.

Mr. President, Senators already know, I am sure, that as soon as the quorum is established, the vote would ordinarily occur under the provisions of rule XXII. However, by unanimous consent there will be 4 minutes of debate after a quorum is established, to be equally divided between the distinguished Senator from Colorado (Mr. HART) and the distinguished chairman of the Armed Services Committee (Mr. TOWER).

At the conclusion of that 4 minutes, a vote will occur on the cloture motion. If cloture is invoked, the Senate will remain on the substitute. If cloture is not invoked, then absent other arrangements a vote will occur immediately on cloture on the bill itself.

Mr. President, I have nothing further to say.

One clock says 11 a.m. and the other clock says almost 11 a.m. Any time the Chair is willing to declare it to be 11 a.m., I am willing for the clerk to start calling the roll.

Mr. TOWER. Mr. President, if I have any time remaining, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under rule XXII, 1 hour having passed since the Senate convened, the clerk will state the cloture motion.

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 the committee amendment, in the nature of a substitute, to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard Baker, John Tower, Dan Quayle, John Warner, Roger Jepsen, Warren B. Rudman, John P. East, Jake Garn, Robert T. Stafford, Paul Trible, William L. Armstrong, David Durenberger, Malcolm Wallop, Chic Hecht, Paula Hawkins, Bob Kasten, and William Cohen.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 13]

Abdnor	Cohen	Nunn
Baker	Hart	Tower
Bingaman	Jackson	Wilson

The PRESIDING OFFICER (Mr. WILSON). A quorum is not present. The clerk will call the names of the absentees.

Mr. BAKER. Mr. President, noting the absence of a quorum, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. 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 Tennessee. The yeas and nays have been ordered.

The clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON) is necessarily absent.

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

The result was announced—yeas 91, nays 5—as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—91

Abdnor	Boren	Cochran
Andrews	Boschwitz	Cohen
Armstrong	Bradley	Cranston
Baker	Bumpers	D'Amato
Baucus	Burdick	Danforth
Bentsen	Byrd	DeConcini
Biden	Chafee	Denton
Bingaman	Chiles	Dixon
Dodd	Kassebaum	Pryor
Durenberger	Kasten	Randolph
Eagleton	Kennedy	Riegle
East	Lautenberg	Roth
Exon	Laxalt	Rudman
Ford	Leahy	Sarbanes
Garn	Levin	Sasser
Glenn	Lugar	Simpson
Gorton	Mathias	Specter
Grassley	Matsunaga	Stafford
Hart	Mattingly	Stennis
Hatch	McClure	Stevens
Hawkins	Melcher	Symms
Hecht	Metzenbaum	Thurmond
Heflin	Mitchell	Tower
Heinz	Moynihan	Trible
Helms	Murkowski	Tsongas
Hollings	Nickles	Wallop
Humphrey	Nunn	Warner
Inouye	Packwood	Wilson
Jackson	Pell	Zorinsky
Jepsen	Percy	
Johnston	Pressler	

NAYS—5

Dole	Proxmire	Weicker
Long	Quayle	

NOT VOTING—4

Domenici	Hatfield
Goldwater	Huddleston

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

Mr. BAKER. Mr. President, under the order entered this morning there will now be 4 minutes of debate prior to the cloture vote. The 4 minutes will be equally divided under the control of the Senator from Colorado and the Senator from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute.

May we have order in the Chamber?

The PRESIDING OFFICER. Senators will please clear the aisles.

Mr. TOWER. I just want to suggest to my colleagues that if cloture fails, there will be another cloture vote tomorrow and we will, perhaps, have a better prospect of succeeding. But if one is going to vote cloture tomorrow, he should vote for it today.

It is now obvious that we are going to have a postcloture filibuster because there are almost 600 amendments at the desk. It would be better to have cloture today than tomorrow.

It would be my intention, if cloture fails, to ask the majority leader to keep us in virtually around the clock.

If it succeeds tomorrow I hope we will stay in tomorrow and on Saturday to deal with the postcloture filibuster. The bottom line is we can complete action on this a lot sooner if we act on cloture today.

I reserve the remainder of my time.

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

Mr. TOWER. I reserve my time. I only have——

Mr. CHILES. It might affect my vote on cloture.

Mr. HART. Mr. President, the issue before the Senate is not an ordinary issue. The decision as to whether to go forward and authorize the MX missile is one of the most important military defense national security issues the Senate will face in decades.

The issue is twofold: Some Senators are opposed to the authorization of the MX missile. Other Senators are opposed to basing that missile in fixed vulnerable silos.

The outcome of this decision will affect the future force structure of this Nation, our nuclear deterrent, indeed our nuclear doctrine.

There has been no delay, there has been no effort on the side of the opponents of the MX missile to defer action or to do anything other than to bring to the attention of the Senators and the American public the seriousness of this issue.

Mr. President, this institution was designed for this purpose. It was designed for serious debate and serious consideration and for the education of the American people.

I urge my colleagues not to invoke cloture today. I urge my colleagues to give their colleagues a chance to make their case against this missile and against this basing mode, and I am convinced, and I think all of those who oppose this decision are convinced, that if the American people learn the facts and Senators give this serious thought, that the right decision will be made and that decision will be to oppose this missile.

I reserve the remainder of my time.

Mr. TOWER. Mr. President, it would be naive to think that extended debate further is going to change the outcome. To begin with, there are not many Senators in attendance while the matter is being debated, and I do not expect it will be.

Beyond that, it is not being reported to the American people. The press is not reporting what is said here but what we are doing, and even some of the eloquence of the distinguished Senator from Colorado has gone unreported because they are more interested in reporting the filibuster, the maneuvering that goes on, than what we say. So nobody is being enlightened by additional debate.

The outcome is pretty clear. The opponents of the MX would not be engaged in protracted debate if they were not aware there are the votes to authorize the MX and to pass the bill.

Therefore, the question is not whether we are going to do it but when, and I suggest that the Senate get on with its business and then enable us to get on with the people's business in other legislative areas that have to await the disposition of this measure.

Therefore, I hope my colleagues will invoke cloture.

The PRESIDING OFFICER. The Senator from Colorado has 13 seconds.

Mr. HART. I yield back the remainder of my time.

VOTE

The PRESIDING OFFICER. The time has been yielded back. The question is, Is it the sense of the Senate that debate on the committee amendment in the nature of a substitute to S. 675, the omnibus defense authorization bill, shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, may we have order in the Senate so we can hear the vote?

The PRESIDING OFFICER. The Senate will be in order. The Chair requests that those Senators wishing to converse take their conversations into the Cloakroom. We will suspend calling of the roll until there is order in the Senate.

The clerk will resume.

The legislative clerk resumed and concluded the call of the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Rhode Island (Mr. PELL) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote who have not yet voted?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—55

Abdnor	Hatch	Percy
Andrews	Hawkins	Pressler
Armstrong	Hecht	Quayle
Baker	Heflin	Roth
Boschwitz	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Stafford
Cohen	Jackson	Stevens
D'Amato	Jepsen	Symms
Danforth	Johnston	Thurmond
DeConcini	Kassebaum	Tower
Denton	Kasten	Trible
Dole	Laxalt	Wallop
Durenberger	Lugar	Warner
East	Mathias	Weicker
Exon	Mattingly	Wilson
Garn	McClure	Zorinsky
Gorton	Murkowski	
Grassley	Nickles	

NAYS—41

Baucus	Burdick	Ford
Bentsen	Byrd	Glenn
Biden	Chiles	Hart
Bingaman	Cranston	Hollings
Boren	Dixon	Huddleston
Bradley	Dodd	Inouye
Bumpers	Eagleton	Kennedy
Lautenberg	Mitchell	Riegle
Leahy	Moynihan	Sarbanes
Levin	Nunn	Sasser
Long	Packwood	Specter
Matsunaga	Proxmire	Stennis
Melcher	Pryor	Tsongas
Metzenbaum	Randolph	

NOT VOTING—4

Domenici	Hatfield
Goldwater	Pell

The PRESIDING OFFICER. On this vote, the yeas are 55 and the nays are 41, three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is not agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I ask unanimous consent that the vote on the second cloture petition, which is cloture against the bill, be vitiated.

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

The majority leader.

Mr. BAKER. Mr. President, I yield to the minority leader.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, Senators should recall that on yesterday another pair of cloture petitions were filed against the substitute first and then against the bill. As a result, a vote will occur tomorrow 1 hour after we convene on cloture against the substitute once more. Depending on the outcome of that vote, another vote may occur immediately thereafter.

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. president, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

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

Mr. BAKER. Mr. President, I assume that debate will continue on this bill today and that we will have a better reading on where we go tomorrow after the cloture vote, the second cloture vote. I continue to hope that we can finish this bill this week.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Does he also intend to have a Saturday session?

Mr. BAKER. Mr. President, I hope not, but I must say in all candor I am not prepared to answer one way or another on that. I have in my possession cloture motions which will mature on Saturday. I very much do not want to do that. I do not intend to do that for the time being. It is my hope that we can finish this bill tomorrow and not be in on Saturday and be on military

construction either late tomorrow or on Monday, to be followed by target pricing.

Mr. BYRD. I thank the majority leader.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I think if we stay on the bill——

The PRESIDING OFFICER. Will the Senator suspend? There will be order in the Senate. Those who are leaving the galleries, please do so quietly. Will those Senators conducting conversations please take their conversations into the Cloakroom? Will those Senators desiring to converse, please take their conversations off the floor? The manager of the bill cannot be heard. We will suspend until such time as there is sufficient order in the Senate for the manager to be heard.

Mr. TOWER. Mr. President, it is my intention, with the cooperation of the majority leader, to keep the Senate in very, very late this evening. I can assure my colleagues there will be rollcall votes this afternoon and into the night. Now that cloture has failed, I think we all understand that the prospects for being away this weekend are not very good. I think this makes it almost certain that we will have a Saturday session.

I will remind my colleagues that what we are doing is pushing a postcloture filibuster along. There are 561 amendments filed at the desk. That can mean nothing but postcloture filibuster. We may be in on Saturday if we get cloture tomorrow and we may be in on Monday. It will take a long time to dispose of 561 amendments. It is my intention that we will have meaningful rollcall votes today, not just procedural rollcall votes.

I think the Senator from Alabama is on the floor and prepared to offer an amendment.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Chair advises that there are already two amendments pending to the substitute.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be set aside so that we may consider an amendment of the Senator from Alabama.

Mr. HART. Reserving the right to object.

Mr. SARBANES. Reserving the right to object, Mr. President, there are Members who do want to speak on the MX issue. I know the chairman finds that hard to believe and I have no objection to dealing with other amendments that Members have. We have been doing that all along. I think that helps to move the business along. Could the chairman indicate to us how he sees the day unfolding?

Mr. TOWER. Mr. President, I think it is safe to say there are a couple of amendments pending. Actually, most of the amendments have been winnowed out. I am perfectly willing for the Senate to continue to debate the amendment offered by the Senator from Texas if that is what the Senator from Maryland chooses to do. If that is what Senators choose to do, I shall withdraw my unanimous-consent request to temporarily set aside my amendment to make way for the amendment of the Senator from Alabama.

Mr. SARBANES. No, Mr. President, I see the Senator from Alabama here and I am perfectly happy to join in accommodating him. As I understand it from the chairman of the committee, in the course of the day, I guess as we move into the afternoon and as some of these other amendments unrelated to this issue are disposed of——

Mr. TOWER. There are not that many amendments to occupy the Senate, so I expect that we shall be spending most of the day and the night on the MX. There is certainly going to be ample time to continue to engage in what appears now to be a repetitious debate. I am hearing the same things over and over again. They are being indelibly stamped on my mind because I have heard this debate in the Senate before on this one. I think my colleagues have.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOWER. Mr. President, I am prepared to yield the floor and let the amendments proceed.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment by the Senator from Virginia.

Mr. TOWER. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. BYRD. Madam President, I object.

The PRESIDING OFFICER (Mrs. HAWKINS). Objection is heard.

The assistant legislative clerk resumed the call of the roll.

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

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

The question is on agreeing to the amendment of the Senator from Virginia.

Mr. HART. Madam President, may I inquire of the Senator from Texas—when he sought unanimous consent to bring up the amendment by the Senator from Alabama, I was trying to reserve the right to object to find out what the amendment is. I think there is agreement here, probably, that the arrangement worked out to have the Senator from Alabama go forward and then the Senator from New York is perfectly agreeable on this side. I think the Senator from Maryland (Mr. SARBANES) was merely asking at what point it would be agreeable for him to deliver a speech. That was his only point, I believe. He was not aware that an arrangement had been made to bring up two other amendments. I think we are all in agreement, if we could find out what the amendment is——

Mr. TOWER. The amendment of the Senator from Alabama has been at the desk for some time. It is an amendment relating to ballistic missile defense. It has no budgetary impact.

Mr. SARBANES. Madam President, do I correctly understand from the chairman and the manager of the bill that it was his intention after obtaining—because we are in a situation now with an amendment at the desk and an amendment to that amendment—that no other amendment can be considered except by unanimous consent; that the chairman then intends, once the amendment of the Senator from Alabama has been considered, to seek the same courtesy for the Senator from New York, for his amendment?

Mr. TOWER. That is the understanding.

The quick way to dispose of the matter is to go ahead and vote on the amendment of the Senator from Texas. It has been debated at great length. It has been on the floor for 2 days, and that is long enough.

Let us be honest with each other. Let us not try to kid each other. We can dispose of that amendment and others without going through the weary business of asking unanimous consent to set aside.

I will renew my request.

Mr. BUMPERS. What was the request?

Mr. TOWER. I am about to state it.

I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be temporarily set aside, to accommodate the offering of an amendment by the Senator from Alabama; that on the disposition of the amendment, the Senate return to the consideration of the amendment of the Senator from Texas.

Mr. MOYNIHAN. Madam President, reserving the right to object, do I correctly understand that it is the intention of the distinguished chairman,

after the amendment of the distinguished Senator from Alabama is disposed of, to set aside the pending business?

Mr. TOWER. I would prefer to propound a separate unanimous-consent request, subsequent to the disposition of the amendment of the Senator from Alabama. Last evening, there were all voice vote amendments.

Mr. MOYNIHAN. Do I correctly understand that that is the present intention?

Mr. TOWER. I have already indicated to the Senator from New York that I am prepared to arrive at an accommodation with him.

Mr. METZENBAUM. Madam President, reserving the right to object, I did not understand what the amendment of the Senator from Alabama was about.

Mr. TOWER. It is an amendment on ballistic missile defense and has no budgetary impact.

Mr. METZENBAUM. It is an amendment on the ballistic missile?

Mr. TOWER. On BMD.

Mr. METZENBAUM. I have no objection.

Mr. TOWER. For which there is already money in the bill.

Mr. BUMPERS. The Senator says that it has no budgetary impact?

Mr. TOWER. That is right.

Mr. BUMPERS. Does the Senator from Alabama anticipate a rollcall vote on his amendment?

Mr. DENTON. No. It is my understanding that the amendment will be accepted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1539

(Purpose: To authorize use of $50,400,000 of any unobligated research and development funds for research on the Ballistic Missile Defense systems technology program of the Army)

Mr. DENTON. Madam President, I have at the desk two amendments, one in the first degree, No. 1539, and one in the second degree, No. 2073, in the nature of a technical correction. I call up the amendment in the first degree, No. 1539, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON) proposes an amendment numbered 1539.

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

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

The amendment is as follows:

On page 26, between lines 8 and 9, insert a new section as follows:

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

Mr. DENTON. Madam President, the amendment I propose would authorize the Secretary of Defense to reprogram up to $50.4 million in unobligated funds for the Department of the Army's ballistic missile defense system technology program.

We have discussed the amendment with the managers of the bill. I hope that the distinguished Senator from Texas and his distinguished colleague, the Senator from Washington, will accept this amendment to allow the level of spending——

Mr. TOWER. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators desiring to converse will do so out of the Chamber.

Mr. DENTON. Madam President, we have discussed this amendment with the managers of the bill, and I hope the distinguished Senator from Texas and the distinguished Senator from Washington will accept this amendment in order to allow a level of expenditure sufficient to permit the BMD program to continue with essential activities.

I ask unanimous consent that the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from California (Mr. WILSON) be added as cosponsors of amendment No. 1539.

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

Mr. DENTON. Madam President, I ask unanimous consent that the remainder of my statement appear in the RECORD and that a statement by the Senator from Alabama (Mr. HEFLIN) appear in the RECORD following my remarks.

Mr. METZENBAUM. Madam President, reserving the right to object, I do not intend to object to the Senator from Alabama putting his remarks in the RECORD; but I must say that I do not know what this amendment does, and I think many of us would like to be advised what we are doing to the ballistic missile program and why this amendment is needed at this point. We would like to know what the real impact of it is.

The PRESIDING OFFICER. Is there objection?

Mr. DENTON. I will be happy to read the entire statement, which is not very long, for the information of the Senator from Ohio and others. I will start with the first sentence.

Madam President, the amendment I propose would authorize the Secretary of Defense to reprogram up to $50.4 million of unobligated funds for the Department of the Army's ballistic missile defense system technology program.

The administration requested $538.4 million for that program. The committee reduced the request by more than one-quarter, for two reasons. First, the change in the basing plan for the MX missile removed the rationale for sustaining a hedge capability to deploy a system to defend the MX. Second, the committee had reason to believe that such uncertainties existed about the ballistic missile defense program that it could not recommend full funding. The committee therefore believed that it had reason to level-fund the program after inflation.

The Department of Defense believes that the program can continue to operate effectively with a cut of $100 million, which would have funded the work to develop BMD technology that might be used in connection with closely spaced basing deployment of the MX missile. It believes, however, that the additional $50 million cut will seriously hinder certain important, ongoing R&D efforts that have general applicability for BMD defense of any sort. I concur with that assessment. The committee, after being informed of that, also concurs.

Our amendment would authorize, not require, the Secretary of Defense to reprogram funds for three specific purposes if he believes these purposes have sufficient priority: $18.2 million for the development and evaluation of the airborne optical adjunct, known as AOA. That amount will facilitate the development and testing of a capability to detect threats at a longer range than practicable for radars of comparable mobility and cost, and to assist in identification of possible targets. Allocation of the funds allowed by the amendment would reduce the slip in this high priority program by about 18 to 24 months; $7.4 million for installation of X-band radar on the USNS *Observation Island*. The ship is the platform for the Cobra Judy radar that provides essential high-quality signature data on ballistic missile reentry vehicles and complete reentry complexes. Installation of the new radar will allow simultaneous collection and integration of X-band and S-band signature data. Allocation of the funds allowed by the amendment would reduce the slip in this essential program by at least 12 months, and possibly 24 months, depending on yard availability; $24.8 million for development of nuclear hardened hardward components and software functions for BMD radar and data processing, with emphasis on a complete set of tactical software. This work is the highest cost and most difficult area in many weapons development programs, and particularly for a terminal defense

system. The work is essential to virtually any form of terminal defense. Allocation of the funds allowed by the amendment will allow uninterrupted continuation of work now underway and will reduce the lead time for a terminal defense system, should one be required, by about 2 years.

The amendment is not intended to provide an amount for any of the three programs that is greater than the Department of the Army and the program managers have already contemplated. The objective is to allow the amounts available to the three programs more nearly to approach the amounts that were foreseen, when the administration's budget request was submitted, not to favor any one of those programs over any other or to suggest or require an increase above the original amount foreseen for any of them.

As has been mentioned several times, the so-called Fletcher Commission is still conducting its review of strategic defense program as a whole. One other study, the Foster study, has however, been completed. Its recommendations, which have been endorsed by the Department of Defense, include efforts to reduce leadtime requirements and to vigorously pursue technologies in the areas of mobile configurations of radars and optical sensors, the areas addressed by this amendment.

I believe that the distinguished manager of the bill has been appraised of the report submitted by Dr. Foster on June 24. That information, and I am sure additional information as well, will be available to the Approppriations Committee when it acts to appropriate funds for the ballistic missile defense program. Our amendment provides the necessary flexibility for the Secretary of Defense to reallocate funds to carry out the necessary R&D activities in the BMD program in accordance with the recommendations that have been made and will be made.

Madam President, we have discussed the amendment with the managers of the bill. I hope that the distinguished Senator from Texas and his distinguished colleague, the Senator from Washington, will accept this amendment to allow a level of expenditure sufficient to allow the BMD program to continue its essential activities.

Mr. HEFLIN. Madam President, I wish to applaud the junior Senator from Alabama, Senator DENTON, for his leadership in this role.

Madam President, I am pleased to join with my colleague from Alabama in proposing an amendment to the Department of Defense authorization bill which would allow the Secretary of Defense to redirect up to $50 million out of research and development funds for the Army's ballistic missile defense system technology program.

The Senate Armed Services Committee reduced the administration's requested funding for this program by $147 million, from $538.4 million to $391.2 million. I believe this large a cut in the BMD system technology program is unwise and could seriously jeopardize several ongoing research and development projects.

A reason given by the committee for this significant reduction is the uncertainties which exist over the future of the ballistic missile defense program in light of the revised basing plan for the MX missile. As I have stated many times on the floor of the Senate, BMD is not exclusively related to a specific MX basing mode, and by no means exclusively to MX. It is a flexible program, which can defend any har targets, including Minuteman missiles and communication and control systems. The generic components can be packaged to defend either fixed or deceptively based ICBM's. As such, it is independent of the timing or outcome of MX decisions.

BMD adds stability to the strategic balance. By protecting our retaliatory forces, BMD minimizes the advantage to an adversary in attacking first; that is, it deters a first strike by imposing an unacceptably high price to destroy our ability to retaliate. The proper mix of strategic nuclear forces, which includes BMD, is the least sensitive to miscalculation and error by an adversary military planner because it precludes the need for a launch under attack assessment policy. BMD is required to begin the long-term process of achieving a damage-limiting balance of strategic forces.

The need for adequate funding of the BMD program was reemphasized last March when the President called for an acceleration of R&D efforts on such advanced long-range BMD concepts as directed energy weapons. I, too, have felt for some time that we need to accelerate our efforts in the development of these technologies. However, I believe we must pursue an evolutionary approach that would also include more mature, nearer term BMD concepts.

My interest in also considering more mature BMD concepts is based on several compelling factors that are consistent with the President's policy initiative. They can be fielded earlier and they can be securely based on our own soil. They would pose no threat for any use other than purely defensive objectives and they would effectively complement any advanced systems that may be deployed later.

Madam President, for the past several years, we have pursued only a modest R&D program, deferring any decision to begin a BMD engineering development program until circumstances dictated and technology supported such a decision. We have been in this mode for nearly a decade—progressively developing means to defend various ground-based ICBM's. Now our technology has progressed to the point and components have been developed so that an effective system can be engineered.

Our amendment would allow for the restoration of funds to such important components of the system technology program, as:

First, the development and evaluation of the airborne optical adjunct,

Second, the installation of X-band radar on the USNS *Observation Island*, and

Third, the development of nuclear hardened hardware components and software functions for BMD radar and data processing, with emphasis on a complete set of tactical software.

BMD, I submit, will be a stabilizing factor in the strategic environment of the 1980's and beyond. It should be supported vigorously. The ability to defend our own strategic forces, in our own homeland, against an attacker absolutely must represent the least provocative and most stabilizing prospect for arms control agreements in the future. It is vitally important that we not cut this program back beyond the viability needed to protect our defensive option.

Mr. DENTON. Madam President, we have discussed the amendment and the rest of the statement I previously made regarding the agreement of the floor manager and the cosponsorship of Senators HEFLIN and WILSON.

Mr. TOWER. Madam President, may I ask the distinguished Senator if he has modified his amendment.

Mr. DENTON. Yes; we have a technical amendment which is at the desk.

I ask unanimous consent to consider a second-degree amendment.

Mr. TOWER. The Senator does not need to ask unanimous consent. He may go ahead and modify his amendment on his own initiative.

Mr. DENTON. All right.

AMENDMENT NO. 1539, AS MODIFIED

Mr. TOWER. Send a modification to the desk.

Mr. DENTON. Madam President, the amendment is in the second degree, No. 2073, in the nature of a technical correction.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 26, between lines 8 and 9, insert a new section as follows:

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

The authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

Mr. TOWER. Madam President, I have worked with the Senator from Alabama to try to craft an amendment which would be acceptable to the committee.

I believe the present amendment as modified by the sponsor's second-degree amendment is acceptable. It represents no addition of the funding authorized in this bill. It simply provides the Secretary of Defense discretionary authority to reallocate resources, to add to the funding authorized by this legislation for the ballistic missile defense systems technology program.

The language of the Senator's perfecting amendment stipulates that no more than an additional $50.4 million over and above the $391.3 million already authorized for this purpose may be provided at the discretion of the Secretary of Defense from funds authorized but not obligated for other purposes.

It is my assumption that the Secretary of Defense will make a determination as to the relative priorities enjoyed by such programs vis-a-vis the importance attached to an augmented program of the BMD systems technology research and development and in no case, however, will total funding authorized in this bill be increased.

It is my hope that the Senate's position with the incorporation of the Senator's amendment will prevail in conference.

Should this be the outcome I believe the adequate level of funding would be provided to protect important options in this important R&D area. By the same token, no specific action is being advocated at this time which might supersede the decision taken by the Senate earlier this week in connection with the Wallop amendment, that is, to await the findings of the Fletcher Commission on strategic defensive technologies.

Madam President, I might add that the committee did substantially reduce the funding available for ballistic missile defense research and development.

Operating under budgetary constraints, of course, we made reductions in virtually all of our accounts, including the strategic accounts, and this is one of them.

I might note that the House of Representatives has made even more severe reduction in the requested amount for ballistic missile defense than has the Senate, and even with this addition we will still be somewhat below the Presidential requests and that matter will be negotiated in conference.

I hope we can maintain the higher level of BMD spending as reflected in the Senate bill in conference.

This does not actually add money for it and actually the money would not be spent unless it could be found and unless it was the judgment of DOD that the money should be used for this purpose.

It simply authorizes a reprograming request not to exceed a certain amount. It actually limits the amount that they can come in and request be reprogramed.

Mr. DENTON. Madam President, will the chairman yield for a brief remark?

Mr. TOWER. I yield to the Senator from Alabama.

Mr. DENTON. Madam President, I concur with all the chairman's remarks and I am particularly appreciative of his expressed intent regarding the conference. I thank him, Senator JACKSON, and their staffs for their attention to this amendment.

Mr. METZENBAUM. Madam President, I have been watching the floor and I noticed that this amendment came along.

As I understand what we are doing here is that the committee reduced the amount for ballistic missile defense program $147 million and that was the committee action.

What we have here is a restoration of $50 million of that for the development and evaluation of the airborne optical adjuncts, $7.5 million for installation of X-band radar on the USNS *Observation Island*, $24.8 million for development of nuclear hardware components and software functions.

This same issue has been before the House Armed Services Committee, and the Armed Services Committee had recommended a reduction of $200 million in this program.

I understand that the argument is being made that this is only a reprograming, but the facts are that the language of the amendment that was the modifying amendment is in fact somewhat unclear because it reads as follows:

The authority under the preceding sentence is in addition—it is not in substitution; it is in addition—to any amounts authorized to be appropriated by this part to carry out research, development, test, and evaluation on the ballistic missile defense systems technology program of the Army.

If it is in addition, would the Senator from Alabama be good enough to advise the Senator from Ohio where the money is coming from?

Mr. TOWER. Madam President, if the Senator will yield, it is not in addition. The Senator modified his amendment. Originally, we had an amendment that would have provided for an add-on. I suggested to the Senator from Alabama that I did not want to accept any add-ons to this bill and so far we defeated every attempt to add money to this bill. So what the Senator from Alabama has simply done is to authorize the reprograming, not to exceed a certain amount.

In fact, it is discretionary with DOD. They can come in with any reprograming request at all and in fact they could come in, absent this legislation reprograming request, and add on any program that is authorized.

Mr. METZENBAUM. I want to point out to the distinguished manager of the bill that although he says it is not, the English language speaks for itself, and the language says:

That the authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part.

And it goes on.

To me "in addition" means only one thing, it means plus, it means over and above, and if you do not intend it to be in addition then it would seem to me the language would have to read, "shall not be in addition to such amounts as are being appropriated."

But as long as you say it is in addition I am a realist enough to recognize there is a distinction between an authorization and an appropriations bill, but the fact is you had recommended, as indicated by your report on page 132, a reduction of $147,135,000 in the BMD system.

You then went on to say "this sum will level funding of this program after inflation."

The Denton amendment, as modified—and it is the modification from which I am reading—the modification says in unequivocal language, "The authority under the preceding sentence is in addition."

Mr. DENTON. Madam President, will the Senator yield?

Mr. METZENBAUM. I wonder if the appropriate language in the amendment would be that the authority under the preceding sentence shall not be in addition to any amount authorized to be appropriated. It should be the exact reverse of that which the Senator from Alabama's second-degree amendment states.

Mr. DENTON. If the Senator will yield——

Mr. METZENBAUM. I certainly will yield.

Mr. DENTON. You notice in what you just read, the sentence just read, begins, "The authority under the preceding sentence."

Mr. METZENBAUM. I understand.

Mr. DENTON. And the preceding sentence reads as follows:

Section 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part and which are not obligated for any other purposes to carry out research—

And so forth.

Mr. METZENBAUM. I know that full well.

Mr. DENTON. So it is money already appropriated, and we are just permitting $50,400,000 be used for this purpose.

Mr. METZENBAUM. What I am saying to my friend from Alabama——

Mr. TOWER. Madam President, will the Senator yield? Maybe I can clear this up. The second sentence is conditional on the first, and the fact is they can spend in excess of what we have authorized in the bill but it has to come out of something else, it has to come out of something else that is unobligated, funds that were authorized but unobligated, so that is the point. It does not add money to the bill. It means that you are, in effect, at the discretion of the Department restoring $50,400,000 of the $147 million that was cut, provided they find somebody else's hide to take it out of. That is all it means.

Mr. METZENBAUM. Would the Senator from Texas not agree with me that you would achieve that objective if you provided that "The authority under the preceding sentence is not in addition to any amounts authorized to be appropriated by this part," rather than state it in the affirmative because to state it in te affirmative is to indicate——

Mr. TOWER. I think we have made sufficient legislative history on it, Senator. I think the intent now is clear, the intent of the proposer of the amendment, the intent of the manager of the bill, and I will ask the distinguished manager for the minority if that is not his understanding.

Mr. JACKSON. Madam President, that is my understanding. I hope this matter can be finalized and clarified.

Mr. METZENBAUM. I do not wish to stand in the way of moving this measure forward. But whether it is the understanding of the managers of the bill or the author, the Senator from Ohio feels that one of two things has to happen: One is it has to cut into other savings that have been effected by the committee to the extent of $147 million or that it is indicating that these are additional funds, and because the Senator from Ohio does not want to stand in the way of progress, if it be called that, I am going to suggest the absence of a quorum in order that I may make such——

Mr. TOWER. I wish the Senator would withhold on that. We have made legislative history. It means they cannot spend more than $391 million authorized, and if they do, it has to come from something else. That intent is clear, and I am sure the cosponsor of the amendment, the distinguished Senator from Alabama is willing to make it clear.

With that much legislative history, I do not see how the intent will be missed, and I hope the Senator from Ohio will not delay consideration of this measure.

Mr. HEFLIN. I wonder if the Senator from Ohio would agree that if you added a word in the modifying amendment, where it says, "discretionary authority" under the preceding sentence, would that clarify it as the Senator says, "discretionary authority?" The intent of it is, I think if you read it, that—in other words, there is a certain amount of appropriated money and giving him discretionary authority up to $50 million, and all you want to say is that $50 million does not come out of what is actually already appropriated.

Mr. DENTON. If that helps the Senator from Ohio, the chairman has indicated that the insertion of the word "discretionary," would be sufficient, and I would accept it.

Mr. METZENBAUM. I will say to my very good friend from Alabama that will not accomplish and achieve the objective I am concerned about, having to do with the question of whether it is or is not an additional $50 million. I have asked the staff——

Mr. TOWER. May I say to the Senator from Ohio it is not an addition. We have made adequate legislative history on it, and I can only conclude now that the Senator from Ohio is trying to delay the Senate. It is not an addition to the bill, and the manager has clearly stated that; the proposers of the amendment have clearly stated that is not their intention, the minority manager of the bill has made that statement, and I can assure the Senator it will not be added to the bill because there will be no additional funds added to the bill, if I can help it.

Mr. METZENBAUM. Madam President, I would just like to respond to my friend from Texas. The Senator from Ohio has not been involved, as the Senator from Texas indicated the other day, and used inappropriate dilatory tactics. The Senator from Ohio does not intend to delay the bill, and the Senator from Ohio does not believe and he knows full well that regardless of the legislative history or regardless of the merits of the words spoken on the floor of the U.S. Senate that which controls is the language of the legislation, and you cannot make black white or white black.

You cannot make a positive assertion into a negative one by reason of any legislative debate. I have asked the staff whether or not they could work out some language that would resolve this matter to the satisfaction of the Senator from Ohio without in any way doing harm to the objective of the Senator from Alabama and the concern of the Senator from Texas.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Madam President, I ask the Senator from Alabama whether or not he would not see fit on his own to modify his amendment further by adding the following language: "In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill."

Mr. DENTON. I have no objection to that. I believe it to be redundant, but I have no objection.

I ask unanimous consent that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. METZENBAUM. Does it have to be in writing?

The PRESIDING OFFICER. It does.

AMENDMENT NO. 2076

Mr. METZENBAUM. Madam President, I send an amendment to the desk, that amendment being only the portion that is handwritten at the bottom of the amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2076 to amendment numbered 1539, as modified.

At the end of the amendment No. 1539 (as modified) insert the following:

"In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. METZENBAUM).

The amendment (No. 2076) was agreed to.

The PRESIDING OFFICER. The question is on the first degree amendment.

The amendment (No. 1539) as modified, and amended, was agreed to.

Mr. TOWER. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, it was my understanding at this point that the distinguished chairman would ask unamimous consent that the pend-

ing amendment, as amended, be temporarily set aside in order that I might offer an amendment that is now at the desk.

Mr. TOWER. Madam President, I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be temporarily set aside for the disposition of an amendment to be proposed by the Senator from New York (Mr. MOYNIHAN), and that on the disposition of the amendment of the Senator from New York the Senate return to the consideration of the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia.

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

AMENDMENT NO. 2061

(Purpose: To extend the grace period for the implementation of the regulations relating to the denial of Federal educational assistance to students who have failed to register under Public Law 97-252 from July 31, 1983, through September 30, 1983)

Mr. MOYNIHAN. Madam President, I thank the distinguished chairman.

I will be brief. There is no occasion to delay the Senate in this matter, although it is one, I think, of very large import to the American people. It is an amendment essentially identical with that I offered on Thursday, the 14th of July, but which was not voted on.

It is at the desk, Madam President, and I ask that amendment No. 2061 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. BINGAMAN, Mr. DANFORTH, Mr. DURENBERGER, Mr. HART, Mr. HATFIELD, Mr. HEINZ, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. JACKSON, Mr. CRANSTON, and Mr. LEVIN) proposes and amendment numbered 2061.

Mr. MOYNIHAN. Madam 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:

On page 158, between lines 8 and 9, insert the following:

EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT FOR THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATIONAL ASSISTANCE

SEC. . The provision of the notice regarding the implementation of regulations entitled "Student Assistance General Provisions; Registration With Selective Service" (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that my cherished colleague, Senator MATSUNAGA, be added as a cosponsor.

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

Mr. MOYNIHAN. Madam President, the purpose of this amendment is very simple. It extends until September 30 the period of time during which students at colleges and universities can receive various kinds of Government guaranteed or subsidized loans without having completed a statement of compliance indicating that they have either registered with the Selective Service or are not required to do so by virtue of a number of criteria.

May I first of all point out that the overwhelming number of students are in compliance with law, but many do not necessarily have this required form. They have registered, but they have not filled out this form because they are not on campus during the summer.

They left campus in June with the understanding that the law known as the Solomon amendment had been declared unconstitutional and that that was the end of the matter. Then, with 3 days remaining in June the Supreme Court stayed the district court injunction and the Department of Education put new regulations into force requiring compliance which will take effect on the 1st of August. The problem, Mr. President, is that nobody is around colleges on the 1st of August, except students at summer school.

With the utmost good faith, every major organization of colleges or universities in the country has asked us to give them until September 30 to file the statements of compliance which would let students get their loans. Thereafter, under existing regulations, they have 30 days to present this statement that they have either registered or that they need not do so. Students need not file the statement if they are female, if they are in the armed services on active duty, if have not reached age 18—such things like that.

At this point, Madam President, I ask unanimous consent that the statement of registration compliance form be printed in the RECORD so that we know what we are talking about. This one is from Georgetown University. Each institution prepares its own form.

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

Attention: Federal Law requires that all students receiving federal financial aid (including: Guaranteed Student Loans, PLUS/ALAS/CLAS Loans, National Direct Student Loans, College Work Study, and for undergraduates only, Pell Grant or Supplemental Educational Opportunity Grant) must complete the following statement:

Statement of Educational Purpose Registration Compliance

I certify that I will use any money I receive under Title IV Student Aid programs only for expenses related to attendance at Georgetown University.

I certify that I am not required to be registered with the Selective Service because:

☐ I am a female.
☐ I am in the armed services on active duty. (Note: Members of the Reserves and National Guard are not considered active duty.)
☐ I have not reached my 18th birthday.
☐ I was born prior to January 1, 1960.
☐ I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

I certify that I am registered with Selective Service. ☐

Name
.....
Class
.....
Signature
.....
Social Security No.
.....
Date
.....

Without this document on file by August 1, 1983, Georgetown University will be unable to process guaranteed student loan or Plus/Alas/Clas loan applications or disburse any federally supported funds such as college work-study or national direct student loan funds. If you have any questions regarding the above, please contact the Financial Aid Office.

..... of
Georgetown University
Financial Aid Office

Mr. JACKSON. Will the Senator yield?

Mr. MOYNIHAN. Yes, though if I may say one more thing: According to regulations promulgated by the Department of Education, 30 days after September 30, if this form has not been filed, the federally guaranteed loan automatically goes into default.

Mr. JACKSON. Madam President, I commend the distinguished Senator from New York for his leadership in this matter. We would not have to do this except for a lot of judicial confusion. The district court, as I recall, in Minnesota ruled the particular provision in the law a bill of attainder and, therefore, unconstitutional.

The Supreme Court has stayed the action of the district court declaring it unconstitutional, leaving to the fall term to decide on the merits whether or not it is in fact unconstitutional as claimed by the opponents.

As one who has supported the draft registration, as has been the case of the Senator from New York, and as a cosponsor of this amendment, I believe it just makes good commonsense and true prudence to grant the extension to September 30.

The college administrators have asked for this, those who support the draft registration, and I see no purpose at all in adding to the confusion

and the obvious trouble that it is going to entail especially for our colleges and universities, at a time when they have enough trouble, by insisting that it all take place by September 1.

I have not seen the order, I do not know whether the Senator has, of the Secretary extending it.

Mr. MOYNIHAN. We have heard that the Department of Education might extend the deadline from August 1 to September 1, but such an extension has not, as far as we know, been issued officially.

I thank my friend from Washington, my revered friend, Senator JACKSON.

Madam President, I say to those who are listening that if we want our laws to be obeyed, we have to make it possible to obey them. There may be Members of this body who are opposed to the law linking Government-guaranteed loans to draft registrations—I am sure some have voted against it—but the colleges cannot enforce it in the present circumstance, because of the confusion caused by recent judicial decisions.

The students are not now on campus. There are some 6 million students who receive some form of Federal loan assistance or guarantee. So far as I know—I will exaggerate—they all want to comply with the law. Certainly most of them do. But when they left campus last month they were told the law did not exist anymore.

All the administrators are saying is—

Let us get the college students on campus, with their loans approved and guaranteed, and let us give the students 30 days within which to present this statement.

Meanwhile, students will be able to receive their loans, pay their tuition, the fall semester can begin on time, and then the paperwork required by the Solomon amendment can be done in an orderly manner.

The college asks the student in this form, "Have you registered?" and they check a box. In that case, the lending institution is so notified, and the loan remains valid. If the student is not in compliance, cannot make or continue the loan.

All we are asking is that it be made possible for people to obey the law without disrupting American higher education.

Madam President, I ask unanimous consent that a letter from the American Council on Education on this subject, written on behalf of 14 organizations of colleges and universities, be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., July 18, 1983.

DEAR SENATOR: On behalf of the American Council on Education and the associations listed below, we urge you to support an amendment to the Department of Defense Authorization Act of 1984 (S. 675) which will be offered by Senator Moynihan and which would extend from August 31 to September 30 the initial implementation period for the statute making draft registration an eligibility criterion for student financial aid under Title IV of the Higher Education Act. In the absence of any action to delay implementation of this requirement, our chief concern is the integrity of the financial aid delivery system and the availability of funds for needy, eligible students this Fall.

In this regard, we applaud the decision of the Department of Education to permit special procedures for disbursement of aid and certification of loan applications from July 1 through July 31 without requiring Statements of Registration Compliance, which can be obtained later. We understand that this "grace period" will be extended through August 31. Unfortunately, the interim regulations have caused widespread confusion on campuses, in state lending agencies, and among financial institutions processing loan applications.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for Guaranteed Student Loan and PLUS loan program funds have already been certified by schools, without the Statements, and are now in the hands of lenders or state lending agencies. It is estimated that one-third of these checks, affecting some one million students, will not be released until after September 1. Therefore, we are deeply concerned that lenders will stop processing applications and checks until the situation is resolved. Without explicit clarification from the Department that lenders can proceed, confident that Statements will be obtained subsequently, there is a real possibility that GSL and PLUS loan recipients will suffer inordinate delays in receiving their aid. Extending the "grace period" until October 1 would largely alleviate this difficulty. It would also permit colleges and universities to obtain the required forms in an orderly way during registration for classes.

An extended initial phase would also permit Education Department officials to address the various technical and substantive issues regarding these regulations which have come to light in recent weeks. In particular, it would allow time to clarify the precise responsibilities and liabilities of those colleges and universities which have disbursed funds under the interim procedures.

We wish to state explicitly that extending the grace period in this manner in no way weakens enforcement of this requirement. Institutions would still be required to inform all students who receive Title IV assistance that they must sign a Statement. The extension would simply allow colleges and universities to enforce this statute in the most cost-effective way.

For these reasons, we request your support for Senator Moynihan's proposed amendment, and we greatly appreciate your interest in this issue. This letter is sent on behalf of:

American Association of Community and Junior Colleges.

American Association of State Colleges and Universities.

American Association of University Professors.

American Council on Education.

Association of American Universities.

Association of Catholic Colleges and Universities.

Association of Jesuit Colleges and Universities.

Association of Urban Universities.

Council of Independent Colleges.

National Association for Equal Opportunity in Higher Education.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

National Association of State Universities and Land-Grant Colleges.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Vice President for Governmental Relations.

Mr. MATSUNAGA. Will the Senator from New York yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. MATSUNAGA. Madam President, I wish to congratulate the Senator from New York and commend him for the leadership he has shown in this regard. As a cosponsor of the amendment, I urge my colleagues to support it.

We are not here asking to excuse anyone from the violation of any law. We are merely asking that the period be extended so that those who wish to do so will have an opportunity to comply with the law. This, I believe, is a very reasonable request, a very reasonable proposal. It has the backing of the authorities connected with the institutions of higher learning. I think we who represent the people of the country ought to once in awhile listen to the voice of the people and here is a case.

Mr. MOYNIHAN. They are speaking, if I may say to my friend, for 6 million students. They are saying: "Give them a chance to abide by our regulations, which are a little confusing. You pass a law and one court says it is not a law and then another court says that it may still be a valid law."

Madam President, I would like to inquire of the distinguished managers of the legislation whether this amendment is acceptable to them before asking that there be a vote. If it were acceptable, I think it would be very fine.

Mr. MATTINGLY. It is not acceptable to me.

Mr. MOYNIHAN. I ask unanimous consent that Senator METZENBAUM be added as a cosponsor.

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

Mr. MOYNIHAN. I see my friend from Georgia is on the floor. I am happy to yield to him.

Mr. MATTINGLY. I thank the Senator from New York.

Madam President, I have to admit that it is somewhat appalling to me that we are again standing here talking about moving a date. Over 1 year ago, the Senate passed the Mattingly-Hayakawa legislation. That legislation clearly stated that those students who had not registered for the draft would

be prohibited from receiving Federal student financial aid.

I wish both floor managers were in the Chamber to hear this debate so that they could really understand and give finality to what is going to happen here today on this piece of legislation.

That legislation as passed was and still is simple, it is clear, and it is to the point. It plugs up a loophole.

In the last few days, the U.S. Senate has debated and voted three times on this measure relating to the Mattingly-Hayakawa amendment. Now the Senator from New York is asking us to debate and vote yet another measure dealing with the legislation.

I might add that the previous votes were anything but close. On Friday, the votes were 66 to 29 and 71 to 23. On Saturday, the vote was 64 to 19. Quite frankly, I do not see how anyone could argue here about the intent of the Senate.

It is clear that the Senate supports the notion that those students who are bound by law to register for the draft should do so before they can be eligible to apply for student financial aid.

By discussing this issue again and again, we are doing a disservice to those people who obey the law.

I think the Senator from New York ought to understand that.

In addition, if the law is changed, the U.S. Senate is going to be providing an incentive to ignore the law.

Let us put this into perspective.

Madam President, once again I say by discussing this issue again and again we are doing a disservice to those people who have obeyed the law. I say if the law is changed, the Senate will be providing an incentive to those people who ignore the law. So let us put it into perspective and see the magnitude of the problem that the Senator from New York is discussing.

In the 1980-81 school year, approximately 3 million students graduated from high school in the United States. Of that number, 54 percent began attending college. That amounted to approximately 1.6 million students. Taking that a step further, in 1981, there were an estimated 794,000 males and 826,000 females attending our Nation's colleges and universities. Of this number, approximately 51 percent applied for student aid.

The latest statistic—and I will be happy to read the letter from the Director of Selective Service dated July 19, and I will enter it for the RECORD—shows that over 98.5 percent of our youth comply with the draft registration law. Applying that statistic to the figures I presented earlier shows there are only 6,000 young men who asked for student aid who have not registered for the draft.

Let me reiterate that point. Of the roughly 800,000 young men who will begin college this year, about 400,000 are going to apply for Federal student aid. Of the 400,000 who will apply, 394,000 will have completed draft registration. Only 6,000 young men will have broken the law.

Yet, these 6,000 are still asking for student aid from the Government whose laws they refuse to obey.

It is not necessary for the Senate to consume its time in microcosmic adjustments in order to accommodate the small number who have not complied. By doing so, we are insulting the law-abiding young people of our Nation who are willing to obey the law before asking for help.

There are some additional points that can be made.

First, the Department of Education, as the Senator from New York knows, has the authority to delay implementation of the law if it is necessary. He knows that in this past week the Department exercised that authority by extending the grace period until September 1.

If the Department thinks the implementation period needs to be delayed again, it can do so. I have asked the Secretary of Education, Mr. Bell, and Director of Selective Service Turnage to give me their respective department's position on further extension of the deadline for implementation.

Many of my colleagues have copies of the letters I received from them. I ask unanimous consent that both Director Turnage's and Secretary Bell's be printed in the RECORD.

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

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
Washington, D.C., July 19, 1983.

Hon. MACK MATTINGLY,
The U.S. Senate, Washington, D.C.

DEAR SENATOR MATTINGLY: Earlier today, by telephone, your staff questioned whether the Department would agree to extend until October 1, 1983, the deadline for students to sign a form assuring their compliance with Selective Service registration requirements.

As you know, Department regulations require students to complete the appropriate assurance form for aid received after July 1, 1983. Because of the Federal court injunction in Minnesota, many students did not complete the form as required by regulations. The Department provided a 30-day grace period to enable the students to sign the appropriate forms without causing an interruption in their student aid. However, in response to requests from the higher education community, the Department agreed to extend until September 1, 1983 the deadline for students to complete the form.

Each time the deadline is changed, the Department must publish a new notice in the Federal Register announcing the change, and mail a notice to each student financial aid officer of every college and university in the United States.

The extension we have already provided until September 1, 1983 will enable students to complete the form when they return to campus to begin the fall semester. We strongly oppose an additional delay because we do not feel it is needed, because it is unnecessarily costly, and because it will only serve to confuse both students and student financial aid officers.

We believe the current deadline of September 1, 1983 does not impose any significant burden to the student financial aid community. We believe we have adequately addressed their concerns by providing students 60-days to complete the simple form. We believe it is time to dispense with questions concerning deadlines for phasing in the Selective Service registration requirements and get on with the business of administering higher education programs.

I hope that you and your colleagues will be able to put to rest once and for all questions concerning how much time it should take for a student attending an institution of higher education to appear at a Student Financial Aid office and place an "X" on a piece of paper.

Sincerely,

T. H. BELL.

THE DIRECTOR OF SELECTIVE SERVICE,
Washington, D.C., July 19, 1983.

Senator MACK MATTINGLY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATTINGLY: This is in response to your query concerning proposals to delay beyond September 1 the requirement that students seeking Federal student aid must certify they are in compliance with Selective Service registration laws.

Section 1113 of PL 97-252 is being implemented by Department of Education regulations in a manner that is not burdensome to students or educational institutions. Although the law became effective July 1, Secretary Bell, without demur, has instituted a 60 day "grace period" to alleviate any concerns that school administrators might harbor. I am unpersuaded that any further delay is necessary or desirable. All that is required for the 1983-84 Academic Year is that beginning September 1, an institution must receive a student's Statement of Registration Compliance prior to making disbursements of any Title IV aid to that student.

I am pleased to report to you that peacetime registration continues to rise. As of July 10, 98.5% of the potential draft-eligibles (men born between 1960-1963) were registered. This is a higher compliance rate than had been recorded prior to Senate passage of the amendment sponsored by you and Senator Hayakawa requiring students seeking Federal student aid to be in compliance with the registration law. I am very appreciative of your amendment not only because it has improved compliance, but because I philosophically subscribe to the principle that citizenship entails responsibilities as well as privileges.

Sincerely,

THOMAS K. TURNAGE.

Mr. MATTINGLY. Madam President, I wish to quote a portion of Secretary Bell's letter.

As you know, Department regulations require students to complete the appropriate assurance form for aid received after July 1, 1983. Because of the Federal court injunction in Minnesota, many students did not complete the form as required by regulations. The Department provided a 30-day grace period to enable the students to sign the appropriate forms without causing an interruption in their student aid. However, in response to requests from the higher education community, the Department agreed

to extend until September 1, 1983 the deadline for students to complete the form.

Each time the deadline is changed, the Department must publish a new notice in the Federal Register announcing the change, and mail a notice to each student financial aid officer of every college and university in the United States.

The extension we have already provided until September 1, 1983 will enable students to complete the form when they return to campus to begin the fall semester. We strongly oppose an additional delay because we do not feel it is needed, because it is unnecessarily costly, and because it will only serve to confuse both students and student financial aid officers.

We believe the current deadline of September 1, 1983 does not impose any significant burden to the student financial aid community. We believe we have adequately addressed their concerns by providing students 60-days to complete the simple form. We believe it is time to dispense with questions concerning deadlines for phasing in the Selective Service registration requirements and get on with the business of administering higher education programs.

I hope that you and your colleagues will be able to put to rest once and for all questions concerning how much time it should take for a student attending an institution of higher education to appear at a Student Financial Aid office and place an "X" on a piece of paper."

Madam President, it is not the job of the U.S. Senate to tinker with and fine tune administrative provisions issued by the Department of Education. It is the job of the U.S. Senate to set policy. This it has clearly done and reaffirmed with its votes on the Mattingly-Hayakawa and Solomon amendments.

There are those who stand here and talk about costs to colleges and universities in implementing this law. That is what we are talking about on the floor now. Let us talk about the costs to the taxpayers that have been accumulated while the U.S. Senate wastes its time voting again and again on the same issue—especially when we have overwhelmingly reaffirmed our position on it. Private and public colleges receive an estimated $6 billion annually in various student financial assistance programs. These same institutions of higher learning, through taxpayer-supported student loans, have seen their classrooms filled where, otherwise, they may have had a considerably larger number of empty chairs. I do not think complying with a law that passed a year ago is too much to ask of these colleges and universities.

Congress has spoken and spoken and spoken on the issue of draft registration and student financial aid. By a vote in this body to further extend the deadline for implementation, we will send a false message that we are not serious about seeing that the law is enforced. Nothing should be farther from the truth.

The definition of "compromise" is "a settlement of differences by mutual concessions." It is clear that the Department of Education has compromised with the higher education institutions on the implementation of this law. Since a compromise has been made, now let us talk about compliance—a noun meaning "cooperation or obedience."

Should we tell 98.5 percent of the young people of our Nation that it is not important to register as a prerequisite for Federal student aid?

Should we tell 98.5 percent of the young people of our Nation that we have changed our minds and we should be more permissive to the 1.5 percent who did not comply with the registration law; that just because 98.5 percent have the intelligence and sense of duty to comply, it is meaningless?

In the 1960's, the attitude in the United States was to protect the criminal, the lawbreaker, and forget the victim. During that time, disrespect for duty and our flag became a badge of honor. I do not want to go back to that time of misplaced priorities.

Do we vote here for compliance or do we vote for gutlessness? That is the bottom line. The bottom line is not whether we move a date. Do we vote for a gutlessness which ignores the responsibility of citizens? Do we vote for a gutlessness which dilutes the worth of the law abiding young people of our Nation and says it is not important to be proud of the responsibilities and duties of being an American citizen? I say that answer should be no. I say it is time that we finish quibbling over this matter.

I am personally proud of the 98.5 percent of our young men who have registered for the draft, who have complied with the law. I have little sympathy or understanding for the 1.5 percent who have not.

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

The PRESIDING OFFICER (Mr. RUDMAN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. BINGAMAN. Mr. President, I would like to make just a few points in response to the Senator from Georgia and address the issue which I believe is contained in this amendment.

The Senator from Georgia has suggested that the question before the Senate is whether or not we want to vote for gutlesseness, I believe that was the word that he used. Let me, if I could, just summarize what I understand the amendment to be and see if there is a disagreement on what we are talking about here.

As I understand it, Secretary Bell has, by regulation, stated that September 1 will be the date, the final date, for registration and filling out of forms. Is that a correct understanding?

Mr. MATTINGLY. That is correct.

Mr. BINGAMAN. The import of this amendment is to change that date to September 30 instead of September 1, which would be to add an additional 29 or 30 days. So the question really is whether a person would be required to register before September 1 and fill out the forms or would be required to do that before September 30, before the close of business on that day. That is how I understand the issue before the Senate.

Am I confused on that?

Mr. MATTINGLY. Partially, but the Department of Education has already gone from July 1 to August 1 and now has gone further from August 1 to September 1 in order to resolve any of the administrative inconveniences that may have been encountered. We have gone through four votes last year and three here in the last few days, trying to dilute the responsibility of students and universities.

This is going to further dilute it. It is not up to this body, as I said before, to put everything under a microscope. That is the responsibility of the Department of Education. It is not the responsibility of this body.

The futher problem with all this is if we think it will end here—I doubt if it will—on the issue of whether you should register in order to be able to get student financial aid from the Federal Government.

Mr. BINGAMAN. Will the Senator from Georgia yield?

Mr. MATTINGLY. Yes, I yield.

Mr. BINGAMAN. I would really ask if we are in fact asking in this amendment to dilute the responsibility or rather, to postpone it for 30 days? Is that a question that the Senator from Georgia can respond to?

Mr. MATTINGLY. What was the Senator's question?

Mr. BINGAMAN. The Senator has said that we are in fact diluting the responsibility of people to register. As I understand the amendment, of which I am a cosponsor, we are in fact postponing the responsibility of these people to register for 30 days rather than diluting that responsibility.

Mr. MATTINGLY. Of course, I would say postponing is diluting.

Mr. MOYNIHAN. If the Senator from New Mexico will yield, I think we have heard what we have to know.

There are some 6 million American young men and women who are in universities and receive one form or another of financial assistance. The overwhelming majority of the young men required to do so, 98.5 percent, have registered with the Selective Service. My own youngest son has. I am sure there are other families like mine who had to remind their sons. I have to remind him to tie his shoelaces. But he never thought not to comply with the law once we reminded him.

What our colleges and universities are asking is to let these people who have complied with the law continue with their education.

I would like it understood that those who vote against this proposition have declared those people gutless. The ROTC, the NROTC, veterans, the young men who have done their duty, they are called gutless because their college presidents have asked for 60 days in which to do the necessary paperwork. I hope they have an opportunity to check the CONGRESSIONAL RECORD to see who thought them gutless as against those who thought that the American Government bureaucracy had got itself a little confused on this issue. All the universities ask is a little time to straighten it out.

This does in no way affect the law. I voted for the law. The question before us now is not whether the Solomon amendment is meritorious. If you think American young men are gutless, fine, here is your chance to say so in the CONGRESSIONAL RECORD. Do not for a moment think it will be unnoticed by them or their families or their colleges. Or that it will be thought to be an accurate statement.

I just hope about 15 good running backs do not go to college this fall because, having already registered for the Selective Service, they did not get on campus in time to make out their yellow cards and so the Georgia Bulldogs go down to defeat. I would like those football coaches to understand that their running backs, and their linemen, have been called gutless.

Mr. President, I have nothing else to say, and the yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. WARNER. Mr. President, on Monday, July 18, I spoke at length with Mr. Frank Hereford, the president of the University of Virginia, concerning this important issue.

This distinguished educator asked my support for the amendment offered by the Senator from New York.

He pointed out that universities and colleges need the students' presence on campus so that they can tell the students what the law requires. Clearly, this cannot be accomplished if the law goes into effect July 31.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for guaranteed student loan and plus loan program funds have already been certified by schools and are now in the hands of lenders of State lending agencies. It is estimated that one-third of these checks, affecting some 1 million students nationwide, will not be released until after September 1. Therefore, educators are deeply concerned that lenders will stop processing applications and checks until the situation is resolved.

Without explicit clarification that lenders can proceed, confident that eligibility will be certified subsequently, there is a real possibility that GSL and plus loan recipients will suffer inordinate delays in receiving their aid. Extending the grace period until October 1 would largely alleviate this difficulty.

Mr. President, I urge my colleagues to support adoption of this amendment.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. I make a motion to table the amendment. I ask for the yeas and nays.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The acting assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

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

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—46

Abdnor	Hawkins	Percy
Armstrong	Hecht	Proxmire
Boschwitz	Helms	Quayle
Cochran	Humphrey	Roth
Cohen	Jepsen	Rudman
D'Amato	Johnston	Simpson
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Thurmond
Dole	Lugar	Tower
East	Mattingly	Trible
Exon	McClure	Wallop
Garn	Murkowski	Wilson
Gorton	Nickles	Zorinsky
Grassley	Nunn	
Hatch	Packwood	

NAYS—48

Andrews	Eagleton	Matsunaga
Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Hart	Mitchell
Bingaman	Heflin	Moynihan
Boren	Heinz	Pell
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Jackson	Sarbanes
Chafee	Kennedy	Sasser
Chiles	Lautenberg	Specter
Cranston	Leahy	Stafford
Danforth	Levin	Stennis
Dodd	Long	Tsongas
Durenberger	Mathias	Weicker

NOT VOTING—6

Baker	Goldwater	Pressler
Domenici	Hatfield	Warner

So the motion to lay on the table Mr. MOYNIHAN's amendment (No. 2061) was rejected.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. MATTINGLY. Madam President, I would like to add just a few more things to the debate on the vote that we are going to take very shortly. There was an article in the Detroit News which I shall submit for the RECORD. It says:

> Seven months ago, President Reagan signed a defense appropriations bill which contained an amendment that denies federal education loans to students who have failed to register for the draft.
>
> This so-called "Solomon amendment," named for Republican Gerald Solomon, the New York congressman who attached the rider to the bill, was approved by almost 70 percent of the House, and the measure slid through the Senate with equal ease.

I might interject there, the Mattingly-Hayakawa amendment was totally unopposed.

The article continues:

> No sooner had the ink dried on the document than several college officials decried the added administrative burden such a stipulation would impose upon their schools.
>
> Never mind that there are already 272 pages of federal regulations that dictate how colleges and universities will behave if they accept federal funds. Moreover, many of these regulations require the institutions to ensure compliance with federal statutes ranging from public access for the handicapped, Title VII prohibitions against sex discrimination, affirmative action guidelines, dormitory construction specifications,

accreditation standards, as well as procedures governing foreign students, cooperative education, and work-study programs.

Then there is the rash of rules attendant to Guaranteed Student Loans, National Defense Student Loans, Pell Grants, Basic and Supplemental Educational Opportunity Grants, and whatever other student assistance programs Washington has authorized during the past two decades.

Yet some of these same college administrators who gladly enforce a slew of federal standards have decided that a requirement regarding student registration is, well, excessive. Which is to say that these officials are offended by the thought of being accessories to an "unjust" law.

Sadly, their objections have been reinforced by the recent ruling of a federal district judge in Minnesota who has issued a preliminary injunction prohibiting the state's schools from barring aid to any students lest the act violate his constitutional right against self-incrimination.

This ruling pleases the petitioners who, with the aid of the American Civil Liberties Union, insist rather disingenuously that they have a right to federal dollars, without the concurrent responsibility to obey the nation's laws.

That inconsistency is something the U.S. Justice Department intends to address in court by arguing that students have no inalienable right to federal funds. Further, the government correctly contends that those students who are denied federal aid aren't being tried because that denial has nothing to do with the penalties prescribed by the Draft Registration Act.

Finally, it should be remembered that some 96 percent of those young men of draft age have already registered. Therefore, the amendment merely excludes a tiny minority that has deliberately decided to defy the law. Those who wish to register can still do it and be eligible for federal assistance for the coming school year.

Thus the question still remains whether those who refuse their obligations as U.S. citizens have a right to federally subsidized education loans and grants.

And the only rational answer is no, they clearly do not.

That came from the Detroit News of March 28, 1983.

There was also an editorial run by WSPA-TV, Greenville-Spartanburg-Ashville, the CBS affiliate. It says:

[A WSPA-TV Editorial, Mar. 14, 1983]

FEDERAL STUDENT AID AND THE DRAFT

Many people have objected to the United States Congress' action to make draft registration a condition of eligibility for federal student assistance for higher education. Presently, the federal government spends $10.7 billion dollars for about 5 million students, of whom just over half are males who must register for the draft. Actually, draft registration can be called successful because 96 percent of those who are supposed to register do so. Almost all of the young men registering are doing so voluntarily and not because of penalties.

Yet, it would make no sense for the Congress to offer student aid to those few who did choose to refuse to register. As policies, Congress has produced both the registration and student aid. Moreover, colleges and universities that find replacement moneys for those who refuse to register are acting in bad faith. The Congress has deemed the registration necessary for the nation and if individuals oppose this policy, they can try to change the law governing registration. It would certainly be improper for college officials to make policy choices in order to allow young men to thwart the law.

Mr. MATTINGLY. Madam President, there was the debate that has gone on, on my motion to table this amendment, and now there will be an up or down vote on the Moynihan amendment, which I encourage everybody to vote against and which this time we hope to be able to defeat. The most serious objection to any further delay is that 1 more month would pass during which aid would have to be issued to students who might never register or never fill out the necessary forms.

Now, that money would have to be recouped. What recouped means is the Federal Government would have to try to get it back. We know the Federal Government's success in recouping bad debts. It is not too good.

In the cloakrooms this last hour-and-a-half on this debate it was said that if this amendment passed, an amendment was going to be offered that the Federal Government pay the State governments the recoupment costs.

Now, Madam President, I just ask my colleagues, is that not a little absurd? What guarantee do we have today, even if that amendment is not offered, that it will not be offered later on another bill; that when these well-meaning and well-mentioned people come forth on the floor trying to take care of this infinitesimal number of people who cannot even go in to mark an X on the form, even though they happen to be running backs, that if they make a mistake and they should not give them the money, we are going to delay it and go on to October 1. If we delay this, it is going to cost the Federal Government money. My colleagues know that. I know that. Anybody who has commonsense understands that the Government is going to pay out more and they are going to make the mistakes, and then they are going to go back and try to collect it.

Then what is going to happen? Another well-intentioned United States Senator is going to come to the floor and say that we should not have put that burden on the colleges and universities and we must pay for those errors. So we will go ahead and appropriate some more money. We will sit on the floor of the Senate, free of charge, and debate the issue once again.

I say that that is one of the overriding issues that will come up if this amendment is not defeated.

Madam President, we know there are amendments waiting in the wings. Nobody ever really knows for sure what amendment may be waiting, but I know that one person has already come to me about this issue. It may not be today, but it is going to be some day soon.

I want to go on with another great speech. It was made by the president of Boston University, the Honorable John B. Silber. He said:

Last fall the Congress and the President enacted legislation denying federal financial aid to any student who does not demonstrate that he has registered for the draft. Current discussion of this policy largely concerns legal questions and has almost entirely missed the important moral and educational issues implicit in the question.

To begin with, financial aid is a special benefit. It is not something students are owed or have earned. It is a contribution made by society through government and volunteer institutions to help individuals achieve self-fulfillment. Society and its institutions are obligated to insist that such contributions be made to individuals who recognize their obligation, in turn, to sustain society and the institutions that sustain them.

The student who wishes to assert his right to financial aid must accept his obligation to contribute to the society on which his own self-fulfillment depends.

A second principle is the rule of law. If citizens are not obligated to obey the law and may break it with impunity, then there is no rule of law. Since the rule of law is essential to civilized society, it follows that no one has any legal right to violate the law. When one speaks of a right to violate the law he must mean a restricted moral right. The exercise of any right to violate a particular law must be done, moreover, so as to preserve, even at the time of the law's violation, the rule of law itself.

The legal questions are easily dealt with. It is incorrect to argue that one violates the Fifth Amendment protection against self-incrimination by restricting financial aid to those who respect the law. A university does not ask anyone whether he has violated the registration act. Funds are withheld only from those who fail to state that he has registered. This is no more a case of self-incrimination than is a bartender's asking to see a driver's license.

It is also incorrect to say that a denial of financial aid to men who have refused to register is discriminatory against women. Aid is denied only to those who are required to register and who do not present evidence of having done so. Since women are not required to register, they do not lose their eligibility for aid, and receive it along with the men who present evidence of registration. Those who wish to force women to register must make their appeal to the Congress and not the campus.

It is especially misleading to say that requiring proof of registering discriminates against the poor. At Boston University, where the situation is typical, financial aid is provided to about 70 percent of the students. This includes not only the poor, but the middle classes. Some financial aid goes even to children in families earning as much as $75,000 a year. The children of the downright rich will not receive equal treatment under the graduated income tax. Those who oppose the denial of financial aid will hardly oppose the graduated income tax on the ground that it denies equal protection of the laws.

Finally, it is hard to take seriously the charge that the Solomon Amendment improperly turns colleges and universities into law enforcement agencies and imposes intol-

erable bureaucratic burdens upon them. The colleges and universities are already engaged in enforcing laws on subjects as diverse as affirmative action and alcoholic beverages. Requiring proof of draft registration before providing financial aid is no more complicated or burdensome than requiring proof of age before providing a beer.

At Boston University we are, of course, concerned about the federal law in this regard. It is regrettable, I think that such distinguished universities as Harvard, Yale, and Dartmouth are considering circumventing the law by supporting, from their own funds, students who have lost eligibility through non-registration. The legality of subverting the intent of Congress is open to serious question, especially in light of the fact that the general funds of most colleges and universities have substantial components from federal sources other than those explicitly appropriated for financial aid.

At Boston University we have gone further by deciding to deny financial aid from whatever sources to those who have not registered for the draft. If we fail to educate our students to the fundamental moral truths that they have no right to a free ride; that they must respect the rule of law, we will betray our public trust. Educators should educate.

Boston University has no interest in punishing anyone, nor is Boston University a law enforcement agency. We are an educational institution and the point we are making is an educational point.

Universities have no obligation to teach young Americans that they cannot accept benefits from society without at the same time accepting the responsibilities that go with them. No one who refuses to obey the laws of the society that nurtures and protects him should expect to receive all the privileges extended to law-abiding citizens. No society has a duty to provide benefits to those who disregard the law that are necessary to preserve society.

That is the end of the speech, Madam President.

Does the Senator from Maryland have a question?

Mr. SARBANES. I think the statement, as the Senator read it, is interesting and very much to the point in many aspects on the moral and legal questions. But I do not understand that moral or legal issues have been posed by the Moynihan amendment. The Moynihan amendment seeks only a delay of 1 month, and its purpose is really to respond to a broad demand from the higher educational community to give them some time to adjust their financial aid delivery systems.

Many of these students who have registered, who have fully complied with the amendment in every respect, who agree with the moral and legal points made in the statement of the president of Boston University, which the distinguished Senator has just read, will still not have their loans unless we provide this additional grace period. It would extend 1 month, as I understand it, beyond what is contained in the regulation.

Many students will not be on campus until after the first of September, and many of these checks will not be released until after the first of September.

So I thought that what the Senator read was interesting, but I did not see its relevance to the Moynihan amendment. There is no amendment pending to repeal the requirement of the law. What was the pertinency of that statement to the pending amendment?

Mr. MATTINGLY. I think that President Silber's comments are very apropos not only to registration but also the duties of the universities. I think he was very clear when he said educators should educate and that the universities have an obligation to teach young Americans that they cannot accept benefits from society without at the same time accepting the responsibilities that go with them. I would hate to put words in his mouth, but I imagine he was saying they also have a responsibility in the universities.

The Senator from Maryland is saying that there is a broad demand by the higher educational systems for an extension. I am not going to get into details as to when all the demands came, but I assure the Senator that some came prior to July 1 and probably some came prior to August 1.

Mr. SARBANES. I want to concede to the Senator that they certainly came before August 1, because it is not yet August 1. Therefore, by definition, they would have to come before August 1.

Mr. MATTINGLY. That is right. I just want to make it clear.

What has happened is that the Department of Education, under the Secretary of Education, knew what was happening, knew there was some responsibility by them, knew the impact on the higher education institutions. So he gave an extension from July 1 to August 1. In order to complete administrative provisions, he went the further mile and gave another 30-day extension, from August 1 to September 1. I think he is very clear in his letter as to what he said about their responsibilities as the Department of Education and what they have done, and he feels that what they have done is sufficient. I feel that what they have done is sufficient.

The pertinence of the statement by President Silber of Boston University has something to do with responsibility, both from the educational institution and from the students. So I guess the reason why I read the speech by the president was to try to get those on the opposite side of the issue to understand that there are some university presidents—I doubt if Boston University is one that has requested extensions—that there are many institutions across this country right now that do not need any extension and are not asking for any.

I do not know how many junior colleges and universities there are across the United States, but I doubt that we have telegrams from more than a small percentage of them.

Mr. SARBANES. Is the Senator going to continue to hold the floor? I should like to read a letter from the American Council on Education, on this very point.

We have to narrow the focus to precisely what is at issue here. The issue here is not the underlying law and, therefore, it is not the moral or legal principle which Dr. Silber raises in his letter. The issue is not whether higher educational institutions are prepared to carry this out.

This letter from the American Council on Education, which I have before me, indicates that they are prepared to carry it out. They seek another month, because tremendous administrative problems and widespread confusion will result from the present system if it proceeds on the current schedule. I should like to develop that letter a little. I am trying to get the Senate to focus on exactly what the issue before us is.

Mr. MATTINGLY. The issue before us——

Mr. SARBANES. Is a delay of 1 month.

Mr. MATTINGLY. Is an additional delay, a third delay, of 1 month.

It is currently not necessary for the students to be on campus to comply. Colleges and universities are mailing compliance forms to students. Students have until September 1 to either mail in that form, mail it back, or appear at the school to certify that they have complied, by putting this tremendous X on that form. Is that not a real tragedy? Is that not an overburden?

It seems ridiculous to me to think that by September 1, the students could not either show up at the university—which may be a little difficult for some—or fill out the form and return it in the mail.

Mr. SARBANES. Let me read to the Senator——

Mr. MATTINGLY. Is the Senator going to ask another question? I still have the floor.

Mr. SARBANES. I should like to address a question to the Senator, based on this letter, in an effort to try to develop this point.

Mr. MATTINGLY. All right.

Mr. SARBANES. This is a letter from the American Council on Education, sent on behalf of the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the American Association of University Professors, the American Council on Education, the Association of Catholic Colleges and Universities, the Association of American Universities, the Association of Jesuit Colleges and Universities, the Council on Independent

Colleges, the National Association of Equal Opportunity in Higher Education, the National Association of College and University Business Officers, the National Association of Independent Colleges and Universities, the National Association of Schools and Colleges of the United Methodist Church, and the National Association of State Universities and Land Grant Colleges.

Mr. MATTINGLY. Did the Senator receive one from the University of Maryland?

Mr. SARBANES. The University of Maryland is a member of these associations.

Mr. MATTINGLY. Did the Senator receive one from the University of Maryland?

Mr. SARBANES. I do not have one in front of me, no.

Mr. MOYNIHAN. Mr. President, if the Senator will allow me to make a statement, John Silber is a personal friend of mine. I have just placed a call to him to ask his view of the pending amendment, and learn that he is on a plane to Martha's Vineyard.

In his absence, the executive vice president of Boston University, Mr. Edward Penn was asked about this proposal we have before us. Had he an objection? He said not in the least, that it would be quite helpful.

They are just trying to obey the law, and we have managed to make a caricature of what that law is.

Mr. MATTINGLY. Mr. President, I have the floor. If you have a question, I would be happy to answer.

Mr. MOYNIHAN. I know you have the floor. I thought you wanted to know what Boston University thinks about this amendment.

Mr. MATTINGLY. I would rather know what the president of Boston University said.

Mr. SARBANES. Madam President, let me read this letter:

I am still quoting:

DEAR SENATOR: On behalf of the American Council on Education and the associations listed below, we urge you to support an amendment to the Department of Defense Authorization Act of 1984 (S. 675) which will be offered by Senator Moynihan and which would extend from August 31 to September 30 the initial implementation period for the statute making draft registration and eligibility criterion for student financial aid under Title IV of the Higher Education Act. In the absence of any action to delay implementation of this requirement, our chief concern is the integrity of the financial aid delivery system and the availability of funds for needy, eligible students this Fall.

In this regard, we applaud the decision of the Department of Education to permit special procedures for disbursement of aid and certification of loan applications from July 1 through July 31 without requiring Statements of Registration Compliance, which can be obtained later. We understand that this "grace period" will be extended through August 31. Unfortunately, the interim regulations have caused widespread confusion on campuses, in state lending agencies, and among financial institutions processing loan applications.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for Guaranteed Student Loan and PLUS loan program funds have already been certified by schools, without the Statements, and are now in the hands of lenders or state lending agencies. It is estimated that one-third these checks, affecting some one million students, will not be released until after September 1. Therefore, we are deeply concerned that lenders will stop processing applications and checks until the situation is resolved. Without explicit clarification from the Department that lenders can proceed, confident that Statements will be obtained subsequently, there is a real possibility that GSL and PLUS loan recipients will suffer inordinate delays in receiving their aid. Extending the "grace period" until October 1 would largely alleviate this difficulty. It would also permit colleges and universities to obtain the required forms in an orderly way during registration for classes.

An extended initial phase would also permit Education Department officials to address the various technical and substantive issues regarding these regulations which have come to light in recent weeks. In particular, it would allow time to clarify the precise responsibilities and liabilities of those colleges and universities which have disbursed funds under the interim procedures.

We wish to state explicitly that extending the grace period in this manner in no way weakens enforcement of this requirement. Institutions would still be required to inform all students who receive Title IV assistance that they must sign a Statement. The extension would simply allow colleges and universities to enforce this statute in the most cost-effective way.

For these reasons, we request your support for Senator Moynihan's proposed amendment, and we greatly appreciate your interest in this issue. This letter is sent on behalf of:

American Association of Community and Junior Colleges.

American Association of States Colleges and Universities.

American Association of University Professors.

American Council on Education.

Association of American Universities.

Association of Catholic Colleges and Universities.

Association of Jesuit Colleges and Universities.

Association of Urban Universities.

Council of Independent Colleges.

National Association for Equal Opportunity in Higher Education.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

National Association of State Universities and Land-Grant Colleges.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Vice President for Governmental Relations.

Mr. SARBANES. Madam President, I say to the Senator from Georgia that in their letter the associations and organizations are not disputing the requirements of the underlying law. They are not arguing about their role in carrying out the law. All they are seeking is this further 1-month extension in order to make sure that this process works well.

We are going to have hundreds of thousands of students who have complied with the law and who need financial help but who are not going to have it available to them when they are presented with their bills at the beginning of the semester.

Now, that is the issue, the issue does not involve any wide-ranging moral or legal question. That is simply not the issue that is presented by the amendment of the distinguished Senator from New York.

The issue is whether these colleges and universities, working with their students, are going to be able to make this whole thing work.

I cannot understand why the amendment is not simply accepted.

Mr. MATTINGLY. Madam President, the Senator thinks this is a great inconvenience to the students. He thinks they cannot find a post office between now and September 1.

Mr. SARBANES. It depends, first of all, on who is going to mail them the form.

Mr. MATTINGLY. The schools.

Mr. SARBANES. The schools now have to mail out all these forms. The students have to receive them. A lot of them are not at home because, I hope, they have found jobs and are working somewhere. And they have to return the forms.

Therefore, they too are very deeply concerned that the lenders will stop processing applications and checks because many of the students have already been certified without the statements, and those earlier applications are in the hands of the lenders or the State lending agencies.

Mr. MATTINGLY. The Senator has asked the question. He is asking, Is there any great inconvenience? He is saying it is going to be an inconvenience on hundreds of thousands of students.

Mr. SARBANES. I am saying more than an inconvenience. I am saying that a lot of them are not going to have the money they need to pay their tuition bills when they come in from the colleges and universities at the end of August and early September.

Mr. MATTINGLY. I am not a lawyer, but I used to hear the terminology "conjecture." I think that is conjecture.

I think the Senator from Vermont wishes me to yield for a question.

Mr. STAFFORD. Madam President, what the Senator from Vermont wishes to do is first state a parliamentary inquiry if the Senator will yield for that purpose.

Mr. MATTINGLY. I yield.

Mr. STAFFORD. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. Madam President, is there controlled time on this amendment?

Mr. MATTINGLY. There is no controlled time.

Mr. STAFFORD. The Senator was unable to hear the reply.

The PRESIDING OFFICER. There is no time limitation on the amendment.

Mr. STAFFORD. I thank the Chair.

Madam President, what the Senator from Vermont wishes to do is be recognized in his own right.

Madam President, I ask for recognition.

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

Mr. SARBANES. Madam President, who has the floor?

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

Mr. MATTINGLY. Madam President, I wish to make one final comment and then I will yield.

Mr. SARBANES. Madam President, will the Senator yield the floor at that point?

Mr. MATTINGLY. The Senator will yield the floor then. I will yield the floor with the hope of getting it back for one last 30-second statement before we vote.

Madam President, I wish to repeat one sentence from the Department of Education, the Secretary's office, July 19. He said:

> We strongly oppose any additional delay because we do not feel it is needed because it is unnecessarily costly and because it will only serve to confuse both students and student financial aid officers.

That is very clear. Congress has a history of confusing things. That has to be very kind compared to at times some of the things we do here.

But why do we want to confuse the issue when it is clear and distinct, and the debate has been carried on? This will be the fifth vote that we are going to take in the last 3 or 4 days.

(Mrs. HAWKINS assumed the chair.)

Mr. MATTINGLY. Once again, let me say the most serious objection to having any further delay is that 1 more month would pass during which aid would be issued to students who might never register or even fill out the necessary forms, and I can see the ones coming to the trough already to put in the amendment to say the Federal Government needs to pay the universities to help recoup the money that was sent out erroneously by this agreement and this new procedure by delaying it 30 more days. Thank you, Madam President.

Mr. STAFFORD. Madam President, the Senator from Vermont will be brief. We debated this at some length last week. There is no particular point in rehashing it all again, but I would like to make just a few quick points here.

The first one is that the Senator from Vermont is a supporter of the Hayakawa amendment as it has been implemented by regulation of the Department of Education. In fact, suggestions of the Senator from Vermont were incorporated in the regulation that now exists, so there is no question on the part of this Senator that the regulation is an appropriate one.

The difficultly is that currently we have three million youngsters who want to go to college who, through no fault of their own, due to circumstances beyond their control, are liable to find themselves unable to obtain guaranteed student loans, which are the center piece of their opportunity to attend college next year. It is to extricate them from the box they are in as a result of circumstances beyond their control that Senator MOYNIHAN has offered this amendment which will allow enough time for colleges and universities to work out the certification necessary among students, universities, and colleges, and the lending banks to permit the guaranteed student loans to be made to the students.

The important thing, in the opinion of the Senator from Vermont, is the educational opportunity for 3 million young Americans who need those guaranteed student loans to be able to go to college this year.

Just let me recap the situation as it developed which, through no fault of the students or the bankers or the colleges, has us in this dilemma that we face.

The Hayakawa amendment regulations were promulgated by the Department of Education last spring. Then a court, the Federal district court, in Minnesota, found the Hayakawa-Solomon amendment to be unconstitutional and on that basis in the very late spring the Secretary of Education, Mr. Bell, informed the appropriate universities, colleges, and lenders that the regulation would not be enforced.

Then in late June, if memory serves me correctly, the Supreme Court stayed the injunction of the Minnesota district court and upon that basis in early July, the Secretary of Education advised that regulations under the Hopkins amendment would be enforced. This brought us to a point on the calendar where it appeared impossible for the Nation's college students, scattered throughout this Nation at jobs, on vacations, and in many places across the globe, to get the paperwork done to get their loan by August 1 or by September 1.

But most of them will have returned to college at least by October 1, and if the date is extended to October 1, I am satisfied that colleges and universities will be able to supply the certification indicating that at least 99 percent of all of the students involved have complied with the Selective Service registration law, and those certificates will be delivered by the students to the lending institutions who in turn will make the money available for guaranteed student loans and thereby insure that these young people have the opportunity to go to college.

So all we are trying to do is to get colleges, universities, principally 3 million youngsters, out of the box they are in as a result of these differing court actions and, first, the on-again-off-again application of the regulations under Hayakawa.

I believe that Senator MOYNIHAN has hit upon the best way of doing it, 30 days which will be just about enough to do it, and I very much support him in his effort. If I am not, I would like to by, a cosponsor of the amendment and I would urge my colleagues, if they are listening to what we have to say this afternoon in their offices, to support the Moynihan amendment and, Madam President, I yield the floor.

Mr. MOYNIHAN. Madam President, I do want to express my appreciation to a man who is revered in this Chamber for his probity and understanding of problems of this kind. He is "Mister Education" in the U.S. Senate, and a fortunate thing it is for the United States, too.

I ask unanimous consent that the Senator from Vermont be added as a cosponsor.

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

Mr. MOYNIHAN. Madam President, I have two points to make, one is specific and the other general.

First, is to add a detail to what the distinguished Senator from Vermont has said about the on-again-off-again history of this law over the past few weeks. It was not the fault of the Department of Education. I would cite the case of the City University of New York, where I went to college. Dean Angelo B. Proto reports that after they had sent out half the applications for Pell grants, and did not include the compliance forms—because at the time the Department told them there was no need for these registration certificates—they now have to find the 40,000 or so people they have certified. CUNY has spent $150,000 mailing out new forms and letters because of this. So Dean Proto said, in effect, "Oh, God, can't we wait until they get back here and we can grab them?

If you have ever been involved in college affairs, you know you do not write students, you grab students. I mean it is just in the nature of the beast, it is called 19 years old.

The second point is I would like to ask unanimous consent to put in the

RECORD as if read a stirring letter from the Reverend Edmund G. Ryan, S.J., who is executive vice president for academic affairs for Canisius College, a fine Jesuit college in Buffalo. Father Ryan says in effect:

Please let us have until October 1 so we can do this. Otherwise you threaten the provision of financial aid to law-abiding students, and the cash flow of this college.

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

CANISIUS COLLEGE,
Buffalo, N.Y., July 15, 1983.

Hon. DANIEL P. MOYNIHAN,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: Due to the late decision on the constitutionality of the Solomon amendment, we have requested an extension on the implementation of the Solomon amendment from August 1 to October 1, 1983. Canisius College and other colleges demand full payment of tuition bills prior to the first session of classes. In the past students were able to pay these bills through the financial aid package offered by the institution. This package consists of federal, state and institutional funds, and personal finances.

Traditionally, our financial aid packages and the necessary paperwork involved have been completed and student aid awards were accepted by August 15. However, this year because of the Solomon amendment which requires statements on compliance with draft registration and permits students to submit them for many weeks after August 1, 1983, none of us will meet our deadlines.

This will delay the financial aid delivery process and seriously affect the college's cash flow. It also will have an adverse effect on students who need their financial aid refunds at the beginning of the Fall term for major expenses such as books, food, and rent.

We thank you for introduction of the amendment to extend the August 1 grace period to October 1, 1983.

Sincerely yours,
Rev. EDMUND G. RYAN, S.J.,
Executive Vice President
for Academic Affairs.

Mr. MOYNIHAN. Madam President, I want to see the Senator from Maryland has a moment to speak, and I see Senator DURENBERGER on the floor.

Something more than the specifics of this particular law is involved here. This is a very sensitive issue. This is the kind of issue that young people of impressionable age get aroused about, and there are some people who like to arouse them. Here is an opportunity to let them know their Government is reasonable, their Government is fair, their Government is not trying to make life impossible for them; it is predictable as a government of laws. It would not be difficult for us to do this, and it would mean a lot. I thank the Chair.

Is the Senator asking me to yield for a question? I am happy to yield the floor.

Mr. SARBANES. Madam President, I will be very brief.

Earlier the Senator from Georgia asked me the position of the University of Maryland when I was reading the letter from the American Council on Education sent on behalf of some 15 national groups and associations. I have since spoken on the telephone with Dr. John Toll, the very able president of the University of Maryland, whose vigorous leadership has made the university one of the leading public institutions of higher education in the Nation. He indicated to me that the university supports the letter sent by the American Council on Education and the position which it has taken in support of the Moynihan amendment.

(Mr. PRESSLER assumed the chair.)

Mr. SARBANES. This amendment has broad support throughout all of higher education because the amendment is simply common practical sense. The Senator from New York is absolutely right that we are going to have an absolute mess under the current arrangements, and the way to prevent that from happening is to adopt the Moynihan amendment.

Mr. MOYNIHAN. I thank my friend from Maryland.

Mr. MATTINGLY. Mr. President, in conclusion, the Department of Education has the authority to extend the grace period. The Department works on a daily basis with the administrators of colleges and universities and the Department has indicated that a further delay was not necessary. Obviously, there is a disagreement between Secretary Bell and the American Council of Education. But why should the Senate intervene in this disagreement?

It is clearly an administrative difficulty that can and should be worked out by the Department and not by the U.S. Senate.

Thank you, Mr. President.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York (Mr. MOYNIHAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Nebraska (Mr. EXON) is necessarily absent.

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

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—56

Andrews	Durenberger	Metzenbaum
Baucus	Eagleton	Mitchell
Bentsen	Ford	Moynihan
Biden	Glenn	Packwood
Bingaman	Hart	Pell
Boren	Heflin	Percy
Bradley	Heinz	Pryor
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Inouye	Sarbanes
Chafee	Jackson	Sasser
Chiles	Kennedy	Simpson
Cohen	Lautenberg	Specter
Cranston	Leahy	Stafford
D'Amato	Levin	Stennis
Danforth	Long	Tsongas
DeConcini	Mathias	Warner
Dodd	Matsunaga	Weicker
Dole	Melcher	

NAYS—40

Abdnor	Helms	Proxmire
Armstrong	Humphrey	Quayle
Baker	Jepsen	Roth
Boschwitz	Johnston	Rudman
Cochran	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Thurmond
East	Lugar	Tower
Garn	Mattingly	Trible
Gorton	McClure	Wallop
Grassley	Murkowski	Wilson
Hatch	Nickles	Zorinsky
Hawkins	Nunn	
Hecht	Pressler	

NOT VOTING—4

Domenici	Goldwater
Exon	Hatfield

So Mr. MOYNIHAN's amendment (No. 2061) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is pending to the amendment of the Senator from Texas.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I wish to address for a few minutes the issue of the MX, which has occupied some but not a great deal of our time in the course of deliberation on this bill. There has probably been more discussion about the procedure to be followed in considering the MX, about how much time is or is not going to be spent on the issue, than there has been to discussing the substance of the issue in a full-fledged policy debate.

Yesterday, Mr. President, I inserted in the RECORD some statements by McGeorge Bundy, the National Security Affairs Adviser in two administrations and chairman of the General Ad-

visory Committee of the Arms Control and Disarmament Agency, discussing the MX in appearances before the Senate Committees on Appropriations and Armed Services. I also inserted an article by Mr. Bundy from the New York Times commenting on the MX Report of the Scowcroft Commission.

Mr. President, as was stated in that article by Mr. Bundy, the Scowcroft Commission report is, as he describes it, at once one of the best and worst papers of the nuclear age.

He observes that it seems possible that the President will take the worst parts and not the best parts, and that the worst parts are more appealing to him. Mr. President, I ask unanimous consent that this article by Mr. Bundy be included at this point in the RECORD.

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

[From the New York Times, Apr. 17, 1983]

MX PAPER: APPEALING, BUT MOSTLY APPALLING

(By McGeorge Bundy) [1]

Last week the Scowcroft commission published what is at once one of the best and worst state papers of the nuclear age. Unfortunately, it seems possible that the best parts will be less appealing to President Reagan than the worst. It is obvious from the elaborate White House orchestration that the report has been constructed with built-in Presidential approval and that at its core it is a selling job for the wrong missiles in the wrong place—100 MX missiles in Minuteman silos. This solution has been repeatedly reviewed and rejected both by Congress and by the executive branch over the last 10 years.

But let us begin with the good parts. First, the report deliberately and correctly destroys one of the principal myths on which Mr. Reagan campaigned in 1980—the myth of the "window of vulnerability," or the threat of a Soviet first strike on Minuteman silos. Growing Soviet missile forces with growing accuracy, it was said, would allow the Russians to knock out nearly all those silos early in the 1980's and the President would not dare respond because our cities would still be hostage. It was an unreal but chilling scenario, and until last week no one around Mr. Reagan had ever questioned it in public. Now the commission has given it a fitting burial. The commission observes that a "massive surprise attack" on our 1,000 Minuteman silos would be a very special case and concludes: "To deter such surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression." Thus, the window of vulnerability is slammed shut on the fearful fingers of the Committee on the Present Danger.

The commission puts one condition on this conclusion, and again it is a good one. The vulnerability of the Minuteman, considered alone, is real if uncertain, and it does raise a serious long-range question, because our bombers and submarines may not always be as survivable as they are now. If we can buy "long-term ICBM survivability" for a sensible price, we should indeed have it, and the most promising possibility is a smaller single-warhead missile, as thoughtful students have been saying for quite a while. The recommendation for careful research and development on such a new missile deserves full support.

A third good basic recommendation is allied to the first two: It is that we should seek to shift the counting rules of strategic-arms control from launchers toward warheads. This good idea is a belated but entirely sensible effort to deal with the destabilizing effects of MIRV's (multiple independently targetable re-entry vehicles)—that is, many warheads on one missile. MIRV's are the United States' worst single contribution to the nuclear arms race. What they did, as many warned at the time, was to give the attack an advantage over the defense, because a multiple-warhead missile can "kill" several opposing missiles in one shot, while it takes at least two single-warhead missiles to "kill" even one similar weapon with assurance.

SALT, for reasons of verification and habit, counted mostly launchers, not warheads. This way of counting strengthened attachment to MIRV's on both sides, because if you can have only so many missiles under an agreement, why not pack them with as many warheads as you can? We were firstest with MIRV's, but the Russians have been mostest, and the commission is right: It is time to go to work to change the counting rules. The commission is also right when it notes that some of Mr. Reagan's proposals in the strategic arms talks in Geneva move in the wrong direction on this score.

So far so good. What is wrong? Only the centerpiece of the report. It goes in exactly the opposite direction by placing the first-strike multiple-warhead MX in Minuteman silos, right where the Soviet MIRV's could knock it out if ever the Kremlin thought we were about to use it. Because the MX has 10 warheads, not the two that is the average in the Minuteman force, it will be five times as vulnerable, warhead for warhead, as Minuteman itself. It violates the fundamental rule first laid down in the Eisenhower Administration: The object of any new strategic system is to deter, and to deter safely it must be able to survive.

If there was ever a "use it or lose it" system, ill-designed for stability in crisis, it is this one. Yet it comes to us from a commission that elsewhere tells us that "stability should be the primary objective." A system of this kind is open to only one protective device, a capacity for launch-on-warning—for rapid firing on possibly fallible electronic notice of an incoming attack. But on this critical point, the commission is alarmingly silent. It would have done better to recognize more candidly its deliberate abandonment of our most important single standard for strategic force planning.

The arguments offered directly for this strange choice are thin. We need it to induce Soviet acceptance of new arms control limits, says the commission. But as the commissioners recognize, the Russians are already testing their own MX and their own single-warhead missile. The Soviet answer to new programs will be new programs, not new concessions. If the commission wants a no-new MIRV agreement, which would make good sense, it should propose just that. It should not pretend that the MX in Minuteman silos is arms control in disguise. Nor should it compare this problem with that of the antiballistic missile defense treaty. The Russians joined us in curbing ABM systems precisely to insure the deterrent effectiveness of their land-based missiles. They are not going to be driven to sea by MX. The whale will not convert the elephant by imitation.

Most of the commission's other direct arguments are thinner still. If we do not deploy MX, it says, the Russians will doubt our "national will and cohesion." Is honest disagreement on hard choices a sign of weakness? A commission of Americans should know better. But our existing land-based intercontinental missile force is aging, says the commission. So it is, but as the commissioners recognize in the very next sentence, the necessary programs for keeping this force effective are already in train. But, they argue, we need a hedge against possible Soviet antiballistic missiles. Is the commission suggesting that our existing 10,000 warheads could not be programed for this tack? But, it says, we need a new booster as a backup for the space shuttles. Well, if we do, we do. But is this a serious argument for 1,000 new first-strike thermonuclear warheads?

The real purpose is different, but the commission wraps it in jargon. The main reason for this recommendation is that a commanding majority of its authors want these first-strike weapons because the Soviet Union has them. Never mind their contribution to instability in crisis; never mind what the Russians will build in reply; never mind what else you could do with $15 billion; never mind the fact that the Russians do not have a true first-strike capability because the window of vulnerability was never open; never mind that Soviet advantages on land are fully matched by our superiority in the air and under water. Because the Russians do have weapons that can strike first at hard targets, the commission concludes that we must have them, too. When you disentangle all the report's complex language, that is all there is, and the commissioners neglect to tell us that we have plenty of weapons already that can strike hard targets second—our bomber force may be the best system in the world for this legitimate purpose.

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the commission or its sponsor. It might begin by seeking counsel from all quarters—there are many outstanding students in its own ranks. It should not rely on a report written by a panel carefully selected to include only tested friends of MX. It might well find that the Scowcroft commission has almost everything right except the recommendation that was preplanned by the White House. In spite of the commission's unexplained insistence that all its ideas make a single package, Congress has every right and duty to take only what it finds truly needed.

Mr. SARBANES. Mr. President, we have pending before us the question whether the Congress will authorize full movement ahead on the MX program. I agree with those of my colleagues who have already taken the floor in this debate to emphasize that this is a major watershed decision with

[1] McGeorge Bundy was Special Assistant for National Security Affairs to Presidents John F. Kennedy and Lyndon B. Johnson. He was chairman of the General Advisory Committee of the Arms Control and Disarmament Agency from 1979 to 1981.

respect to nuclear strategy. I think it is very important to underscore that observation. For that reason that I have thought that is an effort to carry on a true substantive debate on this matter, the proponents of the MX would take the floor and provide some substantive arguments for their case. So far they have not done this, as a review of the CONGRESSIONAL RECORD with respect to the consideration of this bill over the last week makes very clear. There have been a number of opponents who have taken the floor to speak to the substance of this measure, but as yet in this debate the proponents have not really taken the floor to set out their substantive argument.

It is incumbent on them to do so. This is a matter of the gravest importance, and it deserves the most careful scrutiny.

It was argued that the issue was fully debated last May and therefore, apparently, there is a feeling on the part of the proponents that there is no need to debate it any further toward the end of July.

Mr. President, in that earlier debate, the distinguished senior Senator from Alaska, a supporter of MX stated—and I now quote him from page 13305 of the RECORD on the 23d of May:

> So the issue before the Senate is not one of missile procurement. It is for continued research and development, full-scale development of the permanent basing mode.

Now we are in fact dealing with the next step. It seems to me the next step deserves concentrated attention on the part of the Members of the Senate.

Earlier today there was an unsuccessful effort to invoke cloture. That represented a judgment of the requisite number of Members of the Senate that the debate should continue. In fact the opponents have engaged in debate whenever given the opportunity, and I myself have been on the floor on a number of occasions waiting for the opportunity to make a statement. Often to accommodate the manager of the bill debate of all MX has been deferred so that amendments on other matters can be considered.

Mr. President, the Scowcroft Commission report proposes going forward with the MX, a first-strike multiple warhead system, and placing it in Minuteman silos—in a vulnerable basing mode.

On an earlier occasion the chairman of the Armed Services Committee, in considering such a basing, said, and I quote from an interview in U.S. News & World Report of November 2, 1981:

> By stuffing the MX's into fixed silos we're creating just so many more sitting ducks for the Russians to shoot at. True, the MX missile itself will be more powerful, more accurate and we need that kind of weapon, but it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

That is a quote from the chairman of the committee, who is now on the floor as a proponent of the amendment, although he has not yet taken the floor to present a substantive case for the committee's inclusion of the authorization in their bill, I trust he will do so before the debate on this matter is concluded.

Let me repeat. He said, "By stuffing the MX's into fixed silos we are creating just so many more sitting ducks for the Russians to shoot at." And then he went on to say, "But it is of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks."

Now, the Secretary of Defense, testifying before the Senate Armed Services Committee, said:

> I would feel that simply putting it—

meaning the MX—

> into existing silos would not answer two or three of the concerns that I have, namely, that the location of these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

Mr. President, the record is replete with comparable quotations from members of this body, from officials of this administration, from officials of the previous administration, all addressing the vulnerability of the MX in a fixed basing mode in the Minuteman silo. The MX was conceived of as a mobile missile precisely to address that very question of the vulnerability of the fixed basing mode. Now, we have now come full circle and are seeking to place the MX in the Minuteman silos, which, of course, will not improve in any way the survivability of our deterrent forces. I have not heard the contention that the MX in a silo would be any less vulnerable than the Minuteman in a silo.

So the arguments that at a previous time were being used to move down the original MX path—mobile missile, survivability—are lost completely if the MX is to be placed in the Minuteman silo.

Mr. President, of course, the MX is a much more powerful weapon than the Minuteman and will be more vulnerable in terms of warheads than the Minuteman itself. It goes against a basic rule, as Mr. Bundy had pointed out, first laid down in the Eisenhower administration, that the purpose of any new strategic system is to deter, and to deter effectively it must be able to survive.

Mr. President, one of the gravest concerns about the MX in this basing mode is that it will move us to a use-it-or-lose-it posture, a posture which is the one least designed to provide stability in a crisis.

The Scowcroft Commission itself has said that stability should be our primary objective. We do not want to destabilize the nuclear balance but to reinforce and improve it.

Now we are asked to take this powerful missile and put it in a vulnerable basing mode. This raises the question: Is it to be a first-strike weapon, because it is not being given a basing mode which enables it to be survivable—in effect, to absorb an attack and come back? It is being given a basing mode in which it is vulnerable.

The urgent question to ask is, What is the intention here? Is it to use it as a first-strike weapon, or, somewhat short of that, are we moving to a system of launch on warning?

This is a critical issue. We are talking about stability in the nuclear area, in which two superpowers have arsenals capable of destroying one another and the rest of the world. Yet we are being asked to move toward concepts which will destabilize rather than stabilize the situation.

Mr. HART. Mr. President, will the Senator from Maryland yield for a question?

Mr. SARBANES. I yield to the Senator for a question.

Mr. HART. I wonder if the Senator from Maryland is aware, as some of our colleagues are not, of the report I mentioned earlier today in my remarks, prepared by the Senate Armed Services Committee, by the Senator from Colorado and the Senator from Arizona (Mr. GOLDWATER), in October 1980, having to do with the adequacy of this Nation's strategic warning system, a system composed of satellites and ground stations and other elaborate collection capability, linked together and distributed through a network of computers and analytic machinery, and the fact that that report documents over a random period of time, a year and a half, a rather alarming number of instances in which that very sophisticated warning system broke down—namely, that it reported, obviously erroneously, that the Nation was under attack, with some consequence or another?

I know that the Senator from Maryland has addressed himself to the problems of launch under attack and launch on warning. I wonder if he was aware of those deficiencies in an otherwise very sophisticated system.

Mr. SARBANES. The Senator is aware of that report—not all the details of it—about which the Senator from Colorado has spoken.

The Senator is also familiar with the very thoughtful statement made in the May debate by the junior Senator from Tennessee (Mr. SASSER) on the whole launch-under-attack concept. In that statement he made reference to, and inserted in the RECORD, a report of the Office of Technology Assessment report with respect to the destabilizing impact of a launch-under-attack con-

cept, and the risk of error that would be involved.

In fact, I will read the concluding paragraphs of that OTA report:

> Reliance on LUA * * * has some serious drawbacks. Decision time would be very short. Depending on the circumstances, decisionmakers could lack crucial information regarding the extent and intent of the Soviet attack * * * such information could be necessary to gage the proper response. Decisionmakers would also lack an interval between attack and response during which an effort could be made to assess intelligence information, consider diplomatic measures and signal the intent of the U.S. response.
>
> No matter how much money and ingenuity were devoted to designing safeguards for the U.S. capability to launch under attack, and even if these safeguards were very robust indeed, it would never be possible to eradicate a lingering fear that the Soviets might find some way to sidestep them.
>
> Finally, despite all safeguards, there would always remain the possibility of error; depending on the nature of the error, it could mean a successful Soviet first strike against MX or it could mean a nuclear war started by accident.

I invite the supporters of the MX to engage in a meaningful debate on the concerns that are being raised about this sytem. This is an extremely important issue, perhaps the most important we have to consider. Reasonable questions are being raised, and they ought to be answered. In fact, many of the questions now being raised were first raised by those who now support the MX. Many of those supporting it are on record as saying, at an earlier time, that basing of the MX in these fixed silos does not make sense.

It is their responsibility, it seems to me, to take the floor now and explain, in the light of their prior position, why now it does make sense. They have a responsibility to address the launch-under-attack concept.

We are asked to take this powerful missile with 10 warheads. We are asked to put it in this fixed, vulnerable silo. What do they now think is likely to happen? It would not be able to absorb a Soviet attack. It would be lost in the event of an attack.

Do we, therefore, intend to use it first? I assume not. That never has been a strategic doctrine of ours in this country, and the fact that we have never had a first-strike doctrine has been a major contribution to stability with respect to nuclear weaponry.

If that is not the case, do they then propose to launch it under attack? If so, how do they address the questions with respect to launch-under-attack which are contained in the OTA report from which I just quoted, and which was contained in the report that the distinguished Senator from Colorado referred to, in which he and the Senator from Arizona joined at an earlier time?

These are not frivolous points.

As the distinguished Senator from New York has said in this debate, this is an extremely serious matter.

These issues were not fully considered in the prior debate. I quoted from the distinguished Senator from Alaska, the minority whip, who in the prior debate indicated that that was only the first step. This is the next step. There will be others to come, and this matter needs to be considered at each point along the way.

Now, I have not done a survey on the amount of time spent on the MX in the context of the debate on the bill, but it is a very small percentage of the total time on the bill.

I would hope that before we finally move to voting on all these issues there will be some genuine give-and-take in this body between supporters and opponents of the MX where serious questions can be raised, answers offered, and counterquestions posed to answers, so that at least we recognize what the differences are.

Are the supporters now saying that it is not vulnerable in this basing mode? If they are not saying that, then what are the supporters saying about all the arguments they made at an earlier time about their placement in a vulnerable basing mode?

Mr. President, as to the arguments offered for this choice of the MX in the Scowcroft report, I find it difficult to find great substance in them.

One argument is that unless we move ahead, somehow our national will and cohesion will be in doubt.

Why pressing ahead to base this missile in a vulnerable mode, something that many of its supporters earlier said should never be done, now demonstrates a national will is beyond me. It really more clearly demonstrates a lack of good, tough, hard, practical, commonsense.

Another argument is that it is linked with arms control. Well, there are serious questions about just how seriously the administration is proceeding on arms control. But even so, leaving those very important questions to one side, it is unclear to me how this so-called bargaining chip argument will in fact work.

The past history of bargaining chips is that they become part of the nuclear arsenal, and we then escalate to the next plateau with respect to nuclear weapons on both sides.

It is fair to say that for more than 30 years the central concept of our strategic thinking has been a survivable second-strike strength. If that is no longer to be the case, that should be spelled out clearly by the supporters of this weapons system and we should then discuss the concept itself amongst ourselves. The concept of a survivable second-strike strength has served us well, and it has contributed to stability with respect to nuclear weaponry.

The MX, put simply, is the wrong missile to be going ahead with at this time. It was really advocated on the notion that it would be mobile, not that it would be based in the inviting target of a fixed silo. Furthermore, there is the question of the next step after the first 100 missiles. Is it the real intention here to replace all Minutemen in their fixed silos with MX's? Are we going down that path?

For that reason, I am sometimes led to speculate that this current proposal is but the first step to moving further along that path, since putting a limited number of multiple warhead missiles in fixed silos will only encourage the other side to concentrate greater effort and resources to neutralize these silos.

Mr. President, a number of years ago, the decision was made in this country to go to the MIRV concept. The Scowcroft Commission now, among its other recommendations, wants to move back to the single warhead missile. They have underscored the need to develop and move ahead on Midgetman. There is a growing perception on the part of many that moving to MIRV greatly and needlessly complicated the efforts to arrive at an arms control agreement and to achieve strategic stability.

With respect to its consequences the decision confronting us now with respect to the MX is comparable in significance to the earlier MIRV decision. It is for that reason I think it so important that the MX be very carefully addressed.

There is dispute within the administration itself whether in fact the MX is even negotiable. We hear different views on that question ranging from the President on down.

But what most deeply concerns me is that deployment of this weapon system in this basing mode will not enhance our security and may well further undermine our efforts to halt the nuclear arms race.

It was the theoretical vulnerability of the Minuteman system in the fixed silos that engendered the development of the MX.

If indeed the Minuteman system is vulnerable, and that can be debated, but if indeed it is, then deploying the MX in those existing silos makes no sense whatsoever.

By increasing the capabilities of this system and then deploying it in a basing mode that has admitted vulnerability, the administration has opted for the merger of two potentially disastrous concepts. In fact, I believe it was for this reason that the Armed Services Committee itself denied funding and fixed-based deployment for the MX last year.

Many respected analysts appearing before congressional committees have observed there is no effective method

to harden sufficiently the Minuteman silo against a Soviet first-strike. That was the thrust of Secretary Weinberger's quoted statement. At some point the advocates of this missile are going to have to take their prior statements and the Secretary of Defense's statement, and explain them to this body:

Simply putting the MX missile into existing silos will not answer two or three of the concerns they have; namely, that the location of these are well known and not hardened sufficiently, and that they could not be of sufficient strategic value to count as a significant improvement in our strategic forces.

Mr. President, we are really talking about a destabilizing contribution to the international environment. The MX will inevitably have to become a targeting priority. That then raises the whole concept of launch under attack, with all of the pitfalls involved in shifting to that concept.

The contention that this deployment is necessary for serious and meaningful strategic arms control negotiations is open to serious doubt. There is no evidence that procurement of yet another system will move the Soviets in the negotiations. We are procuring other systems. It is not as though this were the only system that we are developing with respect to the nuclear triad. We are doing two bombers, not one but two, the B-1 and the Stealth. We are moving ahead on the Trident and a more powerful and effective missile to accompany it. So we are in the process of strengthening the other legs of this triad.

Of course, one of our concepts has always been that we will maintain these three legs in such a way that we can absorb an attack and be able to respond. That eliminates the launch-under-attack problem, it eliminates the mistaken attack notion, it sends a clear message that there is no intention to engage in a first-strike strategy, and therefore makes, I think, a very substantial contribution to stability with respect to strategic weapons.

I would hope that before this debate concludes there will be a time when we have a fair number of Senators on the floor. In fact I think it would be a very constructive enterprise for supporters and opponents to see whether or not that might be arranged.

I am not raising these questions simply to raise them. They are not insignificant questions. The supporters of this weapons system themselves have raised those questions on prior occasions and reached decisions on the basis of those questions that are more consistent with the position of the opponents of this weapons system at this time than they are consistent with the position which the supporters have taken. I am sufficiently concerned by the questions I have raised that they have led me to reach a decision on this weapons system.

If there are new arguments or new facts that need to be put on the record, they ought to be put there. We ought to have a chance for those questions to be put, answers made, counterquestions, and counteranswers recorded. This is a serious proposition. We are going to be making decisions here that will affect where we are going to go for many, many years to come.

I also make this observation: If these questions cannot be adequately addressed, then there is something lacking in the basic arguments that are being made with respect to this weapons system.

Will not the deployment of MX in Minuteman silos open the way to a dangerous competition in destabilizing, vulnerable first-strike weapons? That is a legitimate question. Supporters have not asserted that the MX is not vulnerable in the proposed basing mode. And will not deploying it lead to a competition in destabilizing vulnerable first-strike weapons?

Why do we need MX to prove some concept of national will? The national will is being demonstrated clearly in many other respects. I do not think we need it to prove ourselves to our allies or to the Soviets.

It is generally understood that no one was appointed to the Scowcroft Commission who did not support this system to begin with. If that is the case, it of course undercuts the credibility of the Commission. If that composition of the Commission is not the case, it ought to be stated and we ought to know that.

Mr. President, I very much hope that before we finish on this serious matter it might be possible for the managers, working with those who have been the leading opponents, to arrange a period of time on the Senate floor so that we can have a real debate on this matter.

I am not insensitive to the frustrations in this regard of the chairman of the Armed Services Committee. The situation we now find ourselves in is fairly typical. Members come and they make statements either for the system—hardly any I might observe—or against the system, and then they leave and someone else comes and makes a statement.

We ought to be working to draw the Members of the Senate to the floor, saying, "We want to have a give and take," raise these questions, see what the answers are. We should take the statements made earlier by certain people and ask, "You said that then. Why do you say something 180 degrees different now? Where is this proposal leading us in terms of our overall strategic doctrine? How does this decision square with what has heretofore been understood to be our strategic doctrine?"

I do know a number of Senators have been to the floor and waited at some length in order to speak on this issue. I know there are a number who still wish to do so, and in that regard I am gratified that the cloture motion did not carry earlier in the day.

There are occasions when this body is faced by what can be described as watershed or landmark decisions, and this is one such decision.

Mr President, I would hope that in the time now before us we might work to insure an exchange of the sort that I have outlined. It would serve a national purpose, both now and for the future. This issue will not simply go away and will continue to be with us. I think these issues and questions which have been raised need to be addressed.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I also want to state the reasons why I am opposed to the funding contained in the defense authorization bill this year for the MX missile.

The Scowcroft Commission has clearly set us on the wrong course in our modernization of the land-based leg of our strategic triad. The MX, based in vulnerable Minuteman silos, is a luxury this Nation's defense cannot afford, especially when so many needs of our conventional forces are going unmet. Last Thursday, the Senate voted to table an amendment by the junior Senator from Michigan, which would have restored 47 of the cuts that we have made in conventional funding. These would have totaled $2.7 billion. A majority of my colleagues were clearly stating that they would prefer to buy strategic weapons of marginal capability, such as the MX and B-1, rather than support a strong conventional deterrent.

That is the choice we face today and will face in spades in next year's budget which is going to see enormous growth in the procurement account, well beyond anything envisaged in this year's first concurrent budget resolution. This year, with our decisions on the MX and the B-1, we are locking ourselves into an imbalance between our conventional and strategic modernization efforts that is going to persist for years to come. I believe that in a few years we will regret that we did not take the opportunity today to reverse our priorities.

But let us look just briefly at what we are buying when we spend $4.6 billion in 1984 on research, development, production, and deployment of MX, with some $15 billion more to follow in the future.

We would be adding a net 700 warheads to our ICBM force. With these additional warheads we could destroy

almost the entire Soviet SS-18 force in a first strike. But given the fact, which has been repeated numerous times, that the United States would never employ these weapons in a preemptive strike, what would we be adding to our deterrent second-strike force with the purchase of these MX missiles?

There the answer does not appear in dispute. A coordinated attack by 20 Soviet SS-18's would leave somewhere between 10 and 80 surviving MX warheads in the latter 1980's according to the Air Force's own calculations. The Soviets would not have to retarget a single missile to carry out this attack. All we would be doing is providing more lucrative targets for the Soviets, and targets which the Soviets might be tempted to preempt given the damage the MX missiles could wreak if we got the chance to use them.

Both sides can deal with this frightening calculus by adopting a launch-on-warning policy, which also has been discussed. This seems to me an almost inevitable result of our deploying MX. This will bring us one step closer to the possibility of war by computer error. We will truly then live in a world of the "hair trigger."

Let us look at the cost effectiveness of the system for a moment. Is this worth $20 billion, especially when we have better alternatives available? I point out to my colleagues that a single Trident submarine, costing $3 billion including its complement of missiles, would add far more surviving warheads than the entire MX deployment, and by 1989 these warheads could have the same hard-target kill capability as MX.

Mr. President, we are today engaged in a massive modernization of our strategic forces with MX and Midgetman, B-1 and Stealth, ALCM-B and ALCM-C, Trident I and Trident II, the Trident submarine and hopefully the small submarine recommended by the Scowcroft Commission, and improvements in our command, control, and communications. Senator NUNN asked the Joint Chiefs during testimony before the Armed Services Committee whether they had calculated if all of this would fit under a defense budget growing 5 percent a year in real terms in the next decade. The answer was that they had not looked at growth rates this low. To his credit, General Meyer, then Army Chief of Staff, did express concern that our conventional forces could be adversely affected by pursuing all of these strategic programs.

I honestly believe that 5-percent real growth is the highest level of defense spending this country will see in the next decade. We are going to have to make choices among strategic systems and choices about strategic versus conventional modernization. And of all of our proposed strategic programs, the one which is most marginal is MX. If we do not cancel MX today, we will all see this $20 billion expenditure eat into the muscle of our defense modernization tomorrow.

Now I suspect this assessment of MX's cost effectiveness is actually shared by many of my colleagues who will vote for MX. But the claim is made that other factors are involved in this decision, questions of national will and arms control leverage. It is argued that MX is an essential bargaining chip in our START negotiations with the Soviets and that we have to deploy a missile which our last four Presidents and our last four Secretaries of Defense have favored.

I cannot agree. MX is our least effective bargaining chip with the Soviets. MX deployment will not require an additional ruble of Soviet defense expenditures. The Minuteman silos are already targeted. The Soviets are far more concerned about our cruise missile, Stealth bomber, and Trident II missile programs. These will provide more than adequate bargaining leverage in any arms control negotiation.

As for the question of political will, I ask my colleagues how much political will can we afford? We do not need to make bad decisions simply for the sake of making decisions. Why not for a change make a good decision—a decision to cancel a missile which never found a survivable home? The Soviets know about all the other strategic and conventional programs that we have underway. A decision to stop MX is not going to mean a reduction in the budget ceilings we allocated for defense in the first concurrent budget resolution. It will simply be a decision to reallocate those defense resources more effectively within the defense authorization bill we are debating today. The Soviets will know that. Our allies will know that. We will know that. We could fund the conventional programs Senator LEVIN proposed last Thursday, and $2 billion more. And we will be able to do so for several years to come were the MX canceled.

The choice we face seems clear to me. MX has become a symbol of what is wrong with our defense planning. We are simply not able to give up on bad ideas. In the next few days we will have a chance to change that and to vote for a bit of rationality in our defense program. I cannot say I am hopeful on the results of those upcoming votes. But I urge my colleagues to begin by opposing the amendment of the senior Senator from Texas.

It seems several of us this side of the argument have been struck by the Orwellian rhetoric used to defend MX—the Peacekeeper. In Orwell's novel, "1984," the Ministry of Truth uses the official doctrine of "doublethink" to justify the three official slogans of the party, "War is Peace," "Freedom is Slavery," and "Ignorance is Strength." In the May 24 issue of the Washington Post, President Reagan wrote, "* * * a vote for the MX is a vote for what all of us * * * want for our country and for posterity—peace, security, significant arms reductions, and an end to nuclear horror." The obvious conclusion, for me at least, is that Orwell's principle of "doublethink" has taken root a full year before he expected.

Mr. METZENBAUM addressed the chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I would like to begin my remarks by quoting from a column written in April of last year by the very distinguished and very conservative columnist James J. Kilpatrick.

Before doing so, I would like to commend the distinguished Senator from New Mexico for the remarks which he has just completed and for the fact that they so well zero in on this extremely delicate and sensitive question which is before us today.

I also commend the Senator from Colorado who has seen fit to lead the battle in connection with the MX, making every possible effort to make the American people aware of what this issue is all about.

Mr. Kilpatrick wrote that:

> We are beginning to understand, in ways we could not or would not understand before, what nuclear holocaust would mean.
>
> Other ideas, constructive ideas, are gathering force. A conviction is growing that the mind of man, having conceived the idea of self-destruction, is equally capable of conceiving self-salvation. An earthly Armageddon is avoidable. Means can be found—prudent, achievable means—for preventing the ultimate, irreversible madness of nuclear devastation.
>
> In this awakening process, we grow impatient with petty haggling over imaginary numbers. What earthly difference does it make if the Soviet Union has 7,868 megatons of destructive capacity and we have only 3,505 megatons? Is it really material that we have 9,480 warheads and the Soviets have but 8,040? Does any person seriously suppose that if we were to double our nuclear arsenal, while the Soviets obligingly stood still, such "parity" would have meaning?
>
> I doubt that the figures have meaning even to the military or the diplomatic mind. The theory of mutual assured destruction is a fine theory. It lacks only the virtue of reality. A point was reached long ago at which both the United States and the Soviet Union had such monstrous arsenals that further accretions became senseless. These have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. I yield.

Mr. TOWER. Is the Senator aware that the doctrine of mutual assured destruction is no longer considered to be a valid doctrine?

Mr. METZENBAUM. I am aware of that, but I believe the point that Mr. Kilpatrick makes, about the fact that these have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril, is as applicable today as then. Whether it has to do with the question of mutual assured destruction or whether it has to do with who is going to have the biggest arsenal, the point that Mr. Kilpatrick makes is what difference does it really make as to how many megatons do they have or do we have, and how many bombs or warheads do they have or do we have.

There is more than enough to provide total destruction or almost total destruction of all the peoples of this world, certainly all of those who live in America and who live in the Soviet Union.

As a matter of fact, Mr. President, Mr. Kilpatrick's article, and the point he makes, is precisely what we are debating about here today—whether or not we are prepared to take the next step toward the ultimate catastrophe for life on this planet. Simply stated, the issue is survival.

Over the years, we have learned to speak in euphemisms about nuclear war.

We have grown accustomed here in the Senate to the chess game logic of the so-called experts—the ivory tower theorists who spend their time speculating about "mutual assured destruction" and "windows of vulnerability," and all the other phraseology that is applicable to the issues we debate here on the floor of the Senate this afternoon.

Well, Mr. President, we have been here on the Senate floor for many days—and we may well be here many more—because there are some of us who remember what this debate is really all about. It is not alone about the MX. It is about survival.

A 1-megaton bomb would scorch an area of 100 square miles. Dropped on a city like Cleveland or Philadelphia, it would kill half a million people.

We can debate from now until doomsday—and doomsday may be closer than we think—about this particular weapons system, that weapons system, or the MX. But what we are really talking about is what kind of world are we going to be living in or are we going to be living in this world?

We are talking about whether or not my children and my grandchildren are going to have the privilege of living a full life.

I am proud of the fact that I recently became the proud grandfather of two fine grandchildren. I want them to have an opportunity to grow up in a peaceful world, and to enjoy the bounties of this Nation and all other nations of the world.

But the MX and a nuclear holocaust would make all of that nothing but words and there would be nobody around to listen to those words.

A 10 to 20 megation bomb dropped on Times Square in New York City would level Manhattan, destroying almost every building in the Bronx, Brooklyn, and Queens and inflicting damage as far away as Hoboken and Jersey City.

How about the people, your children and grandchildren? It shocks me that we stand here on the floor of the Senate and debate this issue without any sense of awareness of what we are really talking about.

As if, somehow, we are all going to go out and build an MX and with that, we are going to win a war. Nobody is going to win the next war. The whole world will lose the next war.

In a publication entitled "The Medical Effects of Nuclear War," a group from the Harvard Medical School gave this description of the effects of a nuclear blast.

In a one megaton explosion over Boston, an overpressure of ten pounds per square inch and winds of 300 miles per hour would destroy all stone and concrete buildings within a radius of three miles. Rubble and debris from collapsed buildings would be swept up by such winds, and airborne glass, beams, and bricks would account for further injuries within a radius of eight miles. Typical blast injuries include lacerations, fractures, ruptures of internal organs, and gaping wounds of the skull, chest, and abdomen. The bomb would create an expanding pressure wave, rupturing eardrums and lungs

And, says the Harvard report, there would be a firestorm.

Such a firestorm melts glass and metal and ignites houses, buildings, foliage, oil tanks, and gasoline. This raging fire would cause severe burns of the skin, eyes, mouth, and lungs to an enormous number of inhabitants.

And there will be no medical care.

The doctors and the nurses will not be there; they will be gone. The hospitals will be destroyed. The living, in fact, will envy the dead.

I could go on about other horrifying subjects—about radiation sickness, about genetic mutations, about cancer, about the epidemics that would break out in the aftermath of a nuclear war.

But what I am getting at is this, Mr. President—when we talk about the MX, we are talking about more than just another weapons system.

We are talking about more than whether or not the administration or the Armed Services Committee or the MX opponents will win or lose a particular vote.

We are talking, Mr. President, about a system that makes nuclear war more—not less—likely. We are talking, therefore, about the ultimate in national security and about our ultimate responsibilities as representatives of the American people.

Someone recently called my attention to words that were spoken here on the Senate floor nearly 20 years ago—in September 1963.

The speaker was Senator Everett McKinley Dirksen of Illinois, one of the great Republicans to have served in this body.

Senator Dirksen was speaking in favor of the Limited Test Ban Treaty. And here is what he said.

Mr. President, late the other night I went back to refresh myself on a little history. One of the classic reports made in our generation was the one made by John Hersey to the New Yorker, on what happened at Hiroshima * * *.

As he relates the story, it was 8:15 in the morning of a bright, sunny day. The weather was a little humid and warm. At 8:15 things happened. Out of the 20th Air Wing, Col. Paul W. Tibbetts, Jr., flying that B-29 and with two escort observation planes, few over the center of Hiroshima, a town of probably 375,000 persons. Then, for the first time. The whole bosom of God's Earth was ruptured by a manmade contrivance that we call a nuclear weapon.

Oh, the tragedy, oh, the dismay. Oh, the blood. Oh, the anguish, when the statisticians came to put the cold figures on paper, they were as follows: As a result of 1 bomb—66,000 killed; 69,000 injured; 62,000 structures destroyed. That was the result of that one bomb, made by man in the hope of stopping that war. Little did he realize what this thermonuclear weapon would do, and the anguish that would be brought into the hearts of men, women, and children. At Hiroshima it caused a mass incineration such as never before had been witnessed in the history of the whole wide world. The result was almost too catastrophic to contemplate.

In the accelerated march of history, how quickly we forget. But there is the account, for all to read; and it all happened at 8:15 on a bright and shining morning, when God's day began, and when, I suppose, hundreds of thousands of people were thinking that, despite the war, they had been privileged to live another day.

Mr. President, that happened 18 years ago last month. Since then, what have we done? What steps have we taken? How far have we moved?

The President calls this treaty a first step. What sort of steps have we taken except steps to make the bombs that fell on Hiroshima and Nagasaki look like veritable toys when compared to the heavy-duty, heavy-yield weapons of today.

I want to take a first step, Mr. President, I am not a young man; I am almost as old as the oldest Member of the Senate, certainly older than a great many Senators. One of my age thinks about this destiny a little. I should not like to have written on my tombstone, "He knew what happened at Hiroshima, but he did not take a first step."

What a magnificent day it would be if Senator Dirksen were on the floor, that great orator, that great leader, in order to repeat that speech again today. Because the question is, Will we take that first step and turn back the clock with respect to moving forward and constructing the MX? Mr. President, I think it is incumbent upon all of us to ask that same question Senator Dirksen asked.

(Mr. WARNER assumed the chair.)

Mr. METZENBAUM. Mr. President, we know—we know all too well—that we are being asked to approve deployment of a deadly, dangerous nuclear missile.

The MX is more dangerous than other missiles. Why? Because it is at one and the same time very powerful and very vulnerable.

Three years ago, Ronald Reagan seemed to have understood this point. As a candidate, he observed that, "We should seek a survivable"—and I emphasize the word "survivable"—"basing mode for the next generation of ICBM's.

He was right.

Ten years ago, Mr. President, the Department of Defense concluded that the Minuteman silos, in which the administration proposes to place the MX were vulnerable to a Soviet first strike. And what with improvement in the accuracy of Soviet missiles since 1973, that vulnerability has grown enormously.

So what good is the MX?

My answer to that question is, "No good—no good at all."

The "Peacekeeper." What a farce. What an absurdity. What a contradiction in terms.

The White House public relations men call this weapon the Peacekeeper, a weapon that certainly will not keep the peace. To the contrary, it will make the world in which we live a far more dangerous place. Why?

If we know, Mr. President, that the mainstay of our land-based missile deterrent is vulnerable, we will be pushed inevitably toward a posture of launch-on-warning. Thereby, we will bring the world one very major step closer to the nuclear brink.

If the Soviets know that we are deploying a powerful, but vulnerable, nuclear missile, their defense planners will conclude that the United States might—just might—be deploying a first-strike weapon. As a result, they, too, will be pushed toward launch on warning.

It does not take much imagination to see where all of this could lead.

Mr. President, the Air Force has testified that our existing land-based missiles will remain fully effective through the year 2000.

We are building Cruise missiles and B-1 bombers. We have enormously powerful nuclear submarines. We can afford to wait for the development of a small, survivable land-based missile.

Yet we are rushing ahead to build the MX. It makes no sense.

We say that we do not have the money to provide to our frontline Army Forces the conventional weapons they will need in the event of war.

We have cut back on tanks, on maintenance, on flying hours for our combat pilots.

But we are going ahead with the MX missiles. Try as I might, Mr. President, I can think of no good reason for it.

We have no shortage of nuclear weapons or of the means to deliver them.

We gain nothing at the bargaining table from the MX.

And we gain nothing—in fact we lose—in terms of national security.

Mr. President, on Armistice Day, 1948, the late General of the Army, Omar Bradley, gave a speech that could well have been made in the course of today's debate.

"With the monstrous weapons man already has," General Bradley said, "humanity is in danger of being trapped in this world by its moral adolescents."

"The world," he continued, "has achieved brilliance without conscience. Ours is a world of nuclear giants and ethical infants."

In the end, that is the challenge before us. Are we prepared to move beyond ethical infancy and scrap this program—scrap it because it is a bad and dangerous idea?

Or will we listen once again to those who have been telling us for so many years that we can cut back on these obscene weapons only by building more of them.

Mr. President, I do not know what decision the Senate will reach on the MX. I am concerned that it will pass, that somehow it will be included. I was pleased to see that a substantially lesser number of Members of the House voted to support it yesterday. I do not know what this body will do.

I wish that Everett McKinley Dirksen was on the floor today to let his oratory speak to his colleagues on that side of the aisle. But as for me, I stand where Everett Dirksen stood 20 years ago, and I will not have it said of me that, "He knew and he would not act."

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I strongly oppose funding the MX missile. I am opposed to spending the $2.5 billion that is contained in the bill, the fiscal year 1984 Defense authorization bill. I led the Senate fight last year in the continuing resolution against funding for MX production. Last May, I voted against the resolution of approval for the most recent basing mode proposal for the MX. The best step we could take now for our national security is to kill the MX program once and for all.

I am pleased that the Senate is devoting an extended period of time to debate the MX system, and I applaud the work of the Senator from Colorado (Mr. HART) in seeing to it that the debate has occurred. This debate is necessary because consideration of the MX has become clouded, in large part because the administration keeps changing its rationale for the MX to suit the political climate. The administration has tried to justify the MX first as being more survivable, then as a means of demonstrating how strong we are, and finally as a bargaining chip. We see little if any justification for the MX for military purposes. It certainly cannot be justified on the basis of military cost-effectiveness.

The original justification for the MX was that it would be more survivable than our Minuteman III missiles that are based in fixed silos. Much was made of the supposed vulnerability of these missiles and the need for a new mobile missile—the MX—to replace them. After spending billions of dollars over more than a decade searching for a more survivable basing mode, we have not been able to meet this objective.

After much political theater and rhetorical bombast, the Reagan administration concluded that the best place to put the new MX missile was in those same fixed Minuteman silos. Thus, the MX would be no more survivable than the Minuteman III. The one great difference is that the Reagan administration purposes to place an even more valuable target than the Minuteman III—the MX—in these silos. The MX with its 10 warheads is more accurate, lethal, and threatening than the Minuteman III. Thus the MX is a more inviting target for the Soviets. The Reagan administration cannot justify the MX on the basis that it is a more survivable weapon system. How then can the administration justify it?

Finding a justification for the MX has proved a thorny problem for the Reagan administration. After several blue ribbon commissions studied the question, the last, the Scowcroft Commission, declared that we need the MX to demonstrate national will to the Soviet Union. This is a weak and unconvincing rational for a nuclear weapons system which will cost more than $26 billion. I have seen estimates that run much higher than that. But it does not demonstrate national will to deploy a weapons system that has no satisfactory basing mode and that has no clear strategic mission. The Soviet Union already knows we are deadly serious about our commitment to defend our allies and our national interests, We have a nuclear arsenal that can obliterate our adversaries—even after absorbing a first strike. So do the Soviets. We have formidable nulcear and conventional military power that we are in the process of modernizing at great expense to our Nation. We cannot rationally claim that proceeding with the MX demonstrates national will—instead it dem-

onstrates misguided will and a lack of commonsense.

The Reagan administration is clearly uncomfortable with the national will argument; administration officials have also tried to sell the MX as a bargaining chip for negotiations with the Soviets. This is an absolute travesty. I pray that we have learned our lesson about nuclear bargaining chips. Bargaining chips, as history has proven time and again with such weapons as the MIRV'd missile, are not bargained away. They are deployed. We have degraded our own nuclear forces by pushing for the deployment of MIRV's. It is because Soviet deployment of their own MIRV'd missiles that many argue our land-based ICBM's are vulnerable today. The bargaining chip argument is a dangerous hoax.

Even if the bargaining chip rational were sound, the Reagan administration's disastrous record on arms control denies it all credibility. At the same time that some Reagan administration officials sell the MX as a bargaining chip, other administration officials claim that the MX is nonnegotiable.

This administration has dashed hopes for a comprehensive nuclear test ban.

It has refused to support ratification of the Threshold Test Ban Treaty, the Peaceful Nuclear Explosion Treaty, and SALT II.

The administration has requested funds to put the United States back in the business of producing chemical weapons.

It has poured funds into schemes that will undermine one of our most effective arms control agreements, the ABM Treaty.

It thus strains credibility to suggest that this administration will get serious about arms control just as soon as it gets 100 MX missiles with another 1,000 nuclear warheads.

Mr. President, our defense posture for decades has been based on having a stable and credible nuclear deterrent. I emphasize the word "stable" because it is the key to having a strong defense. The Reagan administration has assaulted this successful strategic policy by its inflammatory rhetoric, by its efforts to upgrade U.S. capability to fight a protracted nuclear war—as if any such absurd scenario makes any sense—and by its efforts to proceed with highly destabilizing weapons like the MX. We must reverse this trend. Pursuing such a policy invites disaster.

We need to return to serious efforts to halt the nuclear arms race and to move toward elimination of our nuclear arsenals. We must reject the tortured logic that to get fewer nuclear weapons, we must first get more, thousands more.

We do not need the MX. There is no strategic justification for it. There is no improved basing mode for it. It only serves to fuel the terribly dangerous arms race.

I strongly urge my colleagues to eliminate the MX funds.

Mr. DURENBERGER. Mr. President, I begin by reminding the Senator from Ohio wherever he is, that this is not Everett McKinley Dirksen speaking to his colleagues. It is a Senator from the State of Minnesota, to whom has relatively newly come the opportunity of being a U.S. Senator, and obviously newly come to the issue of arms control.

I recall—and I have spoken of this issue before on the floor of the Senate—that as short a time ago as 1978, when I was engaged in my first campaign for my first political office, even though it was the office of U.S. Senator, no one in the State of Minnesota—which is usually known for its perspicacity, if you will, when it comes to what is going on in the world—ever asked me about SALT II, which at that point was the linchpin in a second or third phase of arms control.

When I came to Washington, I found things somewhat different. Ever since I have been here, I have found that the policy premise on which arms control is built has become and has been much more political than it has been substantive.

I suppose in a sense the experience of the last 10 or 12 days might be in that kind of context. But I suggest that we have had an opportunity—maybe it seems like too long an opportunity—to learn a great deal about the appropriateness of our defense posture and the kind of authority it is going to take to make sure that that defense posture is as strong as the people of this country would like to see it.

At the present time, if I understand the pending business, we are being asked to consider an endorsement of the findings of the Scowcroft Commission and to express our support for the planned deployment of MX missiles, as recommended by the Commission. I am here to speak against that idea.

There is no question that the Scowcroft Commission deserves our thanks for its service. The members of the Commission performed a difficult task, and they performed it well. In particular, we owe a debt of gratitude to the Commission for at least three things: First, the Commission put to rest once and for all the rhetoric about the so-called window of vulnerability. The final report of the Commission makes absolutely clear that we do not face, and did not face, a major threat to the viability of our land-based strategic missile force. With this fact now clearly understood, much of the rationale for the MX missile disappears. We face no present danger; in fact, our situation is good.

Second, the Commission did an admirable job of focusing our attention on the fundamental importance of arms control to this country. The report clearly stated that arms control is not simply nice to have. Instead, it is a vital element of our overall national security policy, and it is urgent that we continue to pursue arms control as aggressively as possible.

Finally, the Commission made a notable contribution to the debate over national security policy by recommending a move toward de-MIRV'ing our missiles and adopting a so-called Midgetman missile with a single warhead. Integral to this idea is the adoption of an arms control posture aimed at "building down" force levels on both sides.

Clearly, the Commission did yeoman work. But it dropped the ball in one vital area. It recommended deployment of the MX missile—a recommendation which I believe flies in the face of all the other recommendations laid out in the report.

Mr. President, as several Senators have noted throughout the past few days, it is too often the case that people cling to yesterday's answers when faced with tomorrow's problems. I cannot think of anything that illustrates this better than the MX missile.

I will not bother to recite still again the bizarre history of this weapon. Through all the twists and turns, the changes in basing mode and the shifts in rationale for deployment, one thing has stood out: The MX missile is a weapon in search of a mission. It is not needed to meet any current threat. The final report of the Scowcroft Commission should have made that point abundantly clear when it threw cold water over the fears of those who talk about a "window of vulnerability." All that we seem to be left with is the assertion that we need to spend $20 billion or more on an obsolete and vulnerable missile in order to demonstrate our resolve.

What does this really mean? It means that we have spent so long convincing ourselves and others that the Soviets can destroy our current missiles—something which we now know they cannot do in the foreseeable future—that we will now look weak or stupid if we do not go ahead with deployment. Behind all the diplomatic jargon about national will and symbols of resolve, the truth is that we are being asked to add to an already overburdened defense budget in order to save face.

If we really want to avoid weakening our strength and ruining our image, we will avoid going ahead with the MX missile. The only national will we would express with deployment of the MX would be the will of the spendthrift. And if we are truly concerned about our military situation—as we

should be—we must recognize that we have underfunded too many vital things in order to pay for an investment in face-saving.

We obviously cannot remain complacent about the long-term security of our strategic nuclear arsenal. As the Scowcroft Commission has indicated, there will come a time—years from now, but within this century—when any land-based target in a fixed location can be vulnerable to attack. That time is not now, but it is coming.

The MX missile will do nothing to solve this problem, and everything to hasten it. Worse yet, by providing the Soviets with more lucrative targets than they now have, it will increase their incentive to shoot first in a crisis.

As the Scowcroft panel pointed out with impeccable logic, the answer to this potential problem is to shift to a less lucrative target, to diversify our forces among a number of small, mobile missiles which can avoid detection and attack. Such a missile—commonly called the "Midgetman"—could be available in the relatively near future. In fact, it could be deployed only a couple of year later than the MX.

Aside from the far greater military merits of the Midgetman, such a missile has one extraordinarily important advantage over the MX: It is compatible with the kinds of imaginative arms control proposals such as the build-down which are now surfacing. Let me explore this point a bit.

The build-down concept is based on a sophisticated grasp of the requisites of arms control in the late 20th century. Simply stated—and the concept is the soul of simplicity—the United States and the Soviet Union would agree to dismantle and destroy two warheads for each new warhead deployed. Note that the emphasis is on warheads—actual weapons—and not on launchers, such as missiles. The focus in the build-down is where it properly belongs: On the nose-cone of a missile rather than the engine.

The build-down does not mandate new forces. It does not even give the superpowers an incentive to modernize, at least so long as they insist on such obsolete and destabilizing weapons as the MX missile. What it does do, however, is to recognize that modernization can be made the handmaid rather than the enemy of arms control.

Why? Precisely because in order to avoid the kind of long-term threat posed to our arsenal by simple obsolescence, not to mention Soviet actions, we may occasionally wish to alter our force posture. The key is alteration, not modernization as such.

In the past, modernization has really meant only more of the same. It has meant that we have built bombs that are bigger, guidance systems that are more accurate, missiles that are faster. It has proceeded in one direction only, and a very predictable one. That is why people are rightly concerned that a focus on modernization can make the situation worse, not better. It is why the concept of a complete freeze is so appealing to many people.

Unfortunately, however, modernization of a weapon system can occur for many reasons, not all of them deliberate. Consider, for instance, that advances in such basic and nonmilitary sciences as geophysics will continue to add to our knowledge of magnetic fields, the atmosphere, and conditions in space. Clearly, this knowledge is profoundly important for all humans, for it can help us to do such things as predicting or controlling weather systems. Just as clearly, the knowledge gained in a benign area can be applied to a military area. At the minimum, for instance, raw information gained in studying the atmosphere can improve the accuracy of existing missile guidance systems, simply by improving the input in onboard computers. Data in the computer program of a guidance system cannot be frozen, for compliance with this could never be verified.

The point, therefore, is that some advances in the characteristics of weapons systems seem virtually inevitable. If we pretend otherwise, we do ourselves no great service. If we try to stop it altogether, we set ourselves an impossible task. If we seek to harness it in a benign direction, however, we may accomplish some laudable goals.

So what does the build-down do? It permits modernization, but it extracts a severe penalty. It forces on decision-makers the necessity for choice, something which they have too often avoided in the past while mindlessly piling weapon on top of weapon in a pointless arms race.

By demanding that for every new warhead deployed, two must be destroyed, the build-down incorporates into military planning two important principles. First, it directly works on actual reductions in arms levels. This goal is as old as arms control. It has been advocated by people as different as George Kennan, Jimmy Carter, and President Reagan. Little has been done to achieve it. A build-down will do so.

Second, the build-down concept will force our military planners, and those in the Soviet Union, to do something which they often fail to do. It will force them to think about nuclear weapons in two dimensions, not just one. What I mean is that it will force them to realize that instability is caused not just by one side or the other, but by how each side perceives the other at any given time.

Critics of the MX have pointed out, with good reason, that aside from the inherent problems with the missile in its own right, it is dangerous for two reasons: It suggests to the Soviets that we may be moving toward a first-strike capability, and it simultaneously raises their own stakes in striking first. It does so because it is loaded with 10 warheads per launcher. Since we will deploy only 100 of these missiles, we offer the Soviets every incentive to shoot at a relatively small number of targets, knowing that if they succeed they will have expended only a few of their own missiles. To put ourselves into such a situation makes no sense.

A build-down, however, forces this recognition on people from the outset. It does so by making clear that if we want to develop a new weapon, we must get rid of others. This means in particular that multiple-warhead missiles are—for the first time—explicitly dangerous no matter how one views the world. To arms controllers, of course, multiple warhead missiles have always been dangerous, for arms controllers are trained to think in two dimensions. To military people, or to cost-efficiency experts, on the other hand, multiple warhead missiles have too often seemed a smart investment. That is why they have been built.

From a narrow military perspective, a multiple warhead missile appears to pack more punch. From a narrow cost-efficiency perspective, multiple-warhead missiles appear to be a way to get more bang for the buck—to save money.

By capping the arms race, by forcing a focus on warhead levels rather than launcher levels, and by imposing a penalty on new weapons programs, the build-down makes it clear to everybody that multiple warhead missiles are a bad investment. Let me show an example.

We currently have an arsenal of 450 single-warhead Minuteman II missiles, and 550 multiple-warhead Minuteman III missiles, each with three weapons. Under a build-down, it is explicitly ridiculous to proceed with an MX missile, armed with 10 warheads. Why? Because to deploy the 10 warheads on each MX, we must destroy 20 other warheads. This means that we must destroy either 20 Minuteman II missiles, or 7 Minuteman III missiles for each MX we deploy. This cannot appeal to anybody. To arms controllers, such a scheme would mean that the Soviets would have still greater incentives to strike first, for we would have deployed an arsenal of relatively few missiles, each armed heavily. The incentive to shoot first in a crisis would be very high. Hence, under build-down, MX would be a horribly stupid investment, national will notwithstanding.

From the narrow perspective of a military officer, MX under a build-down approach would be just as difficult, for it would mean a net loss in actual military capability.

From the standpoint of a cost-efficiency analyst, finally, build-down would make MX a resoundingly inefficient choice, for it would impose more costs than gains.

The point, therefore, is that a build-down approach to arms control can discipline people who thus far have not demonstrated discipline, for it will explicitly force on them the kinds of hard choices they should have dealt with earlier. In particular, a build-down approach would be the most powerful kind of argument against MX, or any other multiple-warhead missile for that matter.

A Midgetman, on the other hand, would be the only sensible way to proceed, for with its single warhead, it could be traded in at a less disastrous cost in launchers. Remember, however—and this is crucial—investment in a Midgetman would still mean a 2-for-1 reduction in overall weapons levels. The key thing is that as arms levels decreased, the ratio between weapons and launchers would continue to preserve stability. When we have too many warheads packed on too few launchers—the situation in which multiple warheads have put us—the situation is unstable. When relatively few warheads are distributed over many launchers, there is no possible incentive to shoot first, and the situation is therefore far more stable. We can move in that direction by implementing a build-down, a shifting of our force posture away from a reliance on MIRV'd missiles.

So, to conclude, Mr. President, I find it impossible to understand how the MX missile makes any sense. The military rationale was invalidated along with the window of vulnerability. The current rationale seems to be only face-saving. The consequences of deployment are frightening from every possible perspective—budgetary, military, and arms control. Finally, deployment of the MX will make a build-down either meaningless or exceedingly difficult to achieve. It makes no sense to support the build-down, as I do, and to argue for the MX missile.

The principal notion which links the MX to a build-down is that we must put Soviet silos at risk in order to induce the Russians to enter a build-down regime. But existing missiles can and do threaten Soviet silos, and the oncoming Trident II missile will fill any conceivable gap in this spectrum fully as well as the MX. So we are being asked, in essence, to compound a redundant capability in order to show strength that we already have—to build up in order to build down. In my opinion, the costs are too great and the risks too severe to undertake such calculated illogic.

I therefore urge my colleagues to reject a missile which will be built only to be taken back down, and to vote against the MX missile

Mr. HART. Mr. President, will the Senator from Minnesota yield for a question?

Mr. DURENBERGER. I yield.

Mr. HART. Does the Senator from Minnesota feel that the principal concern that he has about this missile has to do with the way in which it is proposed by the Scowcroft Commission to be deployed, in other words, is his concern about it more to do with the nature of the missile or the way it is to be deployed, or is it a combination of both?

Mr. DURENBERGER. I guess I would answer my colleague from Colorado by saying that it is both.

Mr. HART. Is the Senator from Minnesota under the impression that there might be some more stable and acceptable basing mode for the missile?

Mr. DURENBERGER. I am not aware of any more stable basing mode but, as I indicated, one of my principal concerns for this missile is that it would appear to me that this Nation is moving in a more logical arms control direction that involves some form of build-down. If, as I do, you buy the notion of a builddown and a concept of 2 for 1 or 1.9 for 0.9, or whatever, it becomes very illogical from a national security standpoint while we are engaged in a builddown process for us to put in place launchers with 10 warheads on each of these launchers.

Mr. HART. Mr. President, if the Senator will yield further, the same logic applies to the so-called warhead trade off ratio, and I think that last answer has to do with that.

If an existing Minuteman silo with a missile in it with 3 warheads can presumably be targeted accurately enough to knock it out, by deploying missiles with 10 warheads all we are doing is providing 7 more warheads that can be knocked out with the same 1 or no more than 2 incoming Soviet warheads. Is that not also the case?

Mr. DURENBERGER. Yes, I think the Senator from Colorado is clearly correct. Obviously, a great deal of attention has been given in the last couple of years to the issue of survivability. There may well have been some progress, but I think the issue of survivability and vulnerability is irrelevant to the argument that I was making here.

Mr. HART. I thank the Senator from Minnesota for yielding and for his statement.

The PRESIDING OFFICER (Mr. QUAYLE). The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, the present amendment, the amendment that is pending, the so-called Tower-Warner amendment, deals with the Scowcroft Commission report, and so I wish in the context of the whole MX to address both subjects, that is, the military advisability and the economic feasibility of building the missile and also to talk about the Scowcroft Commission and its report and some salient features in it.

Now, in order for anybody to have a rational understanding of the debate, they have to understand, first, the history of the MX, the rationale for it, why we are here today debating it, and, of course, you have to bear in mind we have known for a long time that the Soviets have always put more credence in their land-based missiles than they have any other part of their strategic forces. That is one of the reasons, incidentally, that they got, that the President got, a negative response when he started talking about the Soviets cutting about a half to a two-thirds of their land-based forces. That is the thing they rely on most just as we consider our most invulnerable force to be our submarines.

But we have known for a long time that they were building the SS-18's and the SS-19's and they started MIRV'ing all their missiles almost immediately after we did, and so now they have this tremendous number of warheads on their ICBM's, and the strategic planners and advisers in this country said "If we don't want our land-based missiles overwhelmed, we have got to develop a mobile missile that is invulnerable to a massive Soviet attack." That is the only reason we started talking about mobile missiles in the first place.

So, we began to do research and development on what was then and is now called the MX. The MX was supposed to have two qualities that would deter the Soviets from trying to build more and more holes in the ground, put more and more big missiles in the ground, and to let them know we were not ever going to allow them to overwhelm our land-based missiles.

Well, in order to do that there were two or three things that ought to happen, and the first one, of course, always that should have happened was a treaty that would limit the number of warheads the Soviet Union would have that could be used to overwhelm our 1,047 land-based missiles.

Well, the treaty is a very elusive thing, and I am not going to rehash the whole debate on SALT II, good, bad, indifferent, however people may feel about it, but all during the Carter administration Harold Brown and Bill Perry labored and grunted and groaned and tried to come up with an acceptable, that is, politically acceptable, method of deploying the MX missile, that would make it both mobile and survivable.

Obviously, the mobility of the thing is not as important as its survivability. Now bear in mind I have not heard any talk about if we put the MX missile in Minuteman silos—my latest information on that I believe was in May

when the Secretary of Defense testified before the Appropriations Committee on which I sit, and said, "There is no present plan to harden these silos."

So Harold Brown and Bill Perry finally came up with the only possible method of deploying the MX that they thought would survive a Soviet attack and that was the so-called MPS, multiple protective shelters, where we would put 200 missiles in 4,000 shelters and this would require just about all of the Soviet warheads with hard-target kill capability if they wanted to overwhelm that system.

If you plan, Senator, to kill silos, you have to plan on two warheads. So far as I know, no planner, United States or Soviets, ever plans on knocking out a missile with less than two warheads and I think that is a part of our doctrine and it is a part of theirs.

But let me go on. Bear in mind I said in my first statement we were looking for a politically acceptable way to deploy this missile, and every other way deploying them by airplane—somebody came up and said, "Well, we will let a parachute drag them out of the end of a C-5," and incidentally I remember—and the Senator from Texas and I do not agree very often on a lot of matters but he and I certainly agreed with that one—I thought it was a cockamamie idea and I still do—and they talked about other things and I remember in 1980 how Ronald Reagan made fun, it was one of his standard speeches to make fun, of that race track system out in Nevada and Utah—and you know that is another one of those things that bring people to their feet but not to their senses, as we say. He did not offer any other method of deploying it. He did not say in 1980 that, "I believe in a 15-mile triangle called dense pack," or properly around here "dunce pack." He only said that this system of deploying these missiles in Nevada and Utah is silly, and people would applaud and cheer, but nobody was offering an alternative method of deploying them.

Well, the people in Utah and Nevada did exactly what the people in Louisiana and Arkansas would have done, they rose up in righteous indignation and said, "Our bodies are going to lie prostrate on the meadows when you dig our State up to that extent to deploy this missile."

Not only that, Nevada and Utah are not totally without clout in the U.S. Senate. The Senator from Nevada is by every account I have seen for 2½ years the President's best friend. And I think that is fine. I applaud their friendship. But I can tell you based on that and the fact that another Senator was chairman of the Labor Committee, another is chairman of the Banking Committee, as I say those two States were not exactly without political clout in Washington.

So the first thing you know, you know that the MPS system, which has been very carefully crafted, ain't going anywhere, and sure enough it was not. But you have to bear in mind one other factor and that is without a SALT Treaty, which would have limited the number of warheads the Soviets could put on their SS-18's and SS-19's, nothing made any sense. They agreed in the SALT II Treaty to limit the number of warheads on that big SS-18 to 10, and it was public testimony, this is not classified because David Jones testified before our committee that the Soviets could put 20, maybe 30, warheads on top of the SS-18. So the more shelters you built the more warheads, without a treaty, the Soviets would elect to put on their missiles, and so even the MPS system, the racetrack system, which I favored reluctantly and grudgingly because I saw it as the only way to deploy the MX in a survivable mode, I would not have supported that without a SALT Treaty.

Well, so then the President had been going around saying, "You know everything, untoward thing, in the world that happens in the world is hatched up in the Kremlin dining room. The Soviets have this vast margin of superiority over us," and he wanted the MX missile. The Pentagon convinced him that he not only wanted it but he needed it.

But he has already made so much fun of the only system that made any sense, he cannot go to that. So he says to the Pentagon, "You fellows sit down and come and bring me another system that I can sell to the American people." You know he is great on television. I am sure he said, "I can sell this thing."

So they came with the dense pack. You know the first time I ever saw the dense pack deployment system, I felt the same way Ron Reagan did the first time he ever saw the MPS system. I thought it was absolutely laughable. And it did not take the U.S. Senate very long to make up its mind about dense pack. We did not want any part of it. It made no sense to anybody in this body.

But the President was not deterred. He was not daunted. He still wanted the MX, even though I remember Harold Brown saying, "The MX does not make any sense unless it is mobile and unless it is survivable."

The President finally said, in desperation, "We have checked about 40 different ways that we can deploy the MX and none of them looks very good, but I still want the MX and so I am going to appoint a commission."

There is nothing new about that. When I was Governor and I really got into a hot one, I always appointed a commission to bring back what I wanted in the first place. And the President very carefully selected the Scowcroft Commission. There are some truly outstanding men on the Commission, but to my knowledge there was not one single person appointed to that Commission who did not want to build the MX missile—not one—including my friend, Harold Brown.

And so they came back with this report, which we now call the Scowcroft Commission. It worked so well that now the President wants a commission to settle Central America. Lord only knows how many commissions we are going to have around here in the next couple of years if they keep working as well as the Scowcroft Commission did.

And so, the Scowcroft Commission, on page 1, says something that makes an awful lot of sense. And I am trying to be fair in analyzing this report.

> Although the United States and the Soviet Union hold fundamentally incompatible views of history, of the nature of society, and of the individual's place in it, the existence of nuclear weapons imbues that rivalry with peril unprecedented in human history.

Now, I say to my colleagues in the Senate, that is why we are here debating this today, because we face perils unprecedented in human history. Anybody who speaks on this issue without some emotion, without some passion, does not understand that line from the Scowcroft Commission.

But it gets a lot more interesting. On page 2, the Scowcroft Commission discusses deterrence. I believe in deterrence. I believe that you cannot beat something with nothing, I do not care whether it is chemical weapons or nuclear weapons or anything else too abominable to even think of. The Scowcroft Commission, in the part of its introduction, says:

> Such a policy of deterrence, like the security policy of the West itself, is essentially defensive in nature. The strategic forces that are necessary in order to support such a policy by their very existence help to convince the Soviet Union's leaders that the West has the military strength and political will to resist aggression; and that, if they should ever choose to attack, they should have no doubt that we can and would respond until we have so damaged the power of the Soviet state that they will unmistakably be far worse off than if they had never begun.

I have absolutely no quarrel with that statement. The Soviet Union and the United States must always know that if either ever chooses to attack the other, the retaliatory damage inflicted on the attacker will make them wish they had never fired the first missile.

Can either side, in a sane moment, doubt for a moment the validity of that statement?

They go on to say, "Deterrence is the set of beliefs in the minds of the Soviet leaders, given their own values and attitudes, about our capabilities

and our will." Again, no quarrel with that.

The question about the MX is: Where does it fit into the role of deterrence? Are the Soviets deterred by putting 100 missiles in silos that they already have targeted? We are doing them a great favor because we are going to put them in existing silos that are already targeted. They will not even have to reprogram their computers. But is the Soviet Union deterred by replacing missiles with three warheads, or that at least could have three warheads if we choose to modernize the rest of our Minuteman force—and certainly the modernization of the 250 remaining Minuteman III's that have not been modernized, makes eminent good sense to putting 100 MX in those silos—but the question is are the Soviets deterred any more than they already are deterred by sinking these missiles into silos that already exist with missiles in them?

I think that if you were to ask the strategic planners in the Soviet Union, "Do you want the United States to build the MX missile?", the answer would be, no. But if you were to ask them, "Do you think the United States modernization of its strategic weaponry that is already underway, not on the drawing board but already underway, is more frightening to you than the MX?", the answer would be "Yes."

Ask the Soviet Union, if they had a choice, "Would you prefer the United States build the MX or the D-5?" They will take the D-5. "Would you prefer the United States give up its cruise missile capability by deploying cruise missiles on our B-52's and later the B-1, would you prefer that or the MX?" They would prefer we build the MX.

If you were to ask them, "Would you rather the United States build the MX or the Stealth bomber loaded down with cruise missiles?", I daresay they would say, "We'll still take the MX."

Now, I say all these things just to point out the Soviets may be dumb, but they are not stupid. As I said the other day, they did not just fall off a watermelon truck. They know where our missiles are located. They have got them all targeted. They should be grateful for small favors that we are willing to put $16 billion to $30 billion into a system that they already have targeted.

Mr. HART. Will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. HART. The Senator has made a very valid and very important point about what all this looks like in the Soviet Union.

Understanding the hazards of trying to put ourselves in their shoes, I wonder if the Senator might speculate, if he were a Soviet strategic planner or senior military official, what he would think, if the United States went forward to build this missile and put it in fixed silos, about American intentions? If he just looked objectively at the United States building this missile, given everything the Senator from Arkansas has said, and trying to figure out what is on the mind of the President of the United States and the American military command, what conclusions might he draw about American intentions in the 1980's and 1990's?

Mr. BUMPERS. I say to the Senator, as I said a moment ago, the Soviets may be dumb, but they are not stupid. And there is one and only one inescapable conclusion that the Soviet strategic planners could come to, and that is this is not a weapon to deter. It is a weapon which will be used as a first strike weapon, and that is the only possible value it could have.

Mr. HART. Is the Senator from Arkansas aware also of studies that have been done about how effective our strategic warning system is but also how it breaks down on occasion?

One of those studies is a report prepared by the Senator from Arizona (Mr. GOLDWATER) and the Senator from Colorado in October 1980, which documented the number of times over a period of a year and a half in which our very valuable, very expensive, very exotic strategy warning system broke down. In fact, four of those breakdowns over a several month period led to the collection of the assessment committee or assessment group among our senior military and political commanders as to how to respond to a presumed Soviet attack. Is the Senator aware of those studies and that report?

Mr. BUMPERS. I am, indeed.

Mr. HART. If you were continuing in the role of trying to project what the Soviets thought about this, and you saw the American political and military command go forward with this missile system, and you knew how often your warning system broke down on your side and read these reports about how often a superior American warning system broke down on the American side, what would that tell you about building and placing this missile in vulnerable silos?

Mr. BUMPERS. I will say to the Senator, I went to see a movie the other night. I went to see it to be entertained. I have already mentioned this in a previous speech I made on this subject. It was called "War Games." It was where a 16-year-old kid with a personal computer got it tied in with the Norad system and the first thing you know he had a program inadvertently put into the system showing the Soviet Union launching 1,000 missiles against the United States. This was a movie, you understand, and it was designed to be entertaining.

It is hard for me to laugh in a movie where you are constantly dealing with the possibility of the Soviets having launched 1,000 missiles. But the thing I did glean from this movie was that our system of warning, when the Soviets have launched, is far from perfect. Indeed, it is imperfect.

I have heard stories about as many as 150 first stage alerts, and stories that a Senator recited of four alerts, from false warnings in our warning system that caused our senior strategic group to get together to assess this warning.

Mr. HART. The threat is constant.

Mr. BUMPERS. Yes. Something that is terrifying about that is that our warning system is almost light years ahead of the Soviet warning system. Ours is much better than theirs.

I told this story the other day, too. Bill Perry, who was the Assistant Deputy Secretary for Research and Development during the Carter years, told me he got a warning one morning about 3 o'clock in the morning. He was called to the Pentagon and they said, "Mr. Secretary, the Soviets have just launched 1,000 missiles against the United States."

As Secretary Perry told me, that will just ruin your whole night when you get a message like that.

Think about it. Think about the warning system that does allow and does permit those things to happen. That is the reason we have never believed in launch on warning or launch on attack, even.

Mr. HART. If the Senator will yield, I will tell him when that occurred out of this report I mentioned.

Mr. BUMPERS. Fine.

Mr. HART. In 1979 and 1980 there were four threat assessment conferences. That is what happens when the Norad commander in Colorado Springs determines the possibility of a threat. That is a euphemism for your radar screens or display screens are showing missiles on the way. The next step is to convene a threat assessment conference. This happened four times in 1979 and 1980.

October 3, 1979, an SLBM radar picked up a lower rocket body close to decay that generated a false launch and the impact was aborted.

November 9, 1979, false indications of a mass raid—that may have been the one Secretary Perry was talking about—caused by inadvertent introduction of simulated data into the Norad computer system.

Do you know what that means in English?

Mr. BUMPERS. I know what it means. But state it.

Mr. HART. That means a computer technician was fooling around with

the system and practicing drills and he put the wrong tape into the computer or plugged in the wrong program.

Mr. BUMPERS. And got a simulated attack.

Mr. HART. All over the place.

Mr. BUMPERS. Maybe they ought to put some signs out there, "Don't fool with the knobs."

Mr. HART. I think they did that. But in the meantime, what if you have 100 MX's in silos.

March 15, 1980, four SN-6's were launched from the Kurile Islands as part of the Soviet troop training. One of the launches generated an unusual threat fan.

Do you know what the means?

Mr. BUMPERS. Yes.

Mr. HART. A whole lot of missiles and warheads coming in. The Kurile Islands are pretty close.

June 3, 1980. False indications caused by a bad chip in a communications processor computer.

Do you know how much that bad chip cost? About $1.89. That showed a lot of Soviet missiles and warheads headed this way, a lot of them. And it lasted quite a while.

If you have all your eggs in a handful of baskets and the baskets can be destroyed, and you know that somewhere between on the low side 70 percent and the high side 95 percent of those MX's are going to be wiped out, what are you inclined to do?

Mr. BUMPERS. You are inclined to do exactly what the Soviet Union is scared to death you are going to do, and you are inclined to believe Secretary of State George Shultz when he almost cavalierly answered that question by saying, "Well, you use them or lose them."

That is the new doctrine that seems to be gaining momentum in this country. "Use them or lose them."

Mr. TOWER. Will the Senator yield at that point just for a short comment?

Mr. BUMPERS. Yes.

Mr. TOWER. I believe that idea comes from an earlier administration, as a matter of fact.

Mr. BUMPERS. In all fairness to what I just said, I had never heard this before the last year. I know that "use them or lose them" is a statement that has been around from time to time. I must say I never heard it used in a serious vein. The way I always heard it used was it was sort of a phlegmatic comment.

Mr. TOWER. What was said was, and I do not have the precise words, if they launched an attack against us, they should not expect that all of our missiles would be in the silos when their missiles arrived

Mr. BUMPERS. I think I see the difference in those two concepts. I do not think the Soviet Union ought to ever be absolutely sure that we are going to ride out an attack. I think Harold Brown was perfectly right to say to the Soviet Union, "If you ever launched a preemptive attack, we may ride it out but you cannot be assured of that."

You cannot tell an adversary that if they want to attack you will sit and wait until all the missiles fall.

But that is quite different from building an MX missile which will be our biggest, most powerful, most accurate weapon and have the Secretary of State on the evening news saying that we will use them or lose them, or that that will be a part of our doctrine.

The Soviets have always said that their doctrine is no first use of nuclear weapons. That is what the Soviets have said. I would rather they say that than not say that. But I do not sleep better at night just because they have said it. I am not suggesting that we should say it and I am not suggesting that we have ever said it. The Senator from Texas will probably agree with me. I am not sure we should tell the world that there will be no first use, for reasons which are quite apart from this debate, which I will not get into.

Mr. HART. If the Senator will yield, is it not the case that we do not pay attention to what each other says but pay attention to what each other does? That is what is involved. It is not what we say but the positions we take and the structuring of our forces that influences the forces on the other side.

Mr. BUMPERS. What would the Senator think if he was a strategic planner? I told the Senator what I thought the inescapable conclusion would be if you were a Soviet planner, but I also will add I know a U.S. Senator who comes to the same conclusion.

Mr. HART. It is the only conclusion that a reasonable person can come to.

Mr. BUMPERS. Absolutely. That is the reason this whole concept of putting that big missile in an existing silo makes absolutely no sense at all except if one really wants to lower the threshold for nuclear war—because that is all it does. It does not give us any more deterrence. I do not think it really frightens the Soviet Union like the B-5 or the cruise or the Stealth or any of the other modernizations of our military force.

Mr. HART. If it frightens them, it frightens them for the wrong reason. That is that war could be launched by accident or miscalculation. To conclude that point, if the Senator would indulge me, I would like to read from the Goldwater-Hart report as to what we concluded. After looking at all these accidents, all these errors in our system, here is what we said:

> The missile attack warning system is an extremely critical part of the defense structure of this country. It is a highly technical and complex system spread around the world and into outer space.

This is the operative sentence:

> It is a system which must be prepared to deal with uncertainties because they will occur—

I must say that is an understatement—

> whether caused by physical phenomena similar to launch of missiles, misinterpretation of actual detection of missile launch, or simple failure within the vast array of computers and communication equipment which are necessary to make the system operate. The men and women who operate the system recognize the need to deal with uncertainties.

The key phrase is, "it is a system which must be prepared to deal with uncertainties because they will occur."

If you build your deterrent and you structure your nuclear forces as if those occurrences will not take place and those uncertainties, as we call them—false warnings is what "uncertainties" means—you are just asking for nuclear war by accident.

Mr. BUMPERS. The Senator's point is so well taken. If the MX—I suppose if the MX were the only missile that we had on the drawingboard, in advanced research and development, or in the manufacturing and production stage and ready for deployment, and that is all we had in light of what the Soviet Union has done in the past 10 years, I probably would not be standing here today, even though it does not diminish the argument about lowering the threshold of war and creating a hair-trigger situation. But when you combine all of that with the hardware that we have coming on, it just makes it absolutely unpalatable and insane.

Let me go back to the Scowcroft Commission, but before I go to the next part of the Scowcroft Commission that I want to talk about, I know the Senator from Michigan (Mr. LEVIN) has done this many times and I always do it any time I get the Chairman of the Joint Chiefs of Staff or one of the Chiefs before our committee. I always ask that same question: "General, or Admiral, would you trade our strategic forces for the Soviet Union's? Would you trade our overall deterrence posture with the Soviet Union's?"

I have never even come close to getting an affirmative answer to that, a positive yes.

Not long ago, General Vessey was before the Appropriations Committee and I asked him that question. He said, "Well, I will tell you, Senator, I wish we had a big missile like their SS-18."

I said, "Well, do you think Ustinov might like to have a submarine like our Trident? Or do you think that they might like to have a cruise missile with a 3,000-mile range that is so infinitely superior to their cruise missile there is no comparison? Or do you think he would like to have 250 of those old B-52 bombers?"

If they are going to say, well, they have this that I wish I had, that is one thing. But bear in mind, even today, not counting any of the things we have coming on between now and 1990, you cannot get an admiral or a general to say he would trade places with them.

Why is it that those charts over there in the background show the Soviet Union with all that massive throw weight, megatonnage, warheads? They do not have any advantage in warheads. Everybody agrees we have more warheads than they have, and that makes me sleep so much better at night knowing we have 10,000 and they only have 8,000.

The Senator remembers when Eisenhower asked for a study for a preemptive launch against the Soviet Union and they came back and said, "No, we had better not try, because they have four nuclear bombs and we had better not try to knock them out." At that time, we had 100-to-1 superiority over them, and the Chiefs did not dare, because they were afraid to knock out the four nuclear bombs the Soviets had built, Yet we act as though the disparities in numbers were all that relevant and important.

To go on. We talk about modernization. On page 4 of the Scowcroft report, here is what they said.

> The Soviet ballistic missile submarine force currently consists of 62 modern submarines, these are armed with 950 missiles, with a total of almost 2,000 nuclear warheads. The U.S. has fewer such submarines (34) and missiles (568), but more warheads (about 5,000) in its submarine force.

But the scenario is even better than that and the Scowcroft Commission does not mention it. That is, we keep our submarines on station and ready for strategic war. Even though they have more submarines than we have, we have more submarines on any given day ready to fire than they have.

The Scowcroft report goes on:

> While the U.S. has a substantial present advantage in the overall capability of its ballistic missile submarine force, this gap is narrowing. The U.S. also has a present advantage in antisubmarine warfare and submarine quietness, but the Soviets appear to be giving high priority to these areas.

Mr. President, any time the United States has a decided superiority, it is always but, but, but.

I occasionally get really chagrined at the way people put down the United States and our forces and our fighting men, all of those things. I do not mind looking at Soviet strengths in a realistic, objective way as long as we look at our strengths the same way. And the Scowcroft Commission is saying, we have better antisubmarine war capability, we know where their submarines are, ours are quieter than theirs, we have 3,000 more warheads on our submarines than they have and, after all, there is only one vulnerable force in the world right now to nuclear war and that is submarines.

We have a 2½ to 1 advantage in warheads on submarines. But the Scowcroft Commission says, but, but, but.

Can you imagine what the strategic planners in the Soviet Union are saying to Andropov? They are saying, "Mr. Secretary, they have a 2½ to 1 advantage over us in warheads on submarines. Why, Mr. Secretary, they have this cruise missile that can fly 3,000 miles unmanned. They can launch those things from outside the Soviet Union and put them in the Kremlin dining room. We do not have anything to even compare with it."

Mr. President, generals and admirals all over the world are pretty much alike, and I do not argue with that kind of mentality as long as you look at it objectively.

Completely aside from that, how would you like to be in the Soviet Union as the major power of the Warsaw Pact powers, faced with NATO countries, and they are depending on Poland, Czechoslovakia, Hungary, Romania to fight for them?

How would you feel if you were in the Soviet Union and depending on the Poles and the East Germans to fight for you? How would you feel if you were in the Soviet Union and had a billion hostile Chinese on your west border?

To go on, on page 5 of the Scowcroft report, they go from the submarine to the strategic bombers. They say:

> Soviet heavy strategic bombers (not including the Backfire) now number about 150—

I do not know what bomber that is, incidentally, and I am not at all sure it is strategic in the sense that it has the ability to fly to the United States and get back, It may have the ability to fly to the United States and land in Cuba, but unless it has a refueling capability, it cannot hit the United States and return to the Soviet Union.

Well, to go on, they have 150—

> around half equipped with air-to-surface missiles.

Not nuclear, air-to-surface missiles

> This force is considerably less capable than the total active U.S. bomber force, which numbers about 270 B-52 G and H bombers and about 60 FB-111 bombers. The U.S. bomber force has just begun to be equipped with long-range cruise missiles. Both U.S. and Soviet bombers have carried short-range missiles for many years. A new Soviet intercontinental bomber (the Blackjack) is now being flight-tested. It is similar in appearance to, but larger than, the U.S. B-1B now in production. The Blackjack will probably begin to enter service during the mid-to-late 1980s.

Well, so will the B-1. But before you even get to the B-1, the United States has already equipped its first squadron of B-52's with cruise missiles which have the ability to penetrate the Soviet Union.

No mention of that in the Scowcroft Commission report. A squadron of B-52's is 18 planes and each plane carries 20 cruise missiles in its belly and under its wings. That is 360 warheads that we have just deployed in the last 6 months that have the ability to penetrate the Soviet Union.

That is not classified. I read it in the New York Times, and they would not lie.

Mr. MOYNIHAN. Will the Senator permit me to observe, it is not only not classified, it is in Rome, N.Y.

Mr. BUMPERS. And we intend to equip a lot more B-52's with cruise missiles, all of which have the ability to penetrate the Soviet Union—and they are very accurate.

No mention of that in the Scowcroft Commission report.

Why, they have 150 bombers they say that carry missiles, not nuclear missiles, but they are experimenting with the Blackjack, a new strategic bomber.

No mention in the Scowcroft Commission report that the B-1 is going to be built, 100 of them, over my strenuous objection, incidentally.

No mention in the Scowcroft Commission report that the Stealth bomber is the thing they fear most.

If you were to ask the Soviets, "Do you want the B-1?" The answer would be, "No." But if you asked them, "Between the B-1 and the Stealth, which one would you take?" I can tell you it would be 100 percent for the B-1 because they have spent literally tens, maybe hundreds of billions of dollars on an air defense system in contemplation of the B-1, and that is one of the reasons the B-1 makes no sense. The only way anybody can justify the B-1 is that it cost the Soviet Union so much to build a defense system against it and if you are trying to collapse the Soviet economy by forcing them to deprive their people of more consumer goods and put more money into defense, I suppose you could make that argument.

So much for the submarine and so much for the bomber force.

Well, Mr. President, there is this question of the threat of blackmail. I was thinking the Scowcroft Commission mentioned blackmail, and maybe they did, but I cannot find it just now. But does anybody really believe in the concept of blackmail? Do you believe thay any red-blooded American citizen is going to knuckle under to blackmail any place in the world where we see our vital interests threatened?

At a time when we had a 100-to-1 superiority over the Soviet Union, they built the Berlin Wall. If anybody was going to engage in blackmail, the United States had the perfect opportunity to do it. We could have said to them, "You build the Berlin Wall and we are going to blow the Soviet Union

right off the face of the Earth." We had the ability to do it, and they had the ability to do virtually nothing about it.

At a time when we had 100 to zero superiority, they took all of Eastern Europe. Were they blackmailed? Well, of course they were not. I can tell you that any time our vital interests or national security is at stake, I do not care if we have 5,000 warheads and the Soviet Union has 25,000; this Nation is not going to be deterred from protecting its national security.

So I do not believe in the blackmail theory in this day and time.

Mr. President, let me tell you what the Scowcroft Commission report said about the Trident and the D-5.

Now, bear in mind, we have one Trident at sea operational. That Trident has 24 missiles, 7 warheads on each missile. Count them up. The figures get so numbing I do not like to do the calculations. We have another one in sea trials, we have another we have just commissioned, and we have another one we will commission within the next 8 months.

All of them, until we build, I believe it is, 12, have 24 missiles, and they are invulnerable.

Then there is that D-5 missile, popularly called the Trident II, which will be operational in 1990. And I do not know of a Senator who objects to that missile. It will have 10 warheads on it, and we will put it on our Trident submarines. Every Trident will then have 240 warheads on it.

Did you know that if the Soviet Union were to launch a preemptive strike and they knocked out all 1,047 of our land-based missiles, and somehow or other they caught all 270 of our bombers, our FB-111's and our B-52G's and H's on the ground and they destroyed every one of them, and somehow or another their submarine warfare capability has reached the point that of our 34 SSBN's, our missile-firing submarines, they destroyed all 33 of our Poseidon submarines, and all in God's world we have left is one lonely Trident submarine with 240 warheads, that is enough to destroy just about every man, woman, and child in the Soviet Union that lives in a city of over 100,000 people?

Talk about deterrence. How much does it take?

Here is what the Scowcroft Commission said about the Trident:

The Commission supports the continuation of the Trident submarine construction program.

I do, too.

It also supports the continued development and the deployment of the Trident II (D-5) missile as rapidly as its objective of range, accuracy, and reliability can be attained. The Trident submarines's significantly reduced noise level and the D-5 missile's greater full-payload range will add importantly to the already high degree of survivability of the ballistic missile submarine force. Given the increased importance of that force, both programs are essential.

I agree.

The D-5 missile's greater accuracy will also enable it to be used to put some portion of Soviet hard targets at risk, a task for which the current Trident I (C-4) missile is not sufficiently accurate.

They give great credit to the Trident. That is a part of our ongoing modernization force. They give great credit and hope for this D-5 missile, and I do, too.

Then they go on to talk again about the bomber force, and they say that our bomber and airlaunch cruise missile force is of vital importance to the maintenance of an effective deterrent.

The Commission bases its other recommendations on the assumption that a strong bomber and cruise missile program is continued.

I agree.

The Commission is unanimous in these views although it recognizes that there are legitimate differences about the best and least expensive way to provide for the necessary modernization of the bomber and cruise missile force.

Mr. President, I mention those things just to point out that despite seeming allegations to the contrary, "We ain't been sitting on the dime." We have been going full scale toward the modernization of our forces in a way that is vastly superior to what the Soviet Union has.

When the President talks about their margin of superiority and when he talks about the Soviet intentions of dominating the world, sometimes I want to ask the question: "Mr. President, do you believe the Soviet Union is hell bent on conquering the world?"

The answer, I assume, is, "Yes."

No. 2: "Do you believe that they are superior militarily to the United States?"

He has consistently said, yes, that he believed that, despite the fact that his admirals, generals, and the Joint Chiefs of Staff disagree. The answer to that is, "Yes."

The next question is: "What are they waiting for? If that is true, why don't they just come and get us?"

The answer is so palpably clear that the two questions are absolutely ridiculous.

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

Mr. BUMPERS. I yield.

Mr. HART. The Senator has served on the Senate Armed Services Committee with distinction and on the Appropriations Committee having to do with appropriating funds for the Pentagon, and he has heard the arguments relative to superiority over the years. His reference to the question of who is superior to whom, I think, raises a question that goes right to the heart of the debate about this missile.

Does the Senator agree that one of the reasons why it has been so difficult to find a home for the MX missile is its size? Is that not the case?

Mr. BUMPERS. Absolutely.

Mr. HART. I think the Senator has been involved, as the Senator from Colorado has over the years, in the debate over the size of the missile. Does the Senator recall a time on Capitol Hill, not too long ago, when little displays were made available to Members of Congress, which you could put on your desk? Some were even carried over here.

Mr. BUMPERS. I have one in my office.

Mr. HART. As I recall, the displays, scale models of the Soviet and United States missiles, show overwhelmingly—not overwhelmingly, but substantially—that the Soviet missiles are larger than the United States missiles.

Mr. BUMPERS. It is frightening. If you did not know any better and you looked at that display, you would assume that they were coming.

Mr. HART. When the Senator saw that, did he conclude that some Air Force general had made some mistakes in the past?

Mr. BUMPERS. A layman would certainly draw that conclusion.

If I wanted to scare my constituents to death, I would go around my State showing that display.

Mr. HART. Would not a more thoughtful laymen say to himself or herself, "Wait a minute, our generals made some mistakes in the past; they made big ones, and we did not?"

The Senator will recall a movie about missiles. When you see a picture of the Minutemen in silos, they look pretty big. Does the Senator believe that American generals in the 1950's and 1960's made a mistake about our missiles?

Mr. BUMPERS. The Senator knows that we were able to miniaturize all our guidance systems and electronics long before the Soviets were. The Senator knows that even during the Eisenhower years, we proceeded with a great deal of deliberation to build smaller, more accurate missiles. It was a conscious decision on our part.

Mr. HART. They were big missiles then.

Mr. BUMPERS. Go to Arkansas and look at the Titans down there, and they are big now.

Mr. HART. I mean the solid-fueled Minutemen II's and III's. They were big.

Mr. BUMPERS. At that time they were.

Mr. HART. Did the American generals really make a fundamental mistake in sizing those missiles? Of course not. They did not make a mistake. They decided they were necessary to deliver a specific payload on a specific target in order to do a specific amount of damage; is that not the case?

Mr. BUMPERS. The Senator is absolutely correct.

Mr. HART. Is it not also the case that this MX, which has wandered across the surface of the United States and its surrounding coastal waters, and under them and over them, has had such difficulty finding a home because of its size?

Mr. BUMPERS. The Senator is absolutely correct.

As the Senator from Massachusetts said yesterday afternoon, it is a missile without a mission and a missile without a home.

Mr. HART. Why is it so big? Because of those displays. The Soviets built big missiles and we had to build big missiles at that time.

This is the first nuclear weapons system that is designed to catch up with the Soviet Union, and it has no internal logic. It was built big just because they wanted it to be big.

Mr. MOYNIHAN. Mr. President, will the Senator from Arkansas allow me to comment on his statement—a missile without a mission?

Mr. BUMPERS. I am happy to.

Mr. MOYNIHAN. There has been a very widely read and appreciated special issue of the New Republic, the only one in its history which was devoted entirely to one subject, by Leon Wiesel, a young political scientist, entitled "Nuclear War, Nuclear Peace." His central idea was the Sovietization of American nuclear strategy. The MX missile does have a mission if we have a Soviet strategy. And that is what is happening in this body and in this administration, and it had its predecessor. It has been happening for some time.

The reason we find such difficulty to say what are we doing, we would never in ordinary circumstances do that, this is what the Russians do, and it happens that is what we were doing. It will find a mission once it is deployed because once it is deployed it can only be used in one manner, and that is the manner the Soviets would use a first-strike weapon.

I am sorry to say that but the technology will drive us to the doctrine.

Mr. BUMPERS. The Senator from New York cannot repeat that often enough in this Chamber and often enough for the American people to finally understand what this missile means.

Mr. HART. Mr. President, if the Senator will yield, the Senator from New York has specifically stated the case that has brought us here today. That is why this debate is going on. That is why we cannot conclude this issue because we have for the first time tried to pursue Soviet nuclear doctrine. We sized our missiles and we shaped our deterrent not for what we needed but to mimic and mirror what the Soviet Union had done.

Mr. BUMPERS. Mr. President, the Senator was talking about that display. I understood that it was a defense contractor who made those things and passed them out every place they could get someone to take them, showing those gigantic Soviet missiles and that little old Minuteman just looks like a midget.

But there is another facet to this that no one ever talks about, and that is another technological thing. We have not produced anything that was not a solid fuel rocket since we built the Titan. The reason the Titan missile shows up so well in that little display against the Soviet missile is because all of their missiles are liquid-fueled and the Titan is the only liquid-fueled rocket we have.

We have to have a gigantic chamber to hold that fuel. We have to have a gigantic chamber for combustion. We cannot build a Minuteman with a liquid-fuel propulsion system.

About half the increase in size of the Soviet rockets in that display of missiles over the United States is because theirs are all liquid. Except one they are experimenting with right now, they do not have a single solid propellant missile.

The other thing I wish to point out is talking about, is big better, and the Senator from Colorado will certainly remember this. One night he and five other Senators and I were having dinner with Deputy Secretary Bill Perry, and this was after Secretary Perry had left the Pentagon. The Reagan administration was already in power here. And we were discussing the relative capabilities of our cruise missiles against the Soviet cruise missile.

Does the Senator from Colorado remember that?

Mr. HART. I do, indeed.

Mr. BUMPERS. And the Senator from Colorado asked the Secretary:

> Mr. Secretary, tell us about the Soviet cruise missile.

Without possibly getting into something we should not get into here, the truth is their cruise missiles are big, they are cumbersome, and they have a very short range. They have not had very much luck with them. They are so much bigger than ours and the range is only about 10 to 20 percent as long as our cruise missiles. Yet our cruise missiles are only—we see them on television all the time—about 21 inches in diameter and about 21 feet long with long ranges, 3,000 kilometers, or whatever.

The Senator from Colorado said:

> I hope the people do not find out theirs are bigger than ours.

Mr. HART. Mr. President, does the Senator from Arkansas envision a day a year or two from now, may three or four, when there may be a debate in this Chamber urging us to build a bigger cruise missile?

Mr. BUMPERS. I do not see how we can avoid it.

I am not going to belabor this Scowcroft Commission report. I could go on for hours about it. I will just say to my colleagues that this missile makes absolutely no sense. Maybe there is someone's macho on the line or maybe people are frightened about who their opponent is going to be in the next election and he is going to say:

> Well, he voted against this weapons system; he is antidefense.

I spend time in the Cloakroom and I know what happens. I know how people are worried about what their next opponent is going to say. You hear people walk into the well and say:

> What is this vote?

And you can just see the wheels turning.

> If I vote on this, what can my opponent do with it next time I run?

I want to help those people who may be having that difficulty. The polls show that the American people do not want the MX missile, and I can tell Senators that the number of people in America who think that we are spending too much money on defense has gone up about 35 percent in the past 2½ years.

I do not believe it is our macho on the line; I think it is our sanity.

So, Mr. President, I simply hope that at such time as we vote on this matter, sanity will prevail and that we will eliminate the funds for this missile. We do not need it. We have a modernization program that is staggering in its cost and in its capability.

Why would we build a missile that will finally be deployed in 1986 and 1987 when we have another invulnerable missile that will be deployed in 1989, 2 years later.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank the distinguished Presiding Officer.

In congratulate the Senator from Arkansas for the clarity and the true emotion he brings to this issue.

I wish to continue the theme we begun of the Sovietization of American strategy. There has been a great deal of talk over the decades about the convergence of our systems, in the state of what Lenin called infantile derangement. There was a time in the 1960's when one could hear students declaring that the United States is becoming like the Soviet Union in its politics and we felt, many of us: First, we hoped they would grow up and, second, we could live with them while they were young.

But none of us ever would have thought that with respect to the single most important element, the

single most important task of Government in the United States, which is the defense of our liberties, we would see a convergence taking place, not with the Soviets coming around to our way of thinking but the United States coming around to theirs.

One of the first things that happens in that process and one of the things that makes it possible is the thought that these are not in fact moral decisions to which leaders in Government are not just responsible to their electorate but responsible to a moral code, a moral consciousness out of which this Republic grew.

Just yesterday I was speaking with the distinguished chairman of the committee, the Senator from Texas, who at the end of my remarks observed when he said:

> I suppose in that it has a first strike capability.

The MX has a first strike capability, the Senator supposed, but he said:

> I wonder how one assigns morality or immorality to any weapon? We talked about binaries being an immoral weapon; about nuclear weapons being immoral weapons.

He said that there can be quite different views about the morality of possessing weapons of maximum destruction given particularly their mode of deployment.

And that is the subject which I was addressing.

Let me say in public what I said to the Senator from Texas in private that he has spoken intelligently, fairly to a question that has troubled persons concerned with such issues for as long as we have the record of men and women speculating about what is their moral responsibility. But I would stand on this floor and say there are weapons which in the situation of the nuclear age must be declared immoral, and I would turn once again to the careful assessment of a difficult, sometimes tortured, subject that the American Catholic bishops made when they addressed the subject in their pastoral letter on war and peace on May 3. They said:

> The nuclear threat transcends religious, cultural and national boundaries.

They said:

> As John Paul II said at Hiroshima in June 1981——

They quoted Pope John Paul:

> From now on, it is only through a conscious choice and through a deliberate policy that humanity can survive.

At the site where the firest weapon was used against a population, and it was, and it was used by our own country, John Paul II said:

> From now on it is only through a conscious choice and through a deliberate policy that humanity can survive.

That is what elevates this issue to the moral level so quickly. We are not speaking about the fate of individuals. We are speaking about the fate of humanity. We are speaking about the race, and that cannot be a matter of option to anybody who believes in the sacredness of life and its origin.

The bishops went on to say:

> Retaliatory action, whether nuclear or conventional, which would indiscriminately take many wholly innocent lives must be condemned. This condemnation in our judgment applies even to the retaliatory use of weapons striking enemy cities after their own have been struck. We do not perceive any situation in which the deliberate initiation of nuclear warfare on however restricted a scale can be morally justified. We find the moral responsibility of beginning nuclear warfare not justified by rational political objectives.

Yet in the real world where we live, as they live, there exist countries which are not pacific in their nature and, Mr. President, may it be noted that in the 20th century a Democratic nation has never yet gone to war, and they said that in that situation they would recognize, and I quote:

> The fact of a Soviet threat as well as the existence of a Soviet imperial drive toward hegemony at least in regions of major strategic interests cannot be denied.

They said:

> It is imperative we confront reality,

And then again may we return to Pope John Paul who said at the United Nations in a stirring speech, which I had—in a message, rather, to the Disarmament Conference, he said:

> In current conditions deterrence based on violence, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable.

It is worth repeating:

> In current conditions deterrence based on violence, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable.

Mr. President, the bishops then concluded "These considerations of concrete nuclear deterrence policy lead us to a strictly conditioned moral acceptance of nuclear deterrence."

One cannot be more clear than that, and that is the issue we raise on this floor. We raise the proposition that the deployment of a major new missile system in targeted silos which can only be perceived as a first strike, with a first-strike mission what was perceived as a first-strike mission, is a first-strike mission, the technology drives the doctrine, and we shall not only have done what we have sworn we would never do, but we shall have done what a major community of the American religious community have declared to be immoral, which the great rationalists of the subject have declared to be insane.

I would quote a simple passage from McGeorge Bundy commenting on the Scowcroft report which he described "At once one of the best and worst state papers of the nuclear age." He said, and I wish there were just a few persons in this Chamber of a different view listening to us——

Mr. SARBANES. Will the Senator yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SARBANES. The Senator has just touched on an extremely important point.

The Catholic bishops engaged in an extended debate in the course of preparing their statement on nuclear war. It is one of the most important documents issued in recent years and I think we need to recognize that. What is happening is that careful debate and examination of these issues, which ought to be taking place in this very body of the Senate of the United States, is in fact occurring elsewhere out in the country.

The Senator from New York and, just before him, the Senator from Arkansas, made extremely effective presentations with respect to the issues before us. Those presentations call out for some response from the supporters of this weapons system.

Is the supporters' case so bereft of logic or reason?

Mr. MOYNIHAN. Or morality.

Mr. SARBANES. Or morality, that they cannot take the floor to expound it?

Mr. MOYNIHAN. I can say they do not.

Mr. SARBANES. We are not asking for a lengthy exposition. But some of the very people previously made statements, the logic of which ought to lead them to oppose this weapons system. Yet they are now supporting it, and they owe this body and the American people an explanation of that position.

At some point Members of this institution have to stop being like ships passing in the night and come to grips with these issues. Members ought to yield, not stand and read a statement that has been written for them, and they ought to be prepared to focus the issue and reply to question after question. This is a fateful decision. I have heard the Senator from New York make that very statement and it is time to come to grips with the issue and try to lay it out. It is an important decision for the country and an important decision for the Members of this body. The Catholic bishop have debated it in a way that reflects credit on them and on the whole notion of reasoned dialog. That is not happening here on the floor of the Senate of the United States. I do not think the supporters of the MX system have had a half-hour of substantive exposition of their position in the course either of this particular debate or of the legislation.

Mr. MOYNIHAN. In the confrontation, we have been here 6 days asking for that exchange and we have not

had it. I see other colleagues have risen but just in response to the Senator from Maryland, if I can restate a statement he included in the RECORD yesterday of Mr. McGeorge Bundy, who said:

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move in a cloud of consensus prose and good intentions to a nonsurvivable first-strike system? At the very least, the Congress should dig deeper then the commission or its sponsor.

At the very least, the Congress should.

Are we to see the Sovietization of American strategies occur without even comment from the world's most famous anti-Communists? I cannot imagine there are any in the world as widely renowned for their abhorrence of all Soviet doctrine than some of our colleagues, except the Soviet doctrine of first strike in nuclear war.

And where are they? Where are they? Look. You can base an MX racetrack on this Chamber, it has been so empty since we began this debate.

Mr. RIEGLE. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. RIEGLE. I thank the Senator for yielding. I rise to associate myself with the Senator's remarks, his very fine remarks, and also the remarks of the Senator from Maryland, because we have wanted to have this debate for some period of time. The other side on the issue, in very large measure the other side of the aisle, has challenged that. They have said that we were here to delay, that we were here with some purpose other than to have a serious debate.

We are here to debate. There are many important questions that need be addressed. I think the record should show that, on the other side, at a point at which we ought to be engaging in debate—this Chamber ought to be full and at least ought to have those advocates for this system on the floor—but, as I look at the other side of the aisle—and I think there are 54 Republicans in the Senate today—I see 1 present and I see 53 empty seats.

I take this to mean that the Senators who are supporting this cannot stand the heat of this debate. They are not able to come here and in any meaningful way defend this missile system, because it makes no logical sense on any ground, the grounds that the Senator cites, ranging from the morale ground to the arms control ground, across just to the sheer economics of what we are talking about here.

So I think the record ought to clearly show that the Senators who support this system, when it comes right down to the hard necessity of having to defend this issue in serious debate, are nowhere to be found.

I thank the Senator.

Mr. MOYNIHAN. I thank the Senator from Michigan.

Mr. METZENBAUM. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. METZENBAUM. I have been on this floor rather constantly during the entire period of this debate, not to the extent the Senator from Colorado has, but I attempted to observe what has gone on. I have offered some amendments.

Is it not a fact that this body, which is known as the greatest debating body in the world, has actually failed to enter into any debate whatsoever, notwithstanding the efforts of a number of our colleagues on this side of the aisle to explore the issue, and that we are dealing with a subject probably more serious than any subject that we will deal with during this entire session of Congress? We are dealing with whether or not our children and our grandchildren will live in a peaceful world or whether they will be consumed by nuclear confrontation.

Is it not a fact that the only response that we receive from the manager of the bill on the opposite side is that we, who have concerned ourselves and wanted to debate the merits of this issue, have been accused of dilatory tactics and delays, whereas we have totally failed in any response whatsoever, any meaningful debate, any intelligent exchange, any effort to explore the relations, but rather have only had a motion to set down, action pending at the moment, that, should this body decide to invoke cloture, would be ruled dilatory and does not strike at the very heart of the issue that has to do with whether or not there will or will not be funding for the MX?

Mr. MOYNIHAN. I think the Senator from Ohio could not be more correct. How painful it is to see a body, which has advertised itself, precipitately perhaps—we are ancient in our existence by the standards of most representative institution—but we have been a deliberative body. And when persons of good intentions rise on matters of the largest consequence, they have been able to assume that, as Senators in the Senate, they will be responded to. Silence will not be their answer.

You know, it does not follow because we hold these views that we are correct. It may well be we are wrong. It is possible our minds could be changed. No effort is made.

I suppose when I speak of the Sovietization of American strategy, one might almost begin by the degree to which the advocates of it are prepared to enter into a reasoned, open discussion thereof. The matter has been settled. It is not to be questioned. And those that question it may find themselves in exile.

Mr. SARBANES. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. SARBANES. I would say, in response to the Senator from Michigan, that one of the reasons that you do not hear supporters trying to make a substantive argument for this MX is this: Suppose the Senator had made a statement like the following, and I am quoting now:

By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at. The MX is of little use to us unless the Soviets are convinced that it can survive an attack.

If the Senator had made a statement like that not very long ago, do you think he could bring himself to come to the floor now and try to defend deploying the MX in fixed silos? Obviously, it would be very difficult.

I think that is part of the explanation. There is a real question whether there is any reason or logic that can be mustered for the system. If it is there, we ought to be hearing it in response to this question.

Mr. BIDEN. Will the Senator yield?

Mr. SARBANES. The Senator from New York has the floor.

Mr. MOYNIHAN. I do have the floor. I yield the floor to the Senator.

Mr. BIDEN. Who made such a statement? The Senator from California?

Mr. MOYNIHAN. As we have been very circumspect in this matter, I only made reference to persons not Members of the Senate. But the distinguished chairman of the Armed Services Committee made the statement, if I am not mistaken. My memory is fallible, but I believe the Senator from Maryland is quoting the distinguished manager of the bill.

Mr. SARBANES. Mr. President, I would say to the Senator from Delaware, suppose your Secretary of Defense, who is now advocating this program, had previously made this statement: "I don't think they"—meaning Minuteman silos—"can be hardened enough on a permanent basis to warrant putting MX missiles in fixed and known silos."

Suppose you had made that statement and were then called upon to defend this system?

Mr. BIDEN. I would think he would be a very good soldier in having such a pliable mind. He would be a good political ally to have. I would like to have a guy like that who would say whatever I wanted, I guess.

Mr. MOYNIHAN. Mr. President, I am sure every Senator standing is prepared to say: "All previous remarks are canceled. Can we discuss the matter at hand?"

We are not accusing anybody. We are just trying to say what a bizarre

thing we are doing and trying to make the point which they will not hear; that it does not matter what their intentions are, what matters is what are the perceptions in Moscow?

That is what makes the difference. The assessments that truly matter are those made in Moscow. They will see us doing something we have never done before and everyone said we would never do before. Doing that would be madness, given our doctrine. Now we are doing it. How can they not assume we have changed our policies, and the world is on a 30-minute notice to annihilation?

Mr. SASSER. Will the Senator yield for a question?

Mr. MOYNIHAN. I yield.

Mr. SASSER. For over 30 years now, for three decades, it has been my opinion that this Nation has relied on the concept that deterrence of nuclear war is best achieved if the Nation possesses an effective and survivable second-strike capability. Is that not the understanding of the Senator?

Mr. MOYNIHAN. That has been the avowed and explicit policy of every President.

Mr. SASSER. If I am not mistaken——

Mr. MOYNIHAN. Mr. President, may we have order? We are not having much debate with the Members who oppose us, but at least they could allow us to speak among ourselves.

Mr. SASSER. If I am not mistaken, this policy was laid down over 30 years ago by President Dwight David Eisenhower.

Mr. MOYNIHAN. That is precisely stated.

Mr. SASSER. I have heard it stated, I say to the Senator from New York, on this floor, either by himself or perhaps by the distinguished Senator from Arkansas, and I have read this in the literature, that 97 percent of these MX missiles in Minuteman silos would be destroyed by a Soviet first strike. Is that the case?

Mr. MOYNIHAN. The probability rate is from about 85 to 95 percent, yes.

Mr. SASSER. Then my question to the Senator from New York is, if we wish to save from destruction MX missiles in Minuteman silos, then we must move to a new doctrine. Would we not be forced to move to a doctrine of launch on warning rather than absorbing the first strike?

Mr. MOYNIHAN. The Senator from Tennessee is exactly right. It does not matter. With the technology in the end, we may, in fact, adopt that as doctrine after a long period of trying to avoid the reality. But the Soviets will assume we have adopted it the moment the first missile goes into the first silo.

Mr. SARBANES. If the Senator will yield on that point, there is a manager of the bill here, the distinguished Senator from Virginia.

It has now been asserted on the floor that a Soviet first strike at the MX would wipe out 85 to 90 percent of them. Does the manager of the bill dispute that?

Mr. WARNER. Mr. President, I would like to say, in response to this series of inquiries, that as chairman of the Subcommittee on Strategic Weapons we held 15 hearings, nearly 60 hours. The distinguished Member who is leading this filibuster was present at one hearing for 18 minutes. These subjects were thoroughly discussed at the hearings.

Mr. SARBANES. I will repeat my question. Does the Senator disagree with the assertion that a Soviet first strike would wipe out 85 to 95 percent of these missiles?

Mr. WARNER. The hearings covered this subject. The record is voluminous. I have no further reply.

Mr. SARBANES. I take it, then, that the Senator concedes that point.

Mr. MOYNIHAN. If the Senator from Virginia has no further comment, I might offer those of Gen. John W. Vessey, at the time the Chairman of the Joint Chiefs of Staff. He was asked about this in a hearing about the MX missiles that were then to be deployed in a heavily defended mode, not the existing Minuteman silos but in a heavily defensive mode.

He was asked, on May 5, 1983, just a few weeks ago, and how many would survive an attack in a defended, heavily defended, mode? The Senator from Delaware is on the floor. He and I have had a briefing about these matters, and we all know something of the technology involved.

How many would survive an absolutely hardened silo? Twenty-five percent, he said. Seventy-five percent would be destroyed and 25 to 30 percent would survive if we put immense efforts into defending them.

I just said what I have said here, if we put no effort into it, I estimate somewhere between 85 to 95 percent would be lost.

Mr. BIDEN. Will the Senator yield on that point?

Mr. MOYNIHAN. Yes.

Mr. BIDEN. I suppose we can ask and answer our own questions for the record, if we are not going to get answers from the managers.

I can answer the Senator's question. What was said to the Armed Services Committee in a letter by General Skrantz was that only 1 to 7 percent of the MX missiles in Minuteman silos would survive.

I think we are being unfair to our friends who support the MX.

You fellows are beating up on them. You are suggesting that they either do not know the issue, which I know they know, which is implicit, or that the proposal is that which the Senator from Tennessee is suggesting, that we are really moving to launch-on-warning.

I respectfully suggest that is not fair. There are three possible explanations. The first is the explanation given by the Senator from New York and the Senator from Tennessee, that, really, we are changing our doctrine. We are moving to a launch on warning doctrine. But there are two other equally plausible explanations.

The first is that it is a political necessity, that they have a problem within the Republican Party, that the rightwing of the Republican Party will not tolerate the notion that any major weapons system not be moved forward with.

If I were President of the United States, perish the thought, and the liberal wing of the Democratic Party was giving me a great deal of trouble and I was up for reelection, I might consider it not very politically wise, even though it may be right for America, not politically wise for my future to take on that portion of my party. That is a second possible explanation. I am not suggesting that is the one.

Quite frankly, there is a third possible explanation, and in my view is the most plausible one. That is that there are those within the administration and supporters of the administration who would like to see us move to a first-strike capability; that the combination of the MX missile and the D-5, even though we are only starting off with 100 MX missiles, combining the two and matching against the structure of the Soviet nuclear capability, leads anyone, reasonably knowledgeable in this area, to understand that we will be well on our way to acquiring a first-strike capability that would, in fact, be able to significantly—significantly—damage the Soviet Union.

I think there are those within this administration, not necessarily the President, who would seek a first-strike capability. So I think we are giving them a little bit of benefit of the doubt here that they do not deserve. That is that, in fact, what is going on here is the mild change of doctrine to launch on warning.

I would like to debate the question of whether or not what is at stake here is a fundamental change in our doctrine that has been proposed by some to suggest that we should acquire first-strike capability.

I think you are being unfair to them, suggesting there is only one possibility.

Mr. MOYNIHAN. If I may comment on what the Senator has just said, in the doctrine, if you will, there is now a serious discussion of the third strike. In this city they have been talking about the third strike.

There is the first strike that he referred to, a second strike coming back

but not in fact coming back because the adversary knows there would be yet a third strike. On the second strike, the second strike would not be overwhelming. A third strike would be in reserve and that third strike would be the incisive capacity.

I think he is onto something.

In order to think of a third strike you have to think of a first strike.

Mr. BIDEN. I agree.

I want to make it clear I am not saying that that is the position. I am not saying that I am positive that that is what is being suggested by those who support it. All I am saying is that we are being unfair when we suggest that there is only one explanation to the nondebate, nonanswer, nondefensible position. There may be more than one.

I yield to the Senator from Maryland.

Mr. SARBANES. Would the Senator perceive it to be rational then, for the other side, confronted with this change in doctrine, to seek to escalate their own preparations and their own armaments in the same direction?

Mr. BIDEN. I would assume that that would have to happen.

One of the things that amazes me when we discuss matters relative to the Soviet Union, whether it be in the Intelligence or the Foreign Relations Committee, both of which I happen to be on, is the way we assume on the one hand that the Soviets are the most conniving, the toughest, the roughest, the brightest folks out there, and in the same breath, we assume that they are stupid, that they would not reach a conclusion any reasonable man in this country would reach if faced with the same circumstances.

It is the same old argument we used to have, and the Senator was as deeply involved as I was, we used to have on SALT. We used to stand and hear people on the Senate floor say, "But the Soviet Union knows we would never use nuclear weapons." We believe that. I hope that continues to be our policy. But is it reasonable for the mythical reasonable man, assuming that he exists in the Soviet Union, to assume that the only country in the world that ever used nuclear weapons would never use nuclear weapons?

I find it staggering that, on the one hand, we ascribe to the Soviets capabilities that far exceed our own, both in a physical sense and in an intellectual sense, and on the other hand, we assume that there are no reasonable people in the Soviet Union who would draw the same conclusion any reasonable man in the United States would? That is the perplexing dilemma as far as I am concerned.

So, to answer the Senator's question, it is yes, I cannot imagine a Soviet planner sitting in the Soviet Union and saying, "Now, look, those good old boys over there in the United States of America, they have a weapon that is more powerful and precise, the combination of those two factors, than we have. They not only have one, they have two. They have this D-5"—which, by the way, this Senator from Delaware supports. That little old weapon is going to sit in a submarine, which we are so far ahead of them on now that it is laughable. That little weapon in a submarine has a new capacity. That is that it is incredibly accurate.

We used to always argue that the reason we cannot rely on any of these weapons in this counterforce jargon that we talk in, that they are, to use the jargon we all like to use to show we really know something about this, that the platform—a platform is a sub—the platform is moving. Therefore, if the platform is moving just a little bit, it knocks off the accuracy of the missile a little bit at the outset, but at the end point, it is way off. Therefore, we cannot rely on it.

Well, the ingenious people in the United States of America defense establishment came along and they figured out how to rectify that. Now we are developing this new D-5, which is one powerful weapon. That thing is not only powerful, it is extremely accurate. The accuracy is classified. But the Soviets have figured out that it is pretty accurate. And we are going forward with that program.

Now, in the same breath, we come along. You are a Soviet. You say, "Wait a minute, should we worry about that?"

Mr. MOYNIHAN. It could be a deterrent.

Mr. BIDEN. It could be something to worry about.

Mr. SARBANES. If the Senator will yield on that point, it could be a deterrent, because it is not subject to a Soviet first strike.

What about this MX? How could that be a deterrent?

Mr. BIDEN. Mr. President, that is what I am getting at. You are a Soviet and you see that coming along, which I support, the Senator from New York supports, and I hope everybody supports. Then we come along and say, "By the way. By the way, what we are going to do is build ourselves some MX missiles. And by the way, the only value that MX missile will have, the only utility it has is if the United States uses it first. Because they know that we know—we, the Soviets—they know that we know we can knock it out."

"Now, why would those dummies spend billions of dollars to put in old holes missiles we can blow away? Aha, those devious capitalists. What they do not realize is we are dumb sometimes, those devious capitalists. What they are about is building up, consistent with some of the rhetoric in the rightwing of the United States of America"—which we all say about them, "by the way, don't believe that, they really don't mean it." Every utterance every Soviet official makes that is warlike is offered to us in the Intelligence Committee as evidence of the fact that they intend to do it. Because we know they are bad.

But, you come along and the Soviet planner over there says, "Wait a minute. They have this new D-5. So that takes care of a vulnerability problem for them. But they are going ahead and building an MX. And they are putting that MX in a hole they know we can knock out, because we heard from General Skrantz and general somebody else and all of them that maximum 7 percent could survive. And we know they have budgetary problems. We know they have a big deficit. We know there is a lot of political pressure on them. But they are going ahead with this anyway. Golly, I wonder what they are going to do?"

We expect them to say, "Well, they are building it for a bargaining chip." If the real bargaining chip—and this is what worries me, I say to Senator SARBANES—if the real bargaining chip is the following, it scares the devil out of me. If the bargaining chip is that what we are implicitly saying to the Soviets is, "If you don't bargain, we are going to first strike," that is scary. But if the bargaining chip is what they say it is, "If you don't agree with us and work out an arms control agreement, we are going to build a useless missile," then we have to assume one of two things: Either that the American planners are stupid or the Soviet planners are stupid. We have to assume one of those two, I respectfully suggest.

But what worries me is, because I have learned to take this President at his word, he really might have a bargaining chip. And the bargaining chip is "If you don't, we move to first strike capability."

Now, that is the way some people in this town think. That is the way some people in this country think. And that is a prescription for annihilation. The same people who think that way are also the same people who talk to the Senator from New York and to me on that committee and to the Senator from Virginia and others on the defense committee and tell us that nuclear war is winnable. They are the same people.

What worries me, if I can take this a step further, and believe it or not, I believe it is logically consistent—I am prepared to be proved wrong. But what worries me on top of that is when you take the reasonable people who know something about arms control out of the arms control equation and you put in their place men and women who have made it for 30 years

their doctrine to suggest that arms control is tantamount to weakening U.S. capability.

Let me be more specific, and I sometimes am told it is not senatorial to be so specific, but let me be specific. We now have a man who is the funnel through which everything to the President must go on arms control who knows nothing about arms control, who does not even have the slightest—the slightest—pretext of having the remotest knowledge about arms control I refer to the distinguished judge from the great State of California.

So, when you add all of these things up, the Senator from Delaware gets worried because maybe these fellows who believe that nuclear war is winnable—and I am not suggesting that the Senator from Virginia believes this, and I am not suggesting that the Senator from Texas or any other Senator believes this, but we all know there are those in this town who do—when you add up that the people who are knowledgeable on the issue in this administration have been, which is my characterization and only mine, relegated to a position beneath those who in fact know nothing about the issue and then you add to that a theory that must assume that the Soviets are either stupid or that we are stupid, and you add to that the combined firepower that flows from an MX missile and a D-5—and I will acknowledge in case anyone wants to come and argue with me about this, I shall welcome it, but since they are not, I shall argue against my own case, I point out to you that the combination of only 100 MX's and D-5's in and of itself does not provide first strike capability. But it moves us a long way.

Now, what is going to happen to us if you watch the way this has unfolded? What will happen? One hundred MX missiles, the D-5. The Soviets then in turn will move every one of their new missile projects on line. Then we will be faced with the argument in the Senate that becomes a self-fulfilling prophecy. We will be told 100 is not enough, because in the meantime the Soviets have done A, B, and C, which some could argue would be reasonable in the face of our actions.

We are stepping onto a treadmill, and that treadmill is being run by the waters that flow from the minds of people who have an ideological bent on what the role of nuclear weapons is that is different fundamentally from what it has been in this country since the inception of the doctrine. So let us not kid anybody on this floor. What we are talking about is stepping onto something we cannot step off of.

It is a little bit like Latin America, if I can make a foreign policy analogy. We are told on the one hand that the Government cannot win in Nicaragua unless they get more help. We are told if they get more help, what will happen is that it is more likely the Cubans will move in than the Soviets. And we are told the only way they will not move in is unless we move in American forces. And the only way we can prevent them from moving in, unless we adopt the basic premise, is to commit American forces. If we commit American forces, we have committed ourselves to a conflict.

Now, you all think I am crazy maybe but read in the RECORD what I just said. I said it fast, but it is absolutely what the case is.

So where are we? We start off with a basic premise that is flawed, and we are starting with a basic premise that is flawed here. The basic premise that is flawed is that the Soviet Union will believe that the construction of 100 MX missiles in old silos, even hardened, old silos is designed to get them to yield on other issues and show the resolve of the United States of America to defend its interests.

Now, what more showing of resolve do we have to make beyond a budget of several hundred billion dollars in a time of economic difficulty, beyond continuing the rest of our weapons systems, beyond what is clearly the changed mood in this country to support increased defense capability? What makes us think that the Soviets are so stupid? And because they are, to overstate it in the interest of time, there are those who would suggest and I think history suggests—and I certainly defer to the Senator from New York on interpretations and knowledge of history, I mean that seriously, but it could be argued, I would say, that there is a strong dose of paranoia and anxiety which besets the Soviet mind that has not changed from czar through commissar, and so what is likely to happen if past is prolog, the Soviet Union, which fears our ingenuity above all else, fears our technological capability above all else—quite frankly, maybe even has more faith in it than we do—the Soviet Union, rather than concluding we are not very smart, will conclude that there is a second agenda, or as we say in politics a hidden agenda.

That is the treadmill that we are getting on, and I think it is tragic, it is absolutely tragic. That comes from a Senator who votes for covert actions, who votes for more money for the CIA, who votes for the Stealth bomber, who votes for the D-5, who votes for these systems, who cannot claim to be a God-fearing, peace-loving pacifist. I do not have claim to that. I do not feel that way. I feel very negatively about the Soviets. I do not like them a whole lot. I think they are bad guys and to really say something that will probably live with me the rest of my career, which may only be 18 months after this speech, I would suggest to you that if I had my way, if I could wave a wand and make them go away, I would wave it. I would wave it, and even though it would not comport with human rights, even though it would not be equitable and fair, it would not be moral, I would be an immoral man. I would wave the wand and put them on Mars. I would wave the wand and send them away. I would wave the wand and put them into a time warp that made it such that they did not exist in our century.

But short of being able to do that, I think it is critically important that we defend the vital interests of the United States of America.

The only way to defend the vital interests of the United States of America is to have the best, most reasoned men and women in this country arriving at the most logically consistent positions that do in fact bring about the result we are seeking. And the bottom line, to use an overly worked Washington phrase, the bottom line in my view is that short of the one explanation for the MX—and I see the Senator from Maine—there is only one, and he has come up with it—the only potentially reasonable—potentially, I add—explanation is to force this administration to put its lack of instinct—my characterization, not the Senator from Maine's—its lack of instinct for arms control before its demonstrated instinct for nuclear madness. That in fact is a fourth possible but only potentially reasonable explanation.

Mr. SARBANES. Why is that reasonable?

Mr. BIDEN. I said potentially.

Mr. SARBANES. Why should we have to build and deploy a system which is destabilizing in order to get serious consideration of arms control?

Mr. BIDEN. I will tell the Senator why. And obviously I am not speaking, God perish the thought, for my good friend from Maine, but let me tell the Senator why I think it would be remotely reasonable to adopt that position. I do not adopt it; I think it is flawed.

There is a feeling in this Chamber publicly held but also privately held, by I would argue a majority of Senators, that goes as follows: This administration, first, does not understand arms control, second, does not have any desire to pursue arms control, and third, if it had any political way of getting around it, would not even by talking about arms control now.

Now, if I am right in that assumption, then it follows that reasonable men could say, that being a disastrous policy, we should try to force this administration into a position where they put themselves into a mode of good faith negotiation that we in fact hope will bring about reasonable results because when the public light of day shines upon these negotiations,

the heat will also shine on them to force them to in fact negotiate arms control.

I believe it is the secret hope of those who pursue the President this way that they will never have to get to MX because I believe it is possible for them to believe that they can force the administration to negotiation, thereby casting public light and heat upon the administration in a timeframe that occurs more rapidly than that which is now occurring and occurs prior to the time of deploying a weapon that is useless to us.

I would argue, even though I think that is an incorrect analysis, that a reasonable man dealing with an unreasonable set of circumstances—the unreasonable set of circumstances being this administration's position thus far on arms control—that a reasonable man could say it is worth a try.

I do not believe it is going to produce the results suggested. I believe that what will happen is that the MX will get ahead of the curve; the MX will get ahead of the negotiating curve. The MX will get ahead of the pressure curve that is attempted to be built by reasonable Senators on both sides of the aisle. I think it is a real dilemma.

Mr. MOYNIHAN. Let me ask the Senator this, if I can recapitulate what he has said, because it is important.

He has made the proposal that there are people in the strategic planning circles of this administration and of this city who really have begun to think of the need for a first strike and have evolved in something the press has not reported—it will be a long time coming forward—evolved the notion that a third strike is the key event; that a first strike can be made, and then, as the adversary contemplates the second strike in the deterrence mode, they have to say, "That won't wipe out what remains. There will be a third strike coming at us. Therefore, stop it now."

Mr. BIDEN. Yes.

Mr. MOYNIHAN. The technology will begin to give a certain surface validity to that argument.

Mr. BIDEN. The Senator is absolutely correct.

Mr. MOYNIHAN. I point out what has already been said in public hearings: A launch on warning is one thing. General Vessey, in May, 2 months ago, said that even hardened Minuteman sites would lose 75 percent. He said the Soviets will have no assurance that we will ride out the attack.

That needs to be translated for the public. That means launch on warning. He does not mean that we might wait by the time half their missiles have dropped and we will let go what remains. Oh, no. That means launch on warning.

As the Senator knows, the radar situation is such that you pick up a flight at launch plus 10, you confirm it at launch plus 20, and you have 9 minutes to decide what to do.

Mr. BIDEN. That is right.

Mr. MOYNIHAN. We are here on our sixth day, and we cannot get anybody to talk with us.

It is the concept of a third strike. Nothing should be more clear, no matter what the long-term arms control objectives may be, that the worst possible way to deal with the Soviet land-based ICBM's is to duplicate them. That puts us on a hair trigger which we should not expect to survive; and if we do, it will be God's will, not our achievement.

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

Mr. MOYNIHAN. I yield.

Mr. SARBANES. Is it not the fact that we have not duplicated that mode and have instead proceeded, as the distinguished Senator from Tennessee said earlier, to rely upon a survivable second strike capability—is it not that basic decision, which the United States has followed for three decades, that has provided what degree of stability there is with respect——

Mr. MOYNIHAN. There has been a degree of stability. The weapons have not been used. The Senator from Maryland is right.

I hope the Senator from Delaware has 18 more years in this Chamber, not 18 months. What he has said tonight in this Chamber is profoundly serious.

It is painful to say that there are people who are not only drifting into a doctrine which is at odds with our experience and our intentions, but also, there are people who contemplate that.

Mr. BIDEN. At the risk of having this RECORD read to me, to my embarrassment, 2, 4, 6, 8, or 10 years from now, if I am still here, let me say one more thing.

I predict that if we stepped fully on to this treadmill, it is true, as night follows day, that the following initiatives will occur in short order: The initiative to eliminate, to abrogate, the ABM treaty, No. 1.

Mr. MOYNIHAN. Yes.

Mr. BIDEN. No. 2, the initiative to not sign the Nuclear Test Ban Treaty, underground or above ground.

No. 3, a proposal to rapidly escalate—because we will be required to—the notion of nuclear weapons in outer space. The reason why that will be required, I assume, is obvious on its face. However, rather than take too much of the Senate's time—I have trespassed on it too much already—let me just focus on the last point.

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

Mr. BIDEN. I yield.

Mr. SARBANES. I do not think the Senator has trespassed on the Senate's time. I think that the Senator has in a most cogent and perceptive way laid out the path down which this MX decision may well lead the country. That is why this is such an important decision.

It is not only the immediate implications of the decision, as unreasonable and illogical as they appear. It is also where it will take the Nation in terms of its strategic doctrine and thinking, what the response will be from the other side, and where we will end up one day. We do not want Members one day to stand up on the floor of the Senate and say, "We didn't know back then that we are going to end up here. Had we known, we never would have started down the path."

The Senator from Delaware is charting for this body where this may well lead us and why this is therefore such a critical decision, why the Senator from Colorado has tried so hard to focus some attention on the substance of this debate.

I asked the Senator from Virginia, who is managing the bill, whether it is correct that 85 to 95 percent of the MX would not survive a strike. I get the response that the committee had so many hours in markup, and the Senator from Colorado was not there for all of them.

He offered it and the able and distinguished Senator has fought this issue for 7 years.

So let us not criticize Senators individually. This is an important, substantive issue, and the Senator from Delaware is laying out very clearly where this decision may take the country. He is making a most important contribution to this debate.

The issues he has raised call for a reasoned response from the supporters of this system. They should address the issue now, because if they do not do so, there will come a day when the question will be put to them: "How could you have helped to lead us down that path without even looking at these questions and providing some sort of sane, reasonable, and rational answers?"

Mr. BIDEN. I thank the Senator for the compliment; but I hope I am wrong. I am not positive I am right. I am just stating where my mind thinks this leaves us.

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

Mr. BIDEN. If I may finish, I will yield the floor.

As to the point that the Senator from New York made relative to how we always around here use the phrase "hair trigger," the Senator from New York was very explicit in what that meant. He translated it to minutes. He translated it to time. I agree with his assessment.

But if he thinks, and I know he thinks way beyond this, but if those

who listen to him think that that is as bad as it will get they are wrong.

The reason why they are wrong is that if my conclusions are correct, that we will be, without any option, led down the road to an ABM system and led down the road to at least considering nuclear weapons in outer space and testing thereof; if I am right about that, then we should understand the second phase.

I do not want to be told by the opposition when I am not on the floor, that BIDEN said the MX vote is really a vote on nuclear weapons in outer space and how could he be so stupid. I am not saying this. I am saying that the logical effect of stepping on this treadmill with the MX will be to lead us at some point in the future to there.

Let me be explicit about why that worries me above everything else that has been mentioned thus far: we are in a situation where we possess a good portion, as I would argue the Soviet's might, a good portion of the technological capability and know-how with a dedicated program to put nuclear weapons in outer space. I would argue that it is—I will not get into it—but I would challenge any Senator in the Senate to refute what I just said and we go into closed session.

Mr. MOYNIHAN. He throws down the challenge.

Mr. BIDEN. I am not suggesting anyone in the Senate would disagree with that. But let us assume that one did. I invite him in closed or open session to debate that subject.

But if they do, as I assume, agree with me that that capability is in the offing—I am not talking about Star War weapons now; I am not talking about a super-duper laser going to melt—I am talking about good old fashioned nuclear weapons, just the good old kind we have now.

If that were the case, if I am correct in that assumption, we are not talking about a technology we have to wait 50 or 75 or 100 years for, then and if I am correct, that it would put us on the treadmill we are about to get on that at least drastically increases the prospect that we will entertain that notion, based upon what I would predict in closed session, I would predict the Soviet response would be to us getting on that treadmill, then what we have done is the following:

The Senator from New York has outlined for us in effect the lack of response time that would be available to us to react reasonably.

I might note, parenthetically, I know of only one and I am positive it was made public, when the board at Norad lit up like a Christmas tree and said, "They are coming, folks; it is on the way." There was a mild alert when that happened.

It turned out that we had enough time and redundancy within the system to find out that it was not an attack; it was a malfunction.

That is fine. We had a good solid 9 minutes, 12 minutes breathing room. We should feel real good about that.

Once you go to outer space, folks—and I am a lawyer, and I became a lawyer because I was not bright enough to do much else, so I am not suggesting that I have the great technological expertise, but as a member of the Intelligence Committee I prepared for the debate on SALT years ago. I sequestered myself for over 100 hours in that little room learning all about those things that fly up in the sky so I would not be faced with the argument from some of my conservative friends, "If you knew what I knew you wouldn't say what you just said right now," because I would say, and it is a presumptuous statement but to make the point I would argue that I know as much as anybody in this Chamber knows about those things up there.

Now, one of the things I was told is that there are certain rules of physics. When you take a missile, and it is in the ground, on a submarine, or in an airplane, and it starts off within the atmosphere, even, if it leaves the atmosphere and comes back in there is a certain amount of resistance and that certain amount of resistance slows things up. It does not fly at the speed of light, for example; there are certain inhibiting factors that are physical. It is very difficult to increase the speed with which those things travel. You can move in closer proximity thereby cutting down the time but the speed is changed drastically.

But when you move to outer space, you are not asking that missile to go from point A up in an arc and down to point B. You are just asking that missile to sit in the platform and wait until it gets on top and come straight down, poof, essentially straight down. The Earth is going to move; it is not quite straight down. It is essentially straight down. You cut down the time.

Now even though I did pretty well in math in school, I remember a geometry teacher I had who was an incredibly good teacher because he started out in my case, using the correct assumption, using the assumption you knew nothing; therefore, he started off and you did not have to pretend it. He saved you the embarrassment of saying, "Gee, I do not know what that means." He used to always say—he had hand motions, he always used and he used to stand there and say when he was explaining elementary geometry to us—he was also a baseball coach—everything he did with his hands—he said the shortest distance between two points, for the purpose of this course, is a straight line, and stand out like this with the hands. The joke about this guy, Coach Philliman, you would walk up to him, and now people out of school, we say, "Hello, Coach Philliman, how are you?" And we used hand motions.

That sort of sets something moving in most people's minds.

To make the case here, and I do not want to argue it in terms of the rules of physics which apply because there are certain circumstances that the straightest line may not be the shortest distance—I understand that—but for purposes of the folks reading this RECORD and people like me in the Senate who may not be schooled in the sciences as I am not, just picture it is a shorter distance. You can start off with high speeds and you are dropping straight down.

Now what you are doing is you are talking about reducing the time to minutes. Some will argue even less than 10 minutes. When that happens, you develop a new system to detect whether or not those things are coming.

Now, the second thing happens and that is where we get to ABM—we get to ABM long before that—but whatever the system is the ABM in place or whatever it happens to be, we then say if it is only 5, 7, 10 minutes to respond, how can we continue the illusion, that the judgment whether or not to fire a nuclear weapon will be one made by an individual person, the President of the United States of America? A lot of people take solace in the notion that the President is the only one who can say, "Push the button."

That is why, when you see the President riding horseback, there is another guy riding horseback, clippety-clop, he has a little black box. It is not for show, it is not like Richard Nixon walking down the beach with the Presidential seal on his jacket, it is not an ego trip. It is real. Who thinks that once we get to the point, if we get to the point I am suggesting is the point we end up with, if we get on this treadmill of having weapons in outer space, who believes there is any longer a human component in whether or not we annihilate mankind? What happens then when the 2001 version of the 1980 malfunction of the Norad system occurs? How do you check in time and get to the President in time to make the judgment whether or not to use nuclear weapons because whether or not we say that there has never been a doctrine of launch on warning, we have all known it would be totally unreasonable for any President not to anticipate the possibility that would be it, even though it is not doctrine.

What does a President do? Does he sit there and wait? Does he say, "Golly, I wonder whether they are going to knock them all out. I will sit and see if I am still here 12 minutes from now and if I am then I will respond."

I do not think that would be the case. But anyway, we would have moved so far by then that we will have to yield, and this is some argument, this is engaging in hyperbole, but I really and truly give you my word I believe when we get to the point that we will have yielded the fate, the decisions on the fate of the Earth, to a machine, to a computer.

I will acknowledge that there is reason to argue, reasonable men can differ with me on the following proposition, which is the thesis of my whole argument here: That is, once on the MX treadmill, we are eventually in outer space figuratively and literally. That is possible. I could be wrong, I may be wrong. I pray God I am wrong. But once you get to that point, if they are right, we have changed the whole notion that reason can impact upon whether or not the Earth survives, unless you assume that the reason programed into a computer is now the definition of reason.

Mr. MOYNIHAN. I think that was a moving and chilling proposition and a persuasive one.

All the logic is there and I would remind my friend from Delaware of Leon Trotzky's observation, "He who says A says B," and when we started down that sequence, there is an inherent logic and a dreadful one.

Mr. President, because the launch on warning issue has been raised, I would like to ask unanimous consent to place in the RECORD at this point the statement by General Vessey, a report of his testimony, that the Soviets have no assurance that we will ride out the attack, which is to say the Norad syndrome that was earlier described.

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

[From the New York Times, May 6, 1983]

SHIFT OF STRATEGY ON MISSILE ATTACK HINTED BY WEINBERGER AND VESSEY

WITH MX VULNERABLE IN SILOS, THEY SAY, QUICK REPLY MAY BE NEEDED

(By Richard Halloran)

WASHINGTON, May 5.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, acknowledging that MX missiles in existing silos would be vulnerable, raised the possibility today of edging United States policy toward a strategy known as launching under attack.

Under this strategy, the President could order United States nuclear forces to fire at the Soviet Union immediately after the initial warhead of a Soviet attack had been detonated, but before the nation had absorbed the full brunt of the Soviet missiles.

Secretary of Defense Caspar W. Weinberger and the Chairman of the Joint Chiefs, Gen. John W. Vessey, Jr., repeatedly told a Senate committee that MX missiles deployed in existing silos would be vulnerable only "if we ride out the attack" without retaliating.

SOVIETS HAVE NO ASSURANCE

At one point, General Vessey said, "The Soviets have no assurance that we will ride out the attack."

Official United States policy for more than 20 years has been to absorb a full nuclear strike before firing back, to minimize the chances of accidental war, but declarations of the policy have left open the option of launching under attack. Today's testimony gave new emphasis to that option and was the most visible exposition of the possibility since the Reagan Administration took office.

In recent years, leaders of both American political parties have asserted that United States missiles have become vulnerable to Soviet attack. That has led to more discussion of launching under attack to permit missiles to be fired and thus escape destruction.

Mr. Weinberger and General Vessey encountered much skepticism in the Senate Appropriations Committee, where members wanted to know why they should vote to spend $16.6 billion for the Administration's MX plan when only a few missiles might survive a Soviet strike.

The Administration plans to build 223 MX missiles, of which 100 would be deployed in silos now housing Minuteman missiles in Wyoming and Nebraska. Mr. Weinberger said the rest would be used for training, testing and spares.

HE SAYS 25 PERCENT WOULD REMAIN

Several senators noted that Administration officials had repeatedly testified those silos were vulnerable to Soviet attack, asserting that MX missiles would be equally vulnerable. Mr. Weinberger agreed, saying, "They are vulnerable. Everything is vulnerable because of Soviet accuracy."

When Senator Alfonse M. D'Amato, Republican of New York, asked how many would remain after a Soviet strike, General Vessey said that 25 percent to 30 percent of the missiles would survive in reinforced silos "if we ride out the attack."

Mr. Weinberger chimed in, "If we ride out the attack, that would be sufficient for deterrence." General Vessey then observed, pointedly, "The Soviets have no assurance that we will ride out the attack."

Other senators suggested the Administration was moving toward a strategy of launching under attack, but Mr. Weinberger said he would not discuss in public policies on the release of nuclear weapons.

Another policy sometimes discussed has been that of launching United States missiles once sensors have indicated that Soviet missiles are on their way but before they hit, or launching upon warning of an attack.

Over the years, advocates of a strategy of launching under attack have contended that it would add to deterrence because Soviet planners would know they faced certain retaliation; that it would be economical because it would not be necessary to have costly reinforced silos, missile defenses or mobility and deception; and that technology has advanced enough to make the system reliable.

Opponents have argued that launching under attack would increase the possibility of war by accident since the President could not be certain that an attack had actually taken place rather than an accidental enemy launching; that it would be destabilizing because the Soviet Union would assume that the United States might mount a first strike, and that no technology would ever be absolutely reliable.

The official policy has been to deny reliance on the strategy but to leave open the option on the ground that the uncertainty left in the minds of Soviet leaders would add to deterrence.

Nevertheless, as American political and military leaders have come to accept the contention that no large, static, undefended missile can be secure on the earth's surface, there has been a gradual movement toward serious consideration of the strategy.

That tendency appears to have been accelerated with the increase of missiles launched from submarine and the deployment of Soviet medium-range missiles aimed at Europe and the planned deployment later this year of United States Pershing 2 missiles in West Germany aimed at the Soviet Union. All have relatively short flight times, 8 to 15 minutes, against the 30 minutes of an intercontinental missile.

In the late 1960's, Secretary of Defense Melvin R. Laird refused to entertain public discussion of the issue as it might generate fear that the policy could be adopted.

But Secretary of Defense James R. Schlesinger, in a 1975 report to Congress, said that whether the President would launch Minuteman missiles before they were struck, "no one, including the Soviet planners, can foretell in advance of the actual decision."

Secretary of Defense Donald H. Rumsfeld, in a similar report in 1978, said: "The President can obviously commit any or all of these three forces to their missions with or without warning of an attack." The three forces were the intercontinental missiles, bombers and missiles launched from submarines.

Mr. MOYNIHAN. I see my friend from Maine——

Mr. RIEGLE. Will the Senator yield?

Mr. MOYNIHAN. I would be happy to yield.

Mr. RIEGLE. I thank the Senator for yielding.

I would join him and associate myself with his observation about the remarks of the Senator from Delaware who, I think, has done the Senate an enormous service this evening by tracking through the logic that underlies the direction that has been proposed, and I think is the ultimate conclusion of what will follow if we go forward here with the MX decision.

I want to also observe how completely over the last 2 hours the proponents of the MX have gone into hiding. They have not been here, not been willing to engage on this issue. In fact, if we could hide the MX as well as the proponents have gone into hiding, I think we could solve the basing mode problem. It is the greatest disappearing act since we lost Jimmy Hoffa in Detroit several years ago, and I just want to say in addition in response to, a nonresponse from the Senator from Virginia the following—and I have great regard for the Senator from Virginia and I like him very much and so I do not want to be misunderstood on a personal level, but when the question was addressed to him by the Senator from Maryland as to the issue as

to what the technical information is as to the survivability of the MX and the response was a nonresponse, a response to the effect that there was a voluminous record, and there was a willingness to give a meaningful and technical response, I think that is unacceptable. I think that is unacceptable in behalf of the managers of the bill. I think it is unacceptable in terms of the proponents of this legislation. It is not sufficient for the manager of the bill to come out here and appear in person but be unwilling to respond in a pointed way to these questions.

Mr. SARBANES. Will the Senator yield?

Mr. RIEGLE. Yes, I yield.

Mr. SARBANES. Not only was there a nonresponse to a specific question but there was a wholly unjustified attack on one of our colleagues. It was completely apart from the question that had been put and there was no reason for it. I was surprised and distressed to hear it.

Mr. RIEGLE. I want to just say in addition to that, I want to join the Senator from Maryland in that comment as well and that is that I think the reference to any other Senator, whether it be the Senator from Colorado or anyone else, is absolutely irrelevant to this debate. It not only insults that Senator, it insults all Senators and anybody who engages in that, be they a committee chairman or anybody else, I think in the end lowers their own stature and lowers the stature of this institution.

The fact of the matter is this issue ought to be debated and decided on the merits and the people who favor this thing owe this country their presence on the floor to address these specific issues item by item, and if it takes hours or it takes days they ought to be here on an issue of this magnitude.

I again want it noted that they are not here and they are not here because their arguments are weak, their arguments will not hold up in the face of the kind of debate that this issue demands, and it is a sad day that that is the case.

Mr. COHEN. Will the Senator yield?

Mr. RIEGLE. I yield the floor.

Mr. COHEN. I would just like to take this opportunity to perhaps respond to one narrow subject matter for the time being and that is the allegations about the motivation of any Member of the Senate.

Yesterday on the Senate floor I tried to indicate that as far as I was concerned the Senator from Colorado has done the country a great service, that I think this is an important debate that is taking place and that he has talked to me about this issue for 5 years. He has talked about the need to move away from land-based large MIRV'd systems and as I mentioned yesterday, that was before Henry Kissinger wrote his article in Time magazine, before AL GORE, JR., of Tennessee raised the issue in his debate over on the House floor which I commend him for.

The Senator from Colorado was talking to me about it when I first came on the Armed Services Committee 5 years ago. So I think any suggestion that somehow this is coinciding with, or suggests being motivated by, his political aspersions is without foundation.

I indicated yesterday that any connection between the two happens to be coincidental. He would have raised this issue whether he was running for some other office, and so I do not join with those who would try to cast any aspersions upon the Senator from Colorado. I think this is a very healthy debate and, frankly, as I said yesterday, my support for the MX is quite tentative and I stand by the very words I spoke with Senator NUNN a year ago when we were dealing with missiles in fixed silos. There is no question they remain vulnerable. We have not reduced the vulnerability one bit.

I was going to add a point to the Senator from New York's observation that General Vessey has said the Soviet Union could not be sure that we would ride out an attack. That is not unique with General Vessey. The Senator from Colorado knows, since he sits on the same committee as I do, that statement has been made by every Chairman of the Joint Chiefs since I have been here. It was made by Harold Brown, the Secretary of Defense under the Carter administration. At every hearing we had on a mobile basing system for the MX, the question was always raised the same way. The Soviets could not be sure that we would wait to ride out a first attack. So that is not a unique thing with this administration or with General Vessey. That is something which has been part of the planning doctrine, at least the public statements of our Joint Chiefs, since I can recall.

But the other issues I think are legitimate. I think you do raise questions about vulnerability. I was not here to listen to the debate about whether it is 75 or 80 percent, and, frankly, I am not sure how far we can go or have gone in discussing charts and what has been revealed in closed briefings, but it is close in terms of whatever we are talking about in the range, yes. It is a very real possibility on a preemptive strike that so many of the Minuteman and I presume the MX missiles could, in fact, be destroyed.

And I do not think anybody can negate that. A question has been raised, could they engage in a preemptive attack on the United States at this time? The administration has come forward and the Joint Chiefs have said no, because they do not have the capability of launching a strike against the ICBM's and the bomber force simultaneously, and in all probability will not have that capability for 10 years. But that is a different issue. That is somewhat different than whether or not they have the capability of targeting silos at this time, and they do. I do not think anybody can disagree with that particular point.

Mr. HART. Will the Senator yield?

Mr. COHEN. Yes.

Mr. HART. The Senator from Colorado was not on the floor when reference was made to him by our colleague from Virginia. I regret that, because the normal course of conduct of the Senate is that if reference is made to another Senator it is done in that Senator's presence. I have only, therefore, a secondary report of what was said.

Apparently, it is a part of a—well, I will not say a pattern—but a series of incidents about the Senator's attendance or nonattendance in subcommittee hearings or committee sessions. There seems to be an occasional, if not systematic, attempt to make that the issue rather than whether this country ought to produce and deploy the MX missile.

I will not refer further to the Senator from Virginia because he is not now here, but I regret that he did not make whatever statements he made when the Senator from Colorado was here to respond.

Second, I regret that whatever pattern seems to have evolved in that regard with personal reference or efforts to sidetrack the substance of the issue from its substance to an individual Senator's attendance or nonattendance, or votes or nonvotes, both on the floor, and may I say in the press galleries, as well, is indeed unfortunate.

I wish to say to the Senator from Maine, my very good personal friend, that I very much appreciate what he said tonight and what he said the other day. I appreciate those remarks very much.

Mr. TOWER. Will the Senator from Maine yield?

Mr. COHEN. Yes.

Mr. TOWER. Mr. President, I think we can expect that there will be record votes tonight. I suggest that there might be a unanimous-consent agreement propounded to set aside the pending amendment to deal with other amendments, one or two of which might require record votes and in all probability will require record votes.

Senators have been inquiring about this throughout the evening. I thought I should say that for the benefit of Senators who are trying to make their plans for the evening.

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. BAKER. 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. BAKER. Mr. President, first, I should say to Senators, as I believe our respective cloakrooms perhaps already have, that we will be in for a while tonight. I do anticipate that there may be record votes tonight. We will be in tomorrow. I anticipate votes tomorrow. That is the bad news.

The good news, Mr. President, is that we are trying hard now on both sides of the aisle to negotiate an arrangement to bring us to final passage of this bill. That agreement has not yet been reached. There are a lot of stones to turn, a lot of clearances to be obtained, before such an arrangement can be produced. But a good faith effort on both sides is underway.

I am at least mildly optimistic that something may be worked out. I do not believe it will be worked out tonight. I think for a variety of reasons it is not possible to get an agreement this evening. I have an idea that progress will be made on tomorrow. A unanimous-consent request may be propounded shortly after we convene tomorrow. There is already an order for the Senate to convene at 10 a.m.

I feel sure our respective cloakrooms will solicit the views of Members on the shape and form of the agreement that we are trying to put together.

So, Mr. President, there are likely to be votes tonight and tomorrow.

Mr. President, in a few moments I will offer two more cloture motions. That is in no way to gage the idea that indeed we may get an agreement. I have conferred with the minority leader, Senator HART, and Senator TOWER that on the chance, maybe a small chance, that our agreement does not work out, I need to have these motions on file.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion on the committee amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 the committee amendment in the nature of a substitute for S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard H. Baker, Jr., Ted Stevens, Jake Garn, John Warner, John P. East, Don Nickles, James Abdnor, Slade Gorton, James A. McClure, Richard G. Lugar, Frank H. Murkowski, Nancy Landon Kassebaum, David Durenberger, Rudy Boschwitz, John Tower, Malcolm Wallop, Warren B. Rudman, Strom Thurmond, Thad Cochran, and Jesse Helms.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a second cloture motion pertaining to S. 675 and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Howard H. Baker, Jr., Ted Stevens, Jake Garn, John Warner, John P. East, Don Nickles, James Abdnor, Slade Gorton, James A. McClure, Richard G. Lugar, Frank H. Murkowski, Nancy Landon Kassebaum, David Durenberger, Rudy Boschwitz, John Tower, Malcolm Wallop, Warren B. Rudman, Strom Thurmond, Thad Cochran, and Jesse Helms.

Mr. BAKER. Mr. President, once again, let me say that I fully expect that the Senate will be in session for a while yet tonight. I think there is a good likelihood that there will be rollcall votes yet today. The Senate will be in session tomorrow beginning at 10 a.m. I fully anticipate rollcall votes tomorrow as well.

There is a cloture vote ordered for the morning, Mr. President, but as I indicated earlier, the negotiations that are underway may produce an agreement for a time certain for passage. If it does, I shall propose to ask for unanimous consent to vitiate that order. I shall not do that at this time, but I am hopeful that that may be possible.

Mr. McCLURE. Will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. McCLURE. Did I understand the Senator to say that if such an agreement is reached, it is not going to be reached tonight, that it will be sometime tomorrow before it is reached?

Mr. BAKER. Mr. President, it cannot be done tonight. There are too many clearances to be obtained, too much distance to be traveled. I am optimistic that it can be done shortly after we reconvene tomorrow.

Mr. NUNN. Mr. President, will the Senator yield for a brief question?

Mr. BAKER. Yes.

Mr. NUNN. Does that mean we shall not know tonight whether we are going to have a vote on cloture tomorrow?

Mr. BAKER. Mr. President, I am afraid it does mean that. We all tried very hard to get the arrangement worked out tonight so the request could be propounded. But for good and sufficient reasons, it appears to both Senator BYRD and me that it would not serve a good purpose to make that request this evening.

SENATOR PRESSLER RECEIVES GOLDEN GAVEL AWARD

Mr. BAKER. Mr. President, I observe that a little over 10 minutes ago—at 7:40 this evening, to be exact, the distinguished occupant of the Chair completed his 100th hour presiding over the 98th Congress, making him the first recipient of the Golden Gavel Award for this session.

I remark also that the Senator has accomplished this in the recordbreaking time of only 7 months. It is an indication of great dedication by the occupant of the Chair to the service of the Senate and I congratulate him for it.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued consideration of the bill (S. 675).

Mr. TOWER. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. Yes; I yield.

Mr. TOWER. I have on my list two amendments to be offered by the Senator from Minnesota (Mr. BOSCHWITZ), one possible amendment by Senator CHAFEE that has to do with intelligence, which I think we can dispose of tonight; one by Senator LEVIN on spare parts and consumables, and one by Senator HELMS on a peace-through-strength resolution. I should like to do all of those amendments tonight. I think they can be done tonight. They may not even require record votes, but I am not confident that they will not. As a matter of fact, I am reasonably certain that one will. If we could dispose of those amendments tonight, I think there are no other amendments that Senators intend to offer.

Mr. BAKER. Mr. President, I join with the manager of the bill in urging that we do as much as we can tonight.

Mr. TOWER. I think it will impact adversely on the attempts to get a con-

sent agreement tomorrow if we do not get them out tonight. Too, Senators should be on notice that they will be barred after tomorrow if the consent agreement is not objected to, and they had better get over there and do this stuff tonight.

Mr. BAKER. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. TSONGAS. Mr. President, I should like to speak on an issue that has not gotten very much attention. That is the MX missile. I am sure everybody is very anxious to hear the new arguments that can be made on that particular item.

Mr. President, I am proud to join my colleague from Colorado in a debate of the most controversial weapons system of modern times—the MX missile. It is fully correct and prudent to engage the undivided attention of the U.S. Senate on the MX program.

The MX is much more than the innocuous sounding strategic modernization program its advocates lay claim to. It represents an escalation of serious proportions, a commitment in U.S. dollars and technology which will lead to outcomes I do not believe the Senate fully appreciates. We must debate this issue; we must explore its implications and its necessities; we must step away from the fusillade of special interests and lobbying groups and truly contemplate in the finest tradition of the Senate, what it is we are being asked to do.

This is an enormous task, both in scope of the data and the depth of analysis. Each of us, I think, brings their own special perspective to this debate, and I have listened with great interests to the presentations of my colleagues on both sides of this question. I will not duplicate their remarks—my purpose today is to explore what has come to be known—for good or for worse—as the bargaining chip theory of the MX missile.

My views of the MX program have had a long evolution, matching the ancient origins—1973—of this missile. At first, the missile was justified as a modernization of the Minuteman, but that was quickly replaced by the so-called window of vulnerability. I then heard from an array of experts who carefully set out for me the steady growth of counterforce ICBM's in the Soviet arsenal. By 1979, when I assembled a 25-member group of defense advisers from Massachusetts, the "window" was described as about to open. Each year thereafter, I was informed of the new increments which were bringing our ICBM's to a theoretical if not actual, vulnerability to the new breed of Soviet ICBM's, the SS-19's and SS-18's. In 1980, candidate Ronald Reagan formally opened the window to its full extent, declaring for all our vulnerability and, without much thought at all, our strategic inferiority.

The MX was, of course, to be the answer to this problem. The MX would be deployed in such a way that it could survive an all-out Soviet first strike, thereby repairing the large gash in our fabric of deterrence. I adopted a position of support for MX research and development, subject to a satisfactory basing mode.

The basing mode, as we all know, was a problem as soon as the MX was conceived. Presidents Ford, Carter, and now Reagan have proposed an astounding number of schemes, each of which lacked credibility in one crucial dimension or another, and each of which added to the growing skepticism of the missile's value among experts and laymen alike.

SALT II, negotiated by three Presidents, seemed to hold the possibility of a solution to the window of vulnerability. By virtue of the ceilings it placed on the Soviet missile force, it seemed possible to build a deceptive, mobile-basing mode which Soviet warheads, under SALT II limits, would be unable to overcome. I vigorously supported SALT II, and at that time I could visualize my support for deploying the MX with SALT II ratified.

That vision of strategic harmony did not survive Jimmy Carter's Presidency. Candidate Reagan and others saw their way clear to attack SALT II and ultimately defeat the treaty. This was justified as some sort of shock therapy to a nation grown tranquilized by arms control. The Soviet threat, the critics reasoned, was so dangerous that only an arms race would stop them. SALT II, with all those complicated limits, sublimits, and definitions, deserved burial in a diplomatic cemetery. Let the buildup begin—that was the sentiment and the battle cry. SALT II did not survive that attack.

It was a great victory for those conservatives opposing arms control, but it also took the baby with the bath water. Suddenly, there was no arms-control cradle for the MX. No limits on Soviet missiles, no limits on warhead fractionation, no ratified SALT II. How then was the MX to stand alone? How then to close the window of vulnerability? How then to justify $20 to $30 billion worth of missiles for which there was no available home? That was when my patience with the MX began to wear thin.

And that was when now President Reagan began his rhetorical campaign against the Soviet Union, against the nuclear freeze, for limited nuclear war, and for U.S. nuclear superiority. Gen. Ed Rowny was his choice to negotiate with the Soviets in Geneva. Al Haig launched hypothetical nuclear warning shots in Europe and arms control stood still. But not the MX.

In October 1981, the President canceled the Carter plan for multiple protective shelter basing and recommended an interim basing plan for 40 MX missiles in superhardened existing silos. That proposal antagonized nearly everyone, including the chairman of the Armed Services Committee, and was doomed from the start.

A year later, in November 1982, the President announced a second plan—the so-called dense pack configuration by which 100 MX missiles would be deployed in a closely spaced basing mode at Warren Air Force Base in Wyoming.

Dense pack did not survive the year. Congress stopped procurement subject to its approval of a new permanent basing mode. The President appointed the Scowcroft Commission to bail him out of his MX dilemma. The Commission's recommendation for basing 100 MX missiles in old Minuteman silos is now before us.

And lo and behold, the window of vulnerability is gone, evaporated, vaporized. General Scowcroft and his distinguished bipartisan panel of experts have simply asserted that it does not exist. In its place sit 100 MX missiles and an unratified arms-control treaty.

This has been a lengthy introduction to the announced subject of my statement, the bargaining chip theory of the MS missile, but it is pertinent.

The history of the MX is inextricably joined with the history of arms control. Different in this respect from other large systems, the fragile consensus for the MX has rested in large part on an assurance—namely that the missile was not the opening round in a new strategic arms race, but the closing of an asymmetry in the two superpower arsenals. And once this asymmetry was resolved through a combination of deployment and arms-control negotiations, the arms-race spiral would be contained. In this way, MX would be part and parcel of an integrated approach to our strategic security, a carefully negotiated framework of stability and peace. Or so the story went. Certainly events did not. And now we must deal with the MX under a new host of arms-control uncertainties.

Given the new awarness of nuclear war and the anguish among millions of our people that nuclear weapons directly causes, we can no longer look at strategic modernization as a dry, technical alteration in our force structure. The Western World is in the midst of an upheaval of popular concern. What might have happened 10 years ago—a

new nuclear weapon built and deployed without a whisper of dissent—is simply unimaginable now. I am thinking of how MIRV'ing of our ICBM's, a truly significant escalation, occurred without any major expression of popular opposition. And given the MX and its promise of new strategic instabilities built into a heavily counterforce missile strucure, even the experts must pause and consider the perils of new nuclear weapons outside of and unconstrained by effective arms control. We are on the brink of a new era in nuclear weaponry, and in my view, and perhaps the Scowcroft commission's view, we cannot proceed without an aggressive, imaginative negotiating posture. Arms control is of the essence—it is absolutely central to our security and to the future of the MX.

I do not think the President has absorbed this reality just yet. Many around him have, many here in Congress have, but his perceptions of the United States-Soviet competition do not accommodate arms control easily. His view of the Soviet union and its people seem grounded in visions of monolithic national character overlain by a brutal, almost inhuman, ideology. These images are only correct at the widest, and the simplest, levels of generalization. The Soviet state and its leadership are capable of nuance, flexibility, and negotiation, albeit in pursuit of interests often hostile to the United States, but nonetheless the capability is there. It has been demonstrated.

Let us return to the MX and arms control. There is obviously a credibility problem here. The President has asked for the MX to help him pry an agreement from the Soviets in Geneva. He and others in his administration claim they need the MX as a bargaining chip or in their words "leverage" with the Soviets to reach an agreement. The implication is that, in Secretary Shultz's words, "everything is on the table" in Geneva. The MX, like our ABM system of 1972, would be used as a true chip to gain an agreement precluding a new round in the nuclear arms race. That is what I and others in this body were asked to believe.

This brings us to the Scowcroft Commission and its findings. It is on that foundation of expert consensus that the President makes his case for the MX and arms control. The Commission recommended deploying 100 MX missiles in Minuteman silos; it also called for vigorous strategic-arms-control efforts; and it selected a small, single warhead missile as the logical follow-on to the MX, both for deterrence and arms-control reasons. I want to go into this report in some detail on two issues—ICBM vulnerability and the MX as a bargaining chip.

The report selected an MX option long favored by some strategic planners—deploy them in existing silos. These planners have for their own reasons concluded that ICBM vulnerability has been overstated due to the enormous uncertainties of a first-strike strategy faced by Soviet strategists. The theoretical accuracies of the SS-18 and 19, according to this line of thinking, are far enough removed from an actual, reliable capability that we need not restructure our ICBM force to counter it. Yet the asymmetry in land-based forces exists and must be dealt with. The reasons are essentially political and psychological. The asymmetry may lead other powers to believe the Soviets are stronger; it may affect our own decisionmaking in a crisis; and an unresolved asymmetry suggests a weakening of national will.

The Scowcroft Commission did not take that precise tack. It would have been, I am afraid, too large a fig leaf to remove. So, instead of dismantling the myth of Soviet ICBM accuracy, the Commission identified scenarios in which the MX would survive a Soviet attack and retaliate. In other words, they said the MX is survivable in spite of Soviet ICBM accuracy. The scenario goes like this and I quote:

> For example, if Soviet war planners should decide to attack our bomber and submarine bases and our ICBM silos with simultaneous detonations—by delaying missile launches from close-in submarines so that such missiles would arrive at our bomber bases at the same time the Soviet ICBM warheads (with their longer time of flight) would arrive at our ICBM silos—then a very high proportion of our alert bombers would have escaped before their bases were struck. This is because we would have been able to, and would have, ordered our bombers to take off from their bases within moments after the launch of the first Soviet ICBM's. If the Soviets, on the other hand, chose rather to launch their ICBM and SLBM attacks at the same moment (hoping to destroy a higher proportion of our bombers with SLBM's having a short time of flight), there would be a period of over a quarter of an hour after nuclear detonations had occurred on U.S. bomber bases but before our ICBM's had been struck. In such a case the Soviets should have no confidence that we would refrain from launching our ICBM's during that interval after we had been hit. It is important to appreciate that this would not be a "launch-on-warning," or even a "launch under attack," but rather a launch after attack—after massive nuclear detonations had already occurred on U.S. soil.
>
> Thus our bombers and ICBM's are more survivable together against Soviet attack than either would be alone. This illustrates that the different components of our strategic forces should be assessed collectively and not in isolation. It also suggests that whereas it is highly desirable that a component of the strategic forces be survivable when it is viewed separately, it makes a major contribution to deterrence even if its survivability depends in substantial measure on the existence of one of the other components of the force.

Later in the report, the Commission concludes that ICBM vulnerability is "not a sufficiently dominant part of the overall problem of ICBM modernization * * *" making ABM or dense packs basing unnecessary. The reason cited for this conclusion is stated as follows:

> This is because of the mutual survivability shared by the ICBM force and the bomber force in view of the different types of attacks that would need to be launched at each, as explained above (Section IV.A.)

In other words, no matter how the Soviets might attack our bomber bases and our ICBM's, they would give the game away and allow us time to use either our bombers or our ICBM's before they were hit by Soviet missiles.

This is a curious and tortured logic to justify a $26 billion investment. First of all, the Commission concedes in a footnote that "an attack in which thousands of warheads were targeted on our ICBM fields but there were no early detonations on our bomber bases from attack by Soviet submarines" would destroy all our ICBM force, MX, and Minuteman.

Second, this logic applies to any U.S.-land-based missile, not exclusively the MX. The Minuteman would be just as survivable under these scenarios as the MX. For many years MX proponents have been saying that our existing ICBM's would be vulnerable to an all-out Soviet attack. The MX in a survivable basing mode was proposed to counter that vulnerability. We have always known that our bombers would have sufficient warning to take off from their bases and therefore survive such an attack. That argument was never invoked to justify MX, because it could not.

To say that either our bombers or our ICBM's could survive a Soviet attack merely restated a truism—that ICBM's based on land are a valuable leg of the triad and a crucial complement to our bomber force.

I accept that, most experts accept that, and of course the Commission accepts it. But that argument alone does not justify MX. Nor for that matter does it address the issue of Soviet ICBM accuracy and the theoretical vulnerability of our Minuteman force. It simply skirts it by redefining vulnerability—as a bomber/ICBM problem, as opposed to a strictly ICBM problem.

So the question becomes, why do we need 100, 10-warhead, 200,000-pound, highly accurate replacement missiles for 100 Minutemen? The Commission sets out its rationale. I submit that the rationale is overwhelming political and perceptual, which will take us directly to my subject—the bargaining chip theory of the MX missile.

The Commission argues that we must demonstrate to the Soviets "national will and cohesion" by deploying the MX. Second, we must "assure our allies that we have the capability and

will to stand with them." Third, our Minuteman force is not new and will need rehabilitation. Fourth, we need a big payload missile in case the Soviets deploy an ABM, a step now prohibited by SALT I. And last, the MX is needed to persuade the Soviets to negotiate seriously in Geneva, that is, the bargaining chip we have been discussing here today.

Three of the five rationales are perceptual and political. The MX, with its hard target capability, is for the Commission more a symbol of U.S. resolve than a breakthrough in capabilities. True, the MX is more accurate than the Minuteman and true it would add some 900 new warheads ro our inventory but it is clear that the Commission regards these technical advances as a primarily political device. Indeed, the final conclusion of the Commission is essentially a political one. "Finally the Commission is particularly mindful of the importance of achieving a greater degree of national consensus with respect to our strategic deployments and arms control." One hundred MX missiles are in that context, a political compromise between 200 MX missiles, the original program, and no MX missile.

So, we are urged to spend $26 billion to demonstrate national will to the Soviets and our allies, and to help us bargain in Geneva. For all the expense and all the perils of this highly controversial missile, only one of these rationales for it could possibly convince me, and that is the bargaining chip theory. If the MX is truly a necessary bargaining chip to help us reach a far-reaching arms control agreement in Moscow, it should be considered. Unfortunately, this administration makes it impossible for me to come to that conclusion.

What is the promise the bargaining chip holds out for us? In the words of the Scowcroft Commission:

First, arms control negotiations—in particular, the Soviets' willingness to enter agreements that will enhance stability—are heavily influenced by ongoing programs. The ABM Treaty of 1972, for example, came about only because the United States maintained an ongoing ABM program and indeed made a decision to make a limited deployment. It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployments if we unilaterally terminated the only new U.S. ICBM program that could lead to deployment in this decade. Such a termination would effectively communicate to the Soviets that we were unable to neutralize their advantage in multiple-warhead ICBM's. Abandoning the MX at this time, in search of a substitute would jeopardize, not enhance, the likelihood of reaching a stabilizing and equitable agreement. It would also undermine the incentives to the Soviets to change the nature of their own ICBM force and thus the environment most conducive to the deployment of a small missile.

That is an eloquent statement and one with which I agree. The ABM Treaty of 1972 is the precedent for the START talks, and it is worth repeating here what happened. Both the Soviets and the United States were developing highly expensive and questionably effective antiballistic missile systems. On the eve of the successful culmination of the ABM negotiations, the U.S. Congress fully funded the ABM program, knowing that it was under discussion at the ABM talks. As we know, the Soviet and American delegations agreed not to deploy more than one limited ABM system each. The U.S. program and its Soviet counterpart were effectively stopped in their infancy and that particular path for the arms race was never followed by the superpowers.

The Commission urges that the MX should be regarded similarly. We, in the Congress, should support the MX program knowing that our negotiators might trade it away for an ever more secure balance of Soviet-American strategic forces.

And that is essentially what the administration was trying to have us believe until Dr. Adelman, Director of the Arms Control and Disarmament Agency unveiled the deception.

It was a delicate balancing act to promote the MX as a bargaining chip without explicitly saying so. On June 15, Secretary Shultz appeared before the Committee on Foreign Relations and asserted that the President had placed "all strategic systems on the table" in Geneva. In a letter to Senator COHEN, the President promised to "constrain the number" of MX missiles "to the minimum" and asserted that the level of MX deployment "will be influenced by Soviet strategic programs and arms reduction agreements."

Already suspected of harboring anti-arms control sentiments, the administration made these assurances and implied the MX bargaining chip with limited, but yet substantial success. The Senate and the House supported the 100-missile deployment in Minuteman silos in May.

Last month, Dr. Adelman ended the guessing game. In a closed briefing to the Foreign Relations Committee, he set out in detail the exact role the MX could play in the Geneva talks. That briefing was classified, so I cannot discuss the number or conclusions presented by Dr. Adelman.

The next day, however, the chairman, Senator PERCY, and I were surprised to receive an unclassified letter from Dr. Adelman, which sought to clarify his remarks in the closed hearing of the previous day. Let me read the letter to my colleagues.

DEAR MR. CHAIRMAN: At yesterday's hearing, Senator PELL asked whether under any circumstances the United States would be prepared to give up the MX program?

The following is my answer for the record: "The President has made clear that the scale of MX deployment will be influenced by Soviet strategic programs and arms reduction agreements. The MX is the U.S. response to a massive buildup of Soviet ICBM's over the last 10 years, and unless the Soviets are prepared to reverse this build-up and forgo their heavy and medium ICBM's, the United States will go forward with MX."

I have sent letters to Senators PELL and TSONGAS, who inquired extensively about this matter.

It was signed by Dr. Adelman.

The critical phrase is of course ". . . unless the Soviets are prepared to reverse this buildup and forgo their heavy and medium ICBM's, the United States will go forward with the MX."

I suppose that Dr. Adelman regrets having written that letter on two counts—for one, it reveals to the Soviets a bargaining position which can only reduce the effectiveness of our START delegation in Geneva. And second, it sets out terms for the bargaining of the MX which are patently unnegotiable with the Soviet Union. Far from a bargaining chip, the MX, according to Dr. Adelman, is the sine qua non of our strategic program. In return for the nondeployment of MX, the Soviets would have to dismantle SS-18's, 19's, and 17's, a staggering proposition involving 1,000 U.S. warheads to be exchanged for over 5,000 SS-18, SS-19 and SS-17 warheads.

Deputy Secretary of State Kenneth Dam testified a few days later. He attempted to restore the ambiguity on the bargaining chip issue, as did Secretary Shultz, but no one disavowed the Adelman letter. It must stand as a blunt expression of the U.S. negotiating posture.

The key question haunting the President and his administration is and will be the depth of his commitment to arms control. This problem preceded the current MX debate and has found expression time after time in one misstep or misstatement after another, each casting doubt and suspicion on the arms control agenda of the President.

It is a distressing list beginning with the long delays before the President presented arms control proposals to the Soviet Union in Geneva, the constant stream of cold war rhetoric directed against the Soviet Union, the nomination of General Rowny to head the START delegation, the accelerated decline and demoralization of the Arms Control and Disarmament Agency, the refusal to support the already signed Threshold Test Ban and Peaceful Nuclear Explosion Treaties, the long hiatus in bilateral talks on antisatellite weapons, the reports from Geneva of acrimonious and fruitless exchanges between General Rowny and his Soviet counterpart, Mr. Karpov, not to mention the Adelman nomination itself which said volumes

about the importance of arms control to the President.

Seen in that light, the MX story is not all that surprising, but nonetheless, the administration's arms control cloak on the MX is striking in its transparency. The chip status for the MX is, in my view, a charade. The justifications for deploying the missile have been stripped down to a slender argument about perceptions and marginal improvements in capability.

On the other side of the issue, the MX is troubled by questions regarding its high value status as a target for Soviet missiles, its hair-trigger tendencies due to that high target value, and its contribution to an eventual first strike U.S. capability. The MX has been called a destabilizing weapon by its critics. It also must be said that the Soviet ICBM program is destabilizing and must be curtailed through negotiations.

I have always thought that the MX could make a contribution to our security if it were creatively joined with an arms control outcome. I no longer see that possibility under the Reagan administration. I will vote in favor of Senator HART's amendment.

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. TOWER. 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. TOWER. Mr. President, I ask unanimous consent that the amendment by the Senator from Texas and the perfecting amendment thereto by the Senator from Virginia be temporarily laid aside, that the Senator from North Carolina (Mr. HELMS) may offer an amendment, and that on the disposition of that amendment, the Senate return to the consideration of the Tower-Warner amendment.

Mr. TSONGAS. Mr. President, reserving the right to object, and I do not believe I shall object, but let me just clear it with the minority leader.

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

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

Is there objection to the request of the Senator from Texas?

Mr. TSONGAS. Mr. President, reserving the right to object, I would have no objection as long as it was agreed to that the Senator from Nebraska (Mr. EXON) would have a chance to respond to the amendment prior to any final action on the amendment. He is on his way over.

Mr. TOWER. Mr. President, let me put it this way, that if the amendment is to be brought to a vote that we would give him the opportunity to comment.

Mr. TSONGAS. Apparently he wishes to speak on it whether it comes to a vote or not. He is on his way over. I suspect by the time the sponsor's speech is over he will be here.

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

The PRESIDING OFFICER. Is there objection to the Senator's unanimous-consent request? The Chair hears none, and it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 2062

(Purpose: To express the sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength)

Mr. HELMS. Mr. President, I thank the Chair, and I thank the distinguished floor manager of the bill.

I have amendment No. 2062 at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and others, proposes an amendment numbered 2062.

Mr. HELMS. Mr. President, if the Senate will forbear, I am going to do the unusual. I am going to ask that the clerk read the entire amendment very slowly, so that it can speak for itself.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

At the end of the committee amendment, add the following new section:

SEC. .

To express the sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength.

The Soviet Union has exploited United States peace initiatives in order to build up Soviet strategic and conventional warfare capabilities;

These capabilities have given the Soviet Union the means to support worldwide aggression of an increasingly bold nature;

There is a basis for concern that the Soviets may use these capabilities in armed aggression in Pakistan, Iran, and Yugoslavia;

The Soviet Union has demonstrated an unwillingness to live by the principles of international law;

The United States is the one world power that can stop Soviet expansionism; Now, therefore, be it

The sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength, the general principles and goals of which would be—

(1) to inspire, focus, and unite the national will and determination to achieve peace and freedom,

(2) to achieve overall military and technological superiority over the Soviet Union,

(3) to create a strategic and civil defense which would protect the American people against nuclear war at least as well as the Soviet population is protected,

(4) to accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or which locks the United States into a position of military inferiority,

(5) to reestablish effective security and intelligence capabilities,

(6) to pursue positive nonmilitary means to roll back the growth of communism,

(7) to help our allies and other non-Communist countries defend themselves against Communist aggression, and

(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

The PRESIDING OFFICER (Mr. JEPSEN). The Senator from North Carolina.

Mr. HELMS. Mr. President, I express my appreciation to the clerk for having so ably presented the text of this amendment.

As I said at the outset, the amendment speaks for itself. I mention, however, that a total of 54 Senators are cosponsoring this amendment. Just to have it as a matter of record, let me identify the 54 Senators. In addition to this Senator from North Carolina, they are as follows:

Mr. SYMMS, Mr. HATCH, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LAXALT, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MATTINGLY, Mr. MELCHER, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. QUAYLE, Mr. PRESSLER, Mr. PRYOR, Mr. RANDOLPH, Mr. ROTH, Mr. SASSER, Mr. STEVENS, Mr. TRIBLE, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. ZORINSKY, and Mr. RUDMAN.

Mr. President, our Nation's security is severely threatened, and an important step to correct the severe threat to America's security is for the Senate to pass the peace through strength amendment.

Soviet military and political leaders have been stating since 1971 that the correlation of forces in the world's military balance has shifted in favor of the Soviet Union. Red Star stated frankly on January 15, 1980:

With respect to the military balance, the correlation of forces has shifted—once and for all and irrevocably.

Most American defense experts agree that the Soviet Union has achieved overall military supremacy over the United States and its allies. In addition, both President Reagan and Defense Secretary Weinberger confirmed that dangerous fact in the spring of 1982. The President stated in a news conference on March 31, 1982:

> The Soviet Union does have a definite margin of superiority—enough so that there is what I have called . . . a window of vulnerability.

The next day, Defense Secretary Weinberger stated, "unfortunately, it is true." The Soviets have now gained acknowledged strategic nuclear superiority, acknowledged theater nuclear superiority against NATO, the People's Republic of China, and Japan, growing naval superiority, and substantial conventional, general purpose forces superiority.

Soviet overall military superiority is very dangerous to U.S. national security, especially if crisis or war should be threatened. The Chief of the Soviet General Staff, Marshal Ogarkov, stated ominously in a January 1982, book:

> Prompt and expeditious shifting of the Armed Forces and the entire national economy to a *war footing* and their *mobilization deployment* in a short period of time is much more critical today . . . we should accompany our steps toward peace with maintaining *maximum military preparedness.* (Emphasis added.)

Clearly, Marshal Ogarkov believes that Soviet military superiority will intimidate democratic leaders in the free world.

I urge Senators to support adoption of the peace through strength amendment, as one means of deterring Soviet power. The amendment will provide strong political and legal backing for American national security programs designed to restore a U.S. margin of safety.

Mr. President, I would again emphasize that this resolution has strong bipartisan support, with 54 cosponsors. It is a resolution for which, in my opinion, a consensus already exists in this body.

Moreover, it has the full support of the administration. It has been endorsed in letters from the President, the National Security Adviser, the Secretary of Defense, the Assistant Secretary of State on behalf of the Secretary, and the Chairman of the Joint Chiefs of Staff. It truly expresses our national policy and national will.

Mr. President, I ask unanimous consent that letters from these officials be printed in the RECORD at this point, together with an article from "Washington Report."

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

THE WHITE HOUSE,
Washington, October 15, 1981.

Mr. JOHN FISHER,
President, American Security Council,
Boston, Va.

DEAR JOHN: I am pleased to hear that 273 Senators and Representatives, a bipartisan majority of the Congress, have now joined the Coalition for Peace Through Strength Caucus. This is an important milestone in having the Resolution passed by both Houses of Congress.

I am also encouraged to hear that seven state legislatures have already passed the Resolution.

As an early member of the Coalition for Peace Through Strength, I supported the Resolution, and it was incorporated as part of the 1980 Republican Platform.

Passage of the Resolution by both Houses will be a powerful symbol of bipartisan support for our national security programs, which are designed to restore the margin of safety to our military power.

I assure you that I will sign the Resolution after it is passed by Congress and look forward to hearing of the Coalition's continuing good works.

With my best wishes,

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, September 16, 1982.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: I understand that you and many of your colleagues intend to offer a resolution at this time reaffirming the "Peace Through Strength" language, which was incorporated into the 1980 Republican Party Platform.

As the President said when the Resolution was considered last year, "Passage of the Resolution by both Houses will be a powerful symbol of bipartisan support for our national security programs, which are designed to restore the margin of safety to our military power."

Sincerely,

WILLIAM P. CLARK.

DEPARTMENT OF DEFENSE,
Washington, D.C., September 16, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I understand that you, together with a large number of co-sponsors, are preparing to introduce the Peace Through Strength Resolution in the Senate. The passage of this Resolution will again demonstrate the strength of bipartisan support for the President's national security programs, which are designed to restore the margin of safety to U.S. military power. The Department of Defense strongly supports the intent and purpose of this initiative. We appreciate the effort you and your colleagues are making to express so effectively the support of the Senate for a strong defense program.

CASPAR WEINBERGER,
Secretary.

SEPTEMBER 27, 1982.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: The Joint Chiefs of Staff have consistently maintained the view that the security of our country and peace in the world can only be preserved if the defense of the U.S. are strong. Bipartisan support for the passage of a Peace Through Strength resolution will send a clear signal of this Nation's commitment and resolve to continue to provide for the common defense. We appreciate and support your initiative.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. DEPARTMENT OF STATE,
Washington, D.C., September 22, 1982.

Hon. JESSE HELMS,
U.S. Senate.

DEAR SENATOR HELMS: Thank you for your letter of September 20 concerning the Peace Through Strength Resolution.

From the outset, this Administration established as a national priority the correction of important shortcomings in our defense posture. As the President's very difficult budget decisions reflect, we are committed to strengthening our defenses. This Administration will never accept an inferior position, recognizing that our national security and that of our Allies is at stake. A strengthened defense posture is essential to the successful conduct of our foreign policy,and is thus a critical ingredient in maintaining peace and stability in today's troubled world. It is also essential to the achievement of the balanced, verifiable and effective arms control agreements the President has proposed—agreements which would substantially reduce strategic and intermediate-range nuclear forces, and conventional forces in Europe to equal levels on both sides.

Passage of the Peace Through Strength Resolution would provide a strong measure of support for our military programs, and our arms control objectives, which are so important to the cause of peace.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for
Congressional Relations.

[From the Washington Report, October 1982]

THE NEED FOR A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH

(By John M. Fisher)

The most common complaint about U.S. defense and foreign policy over the past 35 postwar years has been that it is reactive and only in defense of the status quo. We have had no positive, unifying goal and thus no strategy.

On the other hand, the Soviet Union and its Communist bloc allies have the goal of a world socialist state, and they have an overall strategy for achieving it.

U.S. GOAL ESTABLISHED

President Reagan, in his speech to the British Parliament on June 8th, established the long-needed, unifying goal for the United States.

He began his talk by reviewing the failure of the Communist economic and political system everywhere in the world. He noted, for example, that 20 percent of the workforce in the USSR is engaged in agriculture; yet Soviet agriculture cannot feed the people.

He stressed that the Communist regimes in Eastern Europe, despite 30 years of control, have not yet been able to risk elections. In a memorable phrase, he declared: "Re-

gimes planted by bayonets do not take roots."

The President, pointing toward a new political order, declared that the world was at a turning point, that the tide had turned against Communism, and that a "democratic revolution is now gathering new strength." At a later point, he spoke of a "global campaign for democracy now gathering force."

He called on open and free societies to "take actions to assist the campaign for democracy."

The President made it plain that Communism cannot be overcome without effort, risk, and an organized strategy for the free world.

He said, ". . . we must not hesitate to make clear our ultimate objectives and to take concrete actions to move towards them." He added, "The objective I propose is quite simple to state: To foster the infrastructure of democracy. . . ."

Speaking for the United States, he said, "It is time that we committed ourselves as a nation—in both the public and private sectors—to assist democratic development."

In regard to the role of military power in this process, he said, "Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used." In the contest between democracy and Communist totalitarianism, the "ultimate determinant," he said, will not be bombs and rockets but wills and ideas. He described the struggle as "a trial of spiritual resolve," and at stake were "the values we hold, the beliefs we cherish, the ideals to which we are dedicated."

President Reagan has long endorsed the adoption of a national strategy of peace through strength.

A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH

There are eight basic principles inherent in a national strategy of peace through strength. These principles will serve to clarify the direction of the strategy and the basis of some of its details, and they will serve as a yardstick to evaluate competing programs and initiatives. Unless the United States speedily adopts such a strategy to coordinate its national security efforts, it is doomed to ineffectual policies, uncoordinated responses to Soviet aggression, and ultimately, a great growth in the power and influence of the Soviet Union.

These eight principles are:

1. Inspire, focus, and unite the national determination to achieve peace and freedom.

Public support is necessary if the United States is to implement a national strategy of peace through strength. It is a democracy, and no major policy can long be followed in the face of strong popular opposition.

But, adopting a national strategy that will influence the entire range of U.S. defense and foreign policy, including issues of such public concern as trade and military acquisition, will require far more than simple public acceptance. It must be vigorously promoted and explained.

As far as possible, all U.S. initiatives should be justified publicly in terms of their relation to the national strategy. This implies that not only will the U.S. government have to involve the isolated and compartmentalized foreign policy community with the public, but also that the entire basis for the current system of classifying government secrets will have to be reworked to share with the public more facts about the Soviet threat.

The advantages of informing the public will be enormous. Public support for U.S. defense and foreign policy has often weakened, because the people simply did not understand the realities it was based on. This lack of understanding not only has given rise to opposition to a particular policy, but also has weakened public support of defense and foreign policy as a whole.

The need to justify defense and foreign policy initiatives to the public in terms of how they further the national interest would also improve policymaking.

In short, by forcing the defense and foreign policy community to clearly identify and express U.S. national priorities and goals, a national strategy of peace through strength would not only rally the American people behind the government, but would also prove a powerful incentive to improve the quality and coherence of national policy initiatives.

2. Achieve overall military and technological superiority over the Soviet Union.

A "global campaign for democracy" must be based on the principles of strategy which utilize all elements of national strength—political, military, and economic—in achieving national goals.

Democracy does not need military power to win the fight for the minds of men. Democracy needs nothing more than energetic advocates and a world political environment in which it can demonstrate its superiority.

The key to a peace through strength strategy is to achieve our goals without armed conflict. To do this, we must deter the Soviets from starting a war.

History shows that only superior war fighting capability can deter an aggressor. Forces that cannot win cannot deter.

The United States can have a superior war fighting capability without the cost of across-the-board numerical superiority if it exploits advanced technology such as the cruise missile and space based laser.

In a recent speech at the Army War College, Secretary of Defense Weinberger summarized the need for strengthening United States military power. He said ". . . in dealing with the Soviets, peace must be purchased with strength."

3. Create a strategic defense and a civil defense which would protect U.S. citizens against nuclear war at least as well as the Soviets defend their citizens.

Since the early 1960's, the United States has structured its military forces and designed its strategies in keeping with a concept called Mutual Assured Destruction (MAD).

According to the MAD principle, the U.S. and the Soviet Union will be equally deterred, and therefore secure, if the population and industrial centers of both nations are defenseless and can be easily destroyed by either in a nuclear first strike or a retaliation. According to MAD, the absence of defensive weapons enhances deterrence.

As a matter of policy, therefore, the United States has scrapped nearly all its defenses. We have no defenses against Soviet ballistic missiles and only a few aged fighter interceptors to defend against Soviet bombers.

This MAD concept was never accepted in the Soviet Union.

The Soviets have built a modern, nationwide anti-aircraft defense system with a small Ballistic Missile Defense force around Moscow, backed by the missile defense capabilities of some of its anti-aircraft missiles (SAMs).

Over and above these active defenses, the Soviets have a very large civil defense or passive defense system. The Soviets have spent billions of dollars to build blast and fallout shelters for political and industrial leaders and key workers in and around major Soviet cities. And, they have detailed plans for the evacuation of cities in the event of a nuclear war.

It is intolerable that the Soviet government should conscientiously provide for the survival of its people while the U.S. government makes no effort at all to defend its people.

Using advanced technology, the United States can and must defend its citizens against the horror of nuclear war. For example, the Government Accounting Office has strongly advocated a satellite-based laser defense.

4. Accept no arms control agreement which in any way jeopardizes the security of the United States and its allies, or which locks the United States into a position of military inferiority.

In few areas has the lack of a national strategy had more disastrous results than in arms control. Beginning with the SALT I treaty of 1972, the United States has entered into numerous agreements with the Soviet Union that are unbalanced, self-ensnaring, unverifiable, or not enforceable. Because there is no overall standard by which treaties can be evaluated in the context of a total strategy, political leaders have found it easier to heed those advisors who counsel accommodation, appeasement, and unilateral disarmament.

But arms control is important—too important to be negotiated without reference to a clear overall strategy.

For example, it makes no strategic sense to bargain away the right (and responsibility) of the United States to defend its citizens from Soviet nuclear missiles.

Arms control can only be one of many means to reach the goal of establishing peace and freedom. It is not a goal in itself. Arms control on its own cannot create stability, but it can help to maintain stability already established, while reducing the probability of war occurring, the costs of maintaining deterrence, and the levels of damage should deterrence fail.

5. Reestablish effective security and intelligence capabilities.

Good intelligence is central to any nation's security, yet over the past ten years ferocious and disabling assaults have been made on the capabilities of the U.S. intelligence services to carry out clandestine data collection, engage in covert operations, or coordinate counter intelligence.

A national strategy of peace through strength requires the most accurate information possible, not merely for foreknowledge to forestall moves by the Soviet Union and other adversaries, but also to defend against terrorism and other internal security threats.

The United States should therefore rebuild its intelligence and internal security capabilities.

6. Pursue positive, nonmilitary means to roll back the growth of Communism.

In his notable speech to the British Parliament on June 8th, President Reagan offered "a plan and a hope for the long term." He called for ". . . the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history, as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people."

In the closing paragraph the President said: "Let us now begin a major effort to

secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny."

It is the positive note which is so vital in that statement. A successful strategy cannot be static. Our society, values, and way of life have been targeted for extinction by the forces of Soviet Communism, and cannot be preserved merely by attempting to maintain the status quo.

Under our value system, military force can only be used to defend the status quo when it is militarily threatened.

Communism is an ideology that has achieved its greatest successes by playing on mankind's best aspirations. It must be fought—and ultimately defeated—by having its abuses and brutal nature exposed, and by being countered by better and more honest ideas. In the end its own victims will eliminate it, a day which will come more quickly if American strength is available to blunt or prevent Soviet employment of naked force.

Once again, a focusing of the national will is a crucial precondition to forging effective policies in this area. The United States cannot convince a skeptical world of its good intentions and probability of survival if its own people are not united behind a goal and a strategy to achieve that goal.

Nor is it possible for the United States to lower its voice about the dangers posed by the Soviet system without losing much ground. In the past, U.S. policies, whether containment or detente, were based upon the hope that the Soviet Union would eventually moderate its ideology as it experienced American good will. Instead, the Soviet Union has grown more assertive and more imperialistic as its military strength and aggressive momentum have increased.

A key tool available to the United States in rolling back this Soviet momentum is communications. Chief among them are the radios—Voice of America and Radio Liberty/Radio Free Europe—and satellite television, which can reach into areas barred to other forms of American influence.

Other forms of communications should not be overlooked, including overseas libraries, language and cultural instruction in American schools, exchanges, art, and entertainment.

To date our communications have been among the most effective means of spreading the Western values of freedom and democracy, even with the minimal official encouragement they have received. This should be greatly expanded and focused.

A second means of rolling back the influence of Communism is to describe the shambles its "scientifically planned" economy makes of the lives of its citizens. Merely the existence of well-made Western merchandise is a destabilizing influence in Communist systems, which are forced to explain away their own shoddy products. Of more importance is the disruption "centralized planning" causes in the Soviet Union, where meat is rationed; or Poland, where food is rationed; or Cuba, where everything is rationed.

The greatest weakness of all in the Communist system should be exploited—its total denial of freedom to its citizens. Walls have to be built to contain people within the Soviet system. This fact should be more than enough to totally alienate all nations of the world except for those that have adopted their own form of repression.

But our lack of a strategy and our inability to explain our motive for foreign policy initiatives have in many cases opened the United States to charges of hypocrisy. Few nations are willing to believe the lack of coordination in U.S. policy is due to ineptness.

In short, the national strategy of peace through strength is built upon the understanding that military force is simply not appropriate for actions beyond deterring attack or containing aggression. The offensive role in a U.S. national strategy must be carried out by non-military means which will take many years to bear fruit.

7. Help our allies and other non-Communist countries defend themselves against Communist aggression.

The emphasis on consensus and coordination that a national strategy of peace through strength places on the formulation of American foreign policy also holds true in relations with our allies. The struggle with the Soviet Union is by no means bilateral—every nation not already in the Soviet orbit is ultimately threatened by its expansionism. Therefore it is clearly in the U.S. national interest to provide appropriate assistance to other nations whose independence or security is threatened.

By strengthening alliances and supplying aid to other nations sharing the U.S. strategic predicament, the national strategy of peace through strength not only addresses problems of U.S. security, but also demonstrates that the United States is a faithful partner whose political system deserves emulation.

8. Maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

A key element of the Soviet Union's strategy is to gain control over overseas sources of raw materials and the routes for transporting them to the industrialized heartland of the West.

Yet, in few areas is the division between the United States and its allies so acrimoniously displayed as that of economic policy.

It is difficult for some Western leaders to understand why the establishment of Soviet political control over a region should be of concern, for this seldom results in access to markets being cut off. For example, Angola sells most of its oil to the United States, and Cuba its agricultural products to Europe.

It is an important premise of the national strategy of peace through strength that these differences must be resolved by explaining and publicizing the long-term consequences of a failure to secure access to vital sources of raw material. Unless this is done, the short-term self-interest of the corporations and governments concerned will continue to undermine the enormous leverage and power which could be applied by the economic system of the West.

The most effective area of competition with the Soviet Union should be in the economic field.

However, the United States and Western Europe have helped the Soviet Bloc avoid the impact of its own inefficiency by extending massive credits and loans.

The best way to accelerate the process of Communist decline, as described by President Reagan, is to let the Soviet system fall of its own weight by sharply reducing this subsidization.

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

Mr. HELMS. I am delighted to yield to my friend from Texas.

Mr. TOWER. Mr. President, as the Senator from North Carolina knows, I am a very strong supporter not only of the resolution but also of the whole concept, which I have been talking about for the 22 years I have been in the Senate. It is not an original idea, but one that many of us felt at the time should be expressed in a more or less official way.

So the amendment of the Senator from North Carolina, right now, is very timely. I suggest that it should be treated as a freestanding resolution, and I would be willing to give the Senator from North Carolina assurance that if it were introduced in the Senate, we could give it speedy consideration in the Armed Services Committee, with an eye to reporting it in a reasonable time.

Mr. President, I misspoke myself. It has been submitted and is currently referred to our committee, so it is there. We will hasten the process.

Mr. HELMS. Mr. President, that was the point I wanted to make.

I say to my friend from Texas that I would prefer that this be considered as a freestanding piece of legislation. The assurance he has given me of an early markup on the measure is very encouraging.

How many members are on the Armed Services Committee? Eighteen, I believe.

Mr. TOWER. The Armed Services Committee has 18 members.

Mr. HELMS. Ten members of the Armed Services Committee are cosponsors of this amendment.

I say to the able manager of the bill that I in no way wish to complicate or frustrate the earliest possible resolution of the pending authorization bill. Therefore, with the assurance he has given me, I not only willingly but also gratefully accept his offer, and I thank him.

With the assurance of the Senator from Texas, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. 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. TOWER. Mr. President, I ask unanimous consent that the pending business, the amendment of the Senator from Texas and the perfecting amendment thereto, be temporarily laid aside to consider an amendment by the Senator from Michigan (Mr. LEVIN). On the disposition of that amendment, the Senate return to the consideration of the amendment of the Senator from Texas.

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

The Senator from Michigan.

AMENDMENT NO. 2082

(Purpose: To direct the Secretary of Defense to issue regulations relating to the purchase of spare parts and replacement equipment when the cost of such parts and replacement equipment has increased above a certain percentage threshold established by the Secretary)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2082.

Mr. LEVIN. 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 part of the bill, add the following general provision:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

Mr. LEVIN. Mr. President, I offer this amendment on behalf of Senator COHEN and myself. This amendment directs the Secretary of Defense to limit the cost growth in the purchase of spare parts by establishing a higher standard of personal accountability for each and every contracting officer responsible for accepting or rejecting price increases proposed by defense contractors.

The Defense Department's own Inspector General, in a very recent draft report, has outlined that the Defense Department is paying millions of dollars, probably hundreds of millions of dollars, too much for spare parts. This draft Inspector General's report not only lays out how such problems occur but also details prices paid for specific items and the growth in those prices from 1980 through 1982.

The findings of the Inspector General should absolutely amaze and, I would hope, discourage everybody who cares about defense or the deficit, because the prices of nearly 30 percent of the 15,000 spare parts that were examined by the auditors increased 500 percent or more in the 3-year period from 1980 through 1982. Just think, 30 percent of the 15,000 spare part purchases which were examined by the auditors found increases of 500 percent or more in the 3-year period from 1980 to 1982.

During that same period, the Consumer Price Index increased by 27 percent. That means that spare parts prices rose nearly 20 times the rate of inflation during those 3 years.

Mr. President, in a press conference on Monday, Secretary Weinberger stated that one culprit is increased "clericalization."

He asserted that "everybody does whatever papers have to be filled out to get the parts and nobody has paid too much attention, or nearly enough attention to price or additional sources of supply." Well, the situation, which has been acknowledged by Secretary Weinberger has got to be stopped. The amendment I offer today would be the first concrete step to doing this. It would inject personal accountability into spare parts procurement, as urged by the the Inspector General's draft report. This amendment, and the regulations it mandates, would force every contracting officer described by Secretary Weinberger to pay personal attention to the number of taxpayer dollars they are spending. The Inspector General stated the Department of Defense should "reestablish cost as a primary concern of procurement activities by requiring the contracting officer to certify that the price of an item is fair and reasonable whenever the price increases by 25 percent or more in a 12-month period."

Mr. President, this serious problem threatens the integrity of the budget process and betrays the trust placed in both the Congress and the Department of Defense to procure wisely, soundly, and efficiently. As many have long suspected, and as the Inspector General's report concludes, some of our procurement methods have "provided contractors with a 'blank check' and no incentive to cut costs."

Mr. President, this amendment requires the Secretary to heed the advice of his own Inspector General under this amendment, the Secretary of Defense must draft regulations, to be implemented within 120 days after passage of this bill, setting a maximum allowable price growth for such spare parts. Before this maximum allowable figure could be breeched, the contracting officer would be required to certify that the increase is fair and reasonable. Within 60 days after enactment of this act, these regulations would have to be submitted to the Committees on Armed Services, and 30 days prior to implementation they would have to be published in the Federal Register for public notice and comment. This would reinforce the personal accountability being established by insuring Congress and the public have an adequate opportunity these regulations to determine their completeness and comprehensiveness. Mr. President, this amendment would provide an important first step to resolving this problem.

I think all of our colleagues agree that we must address this problem immediately. That is what this amendment seeks to do today by establishing personal responsibility and accountability for these outrageous payments for spare parts for the military.

Mr. President, we are asking the American taxpayer to pay $200 billion for defense in this bill. The least we can do is to insist that our contracting officers pay attention to how that money is spent. This amendment does just that.

I hope and I do expect that this amendment is going to be acceptable to the floor managers of the bill.

Mr. TOWER. Mr. President, I think the amendment that the Senator has offered is a good amendment. I am prepared to accept it.

However, there was a statement the Senator from Michigan made that I wonder if he would clarify. He said something about a certain percentage of all parts being bought increased 500 percent. Could he repeat that portion of his statement?

Mr. LEVIN. Mr. President, what I said was, and my understanding is, that the Inspector General examined purchases of spare parts as part of that draft report. My statement was that the prices of nearly 30 percent of the 15,000 spare parts purchased which were examined by the auditors increased 500 percent or more in the 3-year period to 1982, or at least that is what I intended to say and I hope I did say that.

Mr. TOWER. Mr. President, I am informed by DOD that there was a miscalculation on that; that the percentage was actually lower. I do not have the figure now, but I will supply that for the RECORD.

Mr. LEVIN. I would appreciate the opportunity to correct that, if that is wrong either in my statement; or if it is in the IG's statement incorrectly, I am sure the IG will want to correct it.

Mr. TOWER. If there is a correction, we will submit it for the RECORD.

I am prepared to accept the amendment. I defer to my distinguished friend from Washington (Senator JACKSON).

Mr. President, I ask unanimous consent that the Senator from Iowa (Mr. JEPSEN) be added as a cosponsor to the Levin-Cohen amendment.

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

(The names of Mr. HUMPHREY and Mr. DENTON were also added as cosponsors.)

Mr. TOWER. Mr. President, I am not authorized to speak for the distinguished ranking minority member, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. 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. JACKSON. Mr. President, I commend the Senator from Michigan for offering this amendment. It is one of the most troublesome problems we face right now, as indicated by the various press stories.

I certainly will support the amendment.

Mr. LEVIN. Mr. President, I thank my friends from Texas and Washington, and I also thank the Chair for his support.

The PRESIDING OFFICER. Is there further discussion?

If not, the question is on agreeing to the amendment of the Senator from Michigan (Mr. LEVIN).

The amendment (No. 2082) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment of the Senator from Texas, with the amendment thereto of the Senator from Virginia, be temporarily set aside to consider a technical amendment that I will offer on behalf of Senator QUAYLE—it is a noncontroversial amendment—and that on the disposition of that amendment the Senate return to the consideration of the amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, could the Senator from Texas state more clearly the nature of the amendment?

Mr. TOWER. Mr. President, it is really correcting a RECORD mistake on a Maybank amendment. It does not change any substance.

Mr. HART. I thank the Senator.

AMENDMENT NO. 2083

(Purpose: To expand and make more complete the reports required on the implementation and results of the test program to authorize a price differential to relieve economic dislocations, provided by section 1109 of the Department of Defense Authorization Act of 1983)

Mr. TOWER. Mr. President, this is an amendment I am offering on behalf of the Senator from Indiana (Senator QUAYLE).

The amendment simply expands and clarifies the information which must be included in a report from the Secretary of Defense. The report relates to the test program that allows limited price differentials to be paid to relieve economic dislocations on any contract entered into by the Defense Logistics Agency, except contracts for fuel.

Mr. President, I understand this amendment has been cleared by the distinguished Senator from Washington (Mr. JACKSON), and I yield to him.

The PRESIDING OFFICER. The clerk will report.

The acting legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), for Mr. QUAYLE, Mr. MOYNIHAN, and Mr. PRYOR, proposes an amendment numbered 2083.

Mr. TOWER. 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:

On page 134 strike out lines 5 and 6 and insert in lieu thereof the following:

"(2) by striking out the second sentence and inserting in lieu thereof the following: 'The reports shall include an assessment of the costs and benefits of the test program and shall also contain—

'(A) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated employment impact);

'(B) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

'(C) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year;

'(D) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures as a result of decreased competitiveness and

'(E) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, or media advertising.' ".

Mr. JACKSON. Mr. President, I support the amendment. As I understand it, it is a basic reporting requirement, which makes sense. Therefore, I ask that it be adopted.

Mr. TOWER. Mr. President, I ask unanimous consent that Senator MOYNIHAN be added as a cosponsor.

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

The question is on agreeing to the amendment.

The amendment (No. 2083) was agreed to.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the amendment by the Senator from Michigan (Mr. LEVIN), just agreed to.

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

Mr. TOWER. Mr. President, we are now back to the pending business. Let me say that there is an amendment now to be offered by the Senator from Maine (Mr. COHEN) and an amendment to be offered by the Senator from Montana (Mr. MELCHER). We know of no other amendments to be offered.

The amendment of the Senator from Maine is a noncontroversial amendment that I think will be accepted by both sides.

The amendment of the Senator from Montana (Mr. MELCHER) is a controversial amendment relative to pay and we expect there will be a rollcall vote on that amendment.

I now ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senate might proceed to the amendment to be offered by the Senator from Maine and an amendment to be offered by the Senator from Montana.

Following the disposition of those two amendments, the Senate will return to the consideration of the pending business.

Mr. HART. Mr. President, will the Senator clarify one thing? He said that he anticipates a vote on the amendments?

Mr. TOWER. Only on one, only on the amendment to be offered by the Senator from Montana which regards pay and which I think is somewhat

similar to the one he offered the other night.

Senators should be on notice that there will be another record vote tonight.

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

The Senator from Maine.

AMENDMENT NO. 2084

(Purpose: To permit the Navy to provide routine port services at no cost to naval vessels of an allied country if such country provides such services at no cost to U.S. naval vessels)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself and Mr. NUNN, proposes an amendment numbered 2084.

Mr. COHEN. 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 part L of title I add the following new section:

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. . Section 7227 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Navy may furnish routine port services to naval vessels of any allied country at no cost to such country if, by agreement, such services are provided to visiting naval vessels of the United States by such allied country at no cost to the United States.

"(2) Payment for such services furnished by the United States shall be paid for out of working-capital funds established under section 2208 of title 10, United States Code. Working-capital funds established under such section shall be reimbursed out of any operating funds available to the Navy for any payments made therefrom under this subsection.

"(3) In this subsection:

"(A) 'Allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

Mr. COHEN. Mr. President, I am offering this amendment on behalf of myself and Senator NUNN to the Department of Defense authorization bill. The amendment is quite simple in its provisions and fairly significant in its consequences with respect to our relationship with our allies.

The amendment would amend section 7227 of title 10, United States Code, to provide for the furnishing of routine port services at no cost to naval vessels of an allied country when by agreement that country provides these services at no cost to U.S. naval vessels.

Within the North Atlantic Treaty Organization, certain standardization agreements have been negotiated which specify that certain services are to be provided at no cost at naval ports to NATO operating units. Currently, the United States is the only signatory—and there are 15 others—with a reservation that routine port services shall be subject to reimbursement when they are furnished by U.S. Navy activities operated under the Navy Industries Fund.

Not only has the United States come under criticism for this obvious inequality, the current situation is clearly not in the U.S. interest.

The United States participates in a number of NATO multinational naval forces which operate primarily in European waters. The number of visits by these forces to foreign posts is substantially higher than to U.S. posts. Accordingly, the provision of free port services on a reciprocal basis would save money for the U.S. Government. The Navy estimates that the NATO forces in which the United States participates visits only four U.S. ports at a cost of $48,000 to the U.S. Government. On the other hand, the United States would receive in return approximately 24 free port visits from various other participating countries at a total value of $96,000. Thus, through enactment of this amendment we would be saving the U.S. Government a minimum of $48,000 annually.

Mr. President, I should note that these cost saving figures which are based on U.S. participation in three NATO multinational naval forces are probably conservative. The U.S. Navy is forward deployed in the Atlantic, Pacific, and Indian Oceans; the navies of our allies, on the other hand, tend not be be so forward deployed. For instance, U.S. naval vessels made 2,331 port visits in 110 countries in 1982. Thus, the cost savings associated with this amendment could be even more substantial than $48,000.

Mr. President, I believe that the case for this amendment is clear, and I would hope that it would be acted on favorably by the Senate.

Mr. JACKSON. Mr. President, I commend the Senator from Maine and the Senator from Georgia for offering this amendment. I think it is something that is long past due. Our NATO allies have been providing facility support and it has been on a nonreciprocal basis. They have gone out of their way to provide that support.

As I understand the amendment, it simply stipulates that there will be a reciprocal basis from here on out in which they will be treated as equal partners.

Mr. COHEN. That is correct.

Mr. TOWER. Mr. President, I am prepared to accept the amendment of the Senator from Maine.

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

The amendment (No. 2084) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the Senator from Montana has decided not to offer his amendment tonight but will offer it tomorrow. So it appears that regardless of whatever consent agreement might be arrived at, there will be a rollcall vote tomorrow.

Mr. BAKER. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. I yield.

Mr. BAKER. Mr. President, could I inquire of the two managers if they know of any other rollcall votes that will occur this evening?

Mr. JACKSON. I know of no other amendment.

Mr. TOWER. Mr. President, I think a lot of Senators are anticipating there may be an agreement tomorrow that could vitiate the cloture motion who might be under the thought that there will not be a record vote. But if the Senator from Montana offers his amendment, there will be a record vote.

Mr. BYRD. Will the distinguished Senator yield?

Mr. TOWER. I yield.

Mr. BYRD. I hope the Senator will retract that statement because——

Mr. TOWER. Let me say there is likely to be one.

Mr. BYRD. I have had quite a long chat with the Senator from Montana. I think I know what he wants. We will meet with the majority leader, hopefully, a little later tonight and I will outline it to him. It would not be in accord with what the distinguished Senator has said.

Mr. TOWER. I would hope so. I was just going on the basis of what the Senator from Montana suggested, that it was controversial.

Mr. BAKER. Mr. President, based on the responses of the two managers, and my earlier conversation with the minority leader, I will now announce there will be no more record votes tonight.

Mr. President, I hope if there are other matters that can be dealt with without a rollcall vote, they can be dealt with now.

I gather from the silence of the two managers that there are not.

Mr. TOWER. I know of no other amendments. The Senator from Washington has informed me that he knows of no other amendments. I believe this disposes of everything except the MX amendments.

Mr. BENTSEN. Mr. President, I join my colleague from South Dakota, Mr. ABDNOR, and 18 others in cosponsoring this amendment to increase the authorized level of impact aid funding from $455 million to $600 million for fiscal years 1984 and 1985.

As one who is deeply concerned about the unprecedented budget deficit we are facing, I did not come to this decision lightly. Beginning in 1982, aid to federally impacted school districts declined by 38 percent from its 1981 level, largely as a result of the budget reductions enacted in the Omnibus Reconciliation Act of 1981 (Public Law 97-35). In my own State of Texas, that has meant a drop in Federal assistance of more than $11 million. At a time when local school administrators continue to struggle to make available resources stretch to cover ever increasing costs; when the President's Commission on Excellence in Education has told us that school districts across this Nation are unable to recruit and retain qualified instructors in several major subject areas because teachers' pay is abysmally low; and when leading officials and scholars tell us that the Federal Government must bear a share of the responsibility for educating our children, I find it unconscionable to deny school districts the full amount of impact aid to which they are entitled. Mr. President, let me share with my colleagues some information about three school districts in Texas that have been struggling to adjust to the cuts in Federal education programs.

Fort Sam Houston, Randolph Field, and Lackland Independent School Districts serve 3,586 students, children of the 2,914 military families living in base housing. In the aggregate, the districts' annual budgets total slightly more than $8 million, 50 percent of which is impact aid. As many of you know, in 1983 appropriations for the program have been sufficient to fund Impact Aid recipients at only 72 percent of full entitlement. While funding of a percentage of entitlement has been a hardship for many, access to alternative revenues from the State or local community is possible in many circumstances. The three districts I mention, however, are coterminous with the military bases they serve and therefore have no taxable property. As impact aid funding has been cut, the schools in these districts have been unable to offset the loss of more than $1.4 million—nearly 15 percent of their budgets. In real terms this loss has resulted in the termination of nine teacher contracts, including instructors in mathematics and science, foreign language, and remedial reading. It has required substantial cuts in maintenance and support staff, and has forced the elimination of programs for the gifted. A 1961 school bus driven more than 300,000 miles cannot be replaced, and in one school, masking tape is being used to repair badly splintered desks so that the children will not tear their clothing or scratch their legs. Most importantly, each of these districts is now facing possible loss of accreditation by the State.

While some might assume these districts will be able to recover their Federal funding losses with increases in States assistance, the Texas Education Agency already provides the full allocation to which the districts are entitled under the formula governing distribution of support to schools throughout the State.

As we consider this amendment, Mr. President, I think it important to note that what we are proposing is not full restitution of impact aid to the 1981 level of $707 million.

Passage of the pending amendment will establish an authorized level of $600 million—a full 15-percent cut below 1981. The $145 million that we are seeking to restore, however, will insure that the Federal Government meets its obligations to districts responsible for educating disproportionately large numbers of the children of American military personnel.

If we in the Congress are unwilling to continue to make such a commitment on behalf of federally connected children, how can we expect local school districts to take the initiative and stem that "rising tide of mediocrity" so vividly described in the report issued by the President's Commission on Excellence in Education?

Mr. BINGAMAN. Mr. President, this bill includes a provision which will permit the Secretary of Defense to protect certain kinds of unclassified technical data in possession of or under the control of the Department of Defense. I am concerned that it be clear that this provision is not intended to be restrictive of normal scientific communication. Such communication plays a key role in the strength of our scientific enterprise and, hence, in our national security. Lack of such communication in the Soviet Union has luckily hampered Soviet innovation. Therefore, I want to pose a few questions to clarify further my understanding of the meaning and intent of section 1024 of S. 675, which would add a new section 140c to title 10 of the United States Code.

First, am I correct in understanding that the only technical data which may be withheld under new section 140c are technical data with military or space application in the possession of or under the control of the Department of Defense which may not be exported lawfully outside the United States without an approval, authorization, or license under either the Export Administration Act or the Arms Export Control Act, except such data that are exportable pursuant to a general, unrestricted license or exemption? Is it true that secretarial regulations, policies, or other guidelines implementing this provision must adhere to those limits?

Mr. THURMOND. You are correct.

Mr. BINGAMAN. Second, am I correct in understanding that the categories of technical data which may not be withheld under new section 140c include data which are authorized to be exported pursuant to a general, unrestricted license or a general, unrestricted exemption in the pertinent regulations? This would include not only the category of data generally available to the public, as the Senate report specifically notes, but also the categories of scientific and educational data and patent applications described in the current regulations; these categories are specifically included under the general license GTDA established by the Commerce Department's present International Trade Administration regulations (see 15 CFR § 379.3). Is that not the case?

Mr. THURMOND. You are correct. Moreover, the new provision does not sanction or endorse the restriction of the flow of scientific information from or within the scientific community or society in general. The committee report on page 262 contains a printing error that may confuse the reader's interpretation to think such a restriction is sanctioned.

Mr. JACKSON. I want to join the distinguished Senator from South Carolina in agreeing with the responses he has given to the clarifying questions of the distinguished Senator from New Mexico.

Mr. BINGAMAN. I thank the honorable gentlemen from South Carolina and Washington for their clarifying remarks.

BINARY CHEMICAL WEAPONS

Mr. BOSCHWITZ. Mr. President, I have intended to offer an amendment to the Department of Defense authorization legislation now before the Senate that would define the scope of the chemical weapons modernization program funded in the bill.

However, it may well be that my purpose can be just as well served if I receive adequate assurance from the distinguished floor manager of the bill about his intentions with respect to my proposal.

First, Mr. President, let me describe what my amendment involves.

The DOD authorization bill contains funding which provides limited authority to begin the modernization of our retaliatory chemical arsenal by re-

placing our current stock of chemical weapons with binary munitions. Specifically, the planned modernization calls for production of 155-millimeter artillery shells and, presuming its present technical problems are worked out, of the so-called Big Eye aerial bomb.

Mr. President, I will not repeat the arguments already made by proponents of this modernization about the deficiencies in our chemical stockpile which make the modernization necessary. My concern is not with the modernization per se, but with its scope.

Many chemical weapons experts argue that the size of the present U.S. chemical retaliatory capability is sufficient for our expected military requirements. I think this is true, which is why I am interested in an amendment to clarify the scope of the administration's offensive chemical weapons program.

There is a good deal of uncertainty as the whether the replacement of our present stock of unitary munitions with binaries is an actual augmentation of or simply a replacement for our existing chemical retaliatory systems. Administration officials have been somewhat vague on the point. Therefore, I think it is up to the Senate to define just how far we want the administration's chemical program to go.

My amendment is almost identical to that which passed the Senate 92 to 0 during debate on the fiscal year 1983 DOD authorization bill. As now written, S. 675 provides that production of chemical munitions may begin only after September 30, 1985, and thereafter only once the President certifies that such production is essential to the national security. My amendment would add another certification requirement. It would require the President also to certify that for every 155-millimeter binary chemical artillery shell produced by the United States, one serviceable unitary artillery shell shall be rendered militarily useless. In addition, no new chemical weapons may be produced which exceed U.S. Force requirements.

Mr. President, it makes sense for the 1-to-1 replacement to apply to unitary artillery shells because the most usable elements of our present stockpile are the 155-millimeter and 8-inch unitary artillery shells. Under my amendment, one of these, therefore, would have to be dismantled for each new 155-millimeter shell added.

What is the appeal of this proposal, Mr. President?

Although I think a case can be made that these new binary chemical weapons offer some advantages (in handling and storing, for example), it is not clear to me that we actually need to increase the size of our chemical stockpile. A modernization of it is necessary—an augmentation is not. We in the Senate, often get the sense that we are dealing with programs in many areas, including defense, which are out of control. My amendment would place a specific limit on this program and give us all a clear idea of what the scope of our chemical modernization really is.

As I noted, my amendment is virtually identical to the compromise worked out on the issue of retaliatory chemical weapons during the Senate's consideration of last year's defense bill. Proponents of the Reagan administration's planned modernization of our chemical stockpile have no reason to object to my amendment because it does not halt modernization.

On the other hand, opponents of modernization should view the amendment as a way of placing a limit on our chemical modernization programs. In short, Mr. President, I think the amendment is a good deal for both sides of the chemical weapons debate.

It is on this basis that I intended to offer the amendment, Mr. President. I would now like to hear from the Senator from Texas about the amendment. I would yield to him at this time.

Mr. TOWER. Mr. President, I first want to commend the Senator from Minnesota on his amendment. I think it is a very useful contribution to the debate on chemcial weapons. It is indeed important for everyone who is concerned about the resumption of chemical weapons production by the United States to know that our intention is to replace our current stock of offensive chemical weapons with new ones.

The Senator from Minnesota's proposal would make it clear that our modernization program is a replacement, not an unrestrained increase in our chemical weapons. I therefore endorse the amendment. None of us want to build chemical weapons, or any other weapons, Mr. President. We do so simply to insure that an adequate and credible deterrent is maintained sufficient to deter an attack on ourselves and our allies.

Senator BOSCHWITZ' amendment would allow us to modernize our current stock of chemical weapons in order to maintain our deterrent capability, but at the same time it would place an important limit on that modernization.

Mr. President, I am comfortable enough with this amendment that I do not think the Senator from Minnesota even needs to offer it. As the Senator knows, we will soon begin conference negotiations with the House of Representatives to resolve the differences between our respective bills.

If the Senator would withhold, I can assure him that I will work to have his proposal adopted as statutory language in the final conference agreement. Would that be acceptable to my friend from Minnesota?

Mr. BOSCHWITZ. Mr. President, I would say to the distinguished floor manager that while I would prefer to have my amendment adopted on the floor of the Senate, I will accept his assurance that he will work to have it included in statutory form as part of the conference agreement on offensive chemical weapons.

Mr. TOWER. I can certainly give the Senator that assurance. As I said, his proposal has my support.

Mr. BOSCHWITZ. I thank the Senator from Texas. Mr. President, with that assurance, I will not offer my amendment. I yield the floor.

AMENDMENT TO INCREASE AUTHORIZATION FOR IMPACT AID

● Mr. MOYNIHAN. Mr. President, I join with my distinguished colleagues in support of the amendment that increases the overall authorization for impact aid, Public Law 81-874, from $455 million to $625 million for fiscal years 1984 and 1985, and increases the section 2 authorization from $10 million to $25 million.

The impact aid programs, first enacted by Congress in 1950, provides financial assistance to school districts in "federally affected areas," defined by law to include military bases, Indian land, and Federal low-rent housing projects. Much of the property in these areas is not subject to local tax levies and, therefore, school districts must provide educational services for large numbers of students from whose families they cannot raise revenue. Public Law 81-874 has provided aid for such districts to help ease the impact of the Federal presence on local taxpayers.

However, in recent years, impact aid has been drastically reduced. In fact, between fiscal years 1980 and 1983, impact aid was reduced from $707 million to $460 million, a 35-percent cut. As for my own State of New York, more than 150 school districts received $41 million of impact aid in fiscal year 1980. There are now, in fiscal year 1983, less than 100 districts receiving $12 million, a drop of $29 million or 71 percent.

The loss of impact aid has most affected those school districts with the greatest need. For example, the Highland Falls-Fort Montgomery School District lost 60 percent of its Federal impact aid between fiscal years 1980 and 1983, and now pays more than 50 percent of the tuition costs for students in the local public high school whose parents are associated with the U.S. Military Academy at West Point. While property taxes to support the district's program have risen 155 percent in 10 years, 93 percent of the land within the district is owned by the Federal Government, and is therefore not taxable. In consequence, traditionally good relations between West

Point and the surrounding community have been strained.

Our action on the floor of the Senate will alleviate the financial burden on federally impacted public schools by providing a more sufficient authorization level for the impact aid program. It allows these schools to continue meeting the educational needs of military dependents, Native American children, and students who reside in federally subsidized housing.●

SECTION 1024: TECHNICAL DATA RELEASE EXEMPTION IN THE DEFENSE AUTHORIZATION BILL

● Mr. LEAHY. Mr. President, I want to take just a moment to call to my colleagues' attention section 1024 of the Defense authorization bill. This section would create specific statutory authority to permit the Secretary of Defense to withhold from public access certain kinds of technical data with military or space applications. This statutory authority comes under exemption 3 of the Freedom of Information Act, or FOIA as it is popularly known.

The purpose of this exemption is to prevent the exploitation of public access under FOIA by military and economic competitors of the United States to acquire advanced but unclassified U.S. technology at the American taxpayers' expense. I am familiar with the problem of technology transfers abroad as a result of my work with Senator HATCH on S. 774, a bill to amend the Freedom of Information Act.

Section 11 of S. 774 was intended to address the same problem of technology transfers. However, it does so by creating a broad new categorical exemption for any technical data that is subject to Federal export restrictions. I have previously expressed my concerns that this categorical exemption lacks the precision necessary to deal effectively with this complex and highly technical area. Senator HATCH and I have agreed that every effort should be made to achieve a more narrowly focused approach before the FOIA amendments are taken up by the Senate.

I am pleased to see that the language in section 1024 and in particular the report language reflect the efforts of the Armed Services Committee to limit the scope of the exemption and to give the proper attention to the public's right to access under FOIA's disclosure mandate as well as consideration of the need to safeguard against harmful technology transfers. I understand that the record has been further clarified with regard to certain passages from the report and the definition in section 1024 of technical data to prevent any misreading which could result in broader application of the exemption them implied by the legislative language and expressly stated in the report.

While I personally may favor even more specificity in the language describing what technical data ought not be released to the public, the additional clarifications combined with the original report permit me to agree to accept this provision. The adoption of the exemption in section 1024 will go a long way toward solving the problem of the drain on U.S. technology from abroad. More importantly, the solution here is narrowly focused on the most harmful transfers, those involving technical data which directly affect our defense and space capabilities. I cannot stress enough that when Congress acts to limit the American public's right of access to Government information, we are duty bound to craft those limitations so as to correct only the specific problem and not cast them so broadly as to sweep aside other rights unnecessarily.

While section 1024 may not eliminate the entire problem of the transfer of valuable technology, especially in the area of space technology which may reside in agencies outside the Defense Department, any further action by the Senate ought to be restricted to the context of the specific technology and not intrude into the general FOIA context.●

● Mr. KENNEDY. Mr. President, as we discuss the MX, I hope that all of my colleagues will take the time to read an article by Representative PAT SCHROEDER of Colorado, a distinguished member of the House Armed Services Committee. Her article entitled "Kill the MX," appeared in yesterday's Washington Post.

The Scowcroft Commission and the President have both argued that we need to build the MX to demonstrate our "national will," but as Representative Schroeder points out:

> The MX missile program is one element of a six-part Reagan administration plan to modernize our strategic nuclear forces. Other elements include the development of a single warhead Midgetman missile, the development of a Stealth Bomber, the deployment of 3,200 air-launched cruise missiles on B-52 bombers, the building of a Trident submarine per year for the foreseeable future, and the deployment of 400 sea-launched cruise missiles. The MX missile has the lowest utility, highest cost and greatest potential for destabilizing the nuclear weapons balance of any of these systems.

Going ahead with the MX will be a show of national stupidity, not of national unity or "national will."

Representative SCHROEDER makes a comprehensive and convincing case against the MX in her article, and I ask that it be printed in the RECORD.

The article follows:

KILL THE MX

(By Patricia Schroeder)

On the first page of the report of the President's Commission on Strategic Forces (known as the Scowcroft Commission after Brent Scowcroft, its chairman) there appears a list of the members of the commission as well as the names of the senior counselors to the commission. The name of Rep. Les Aspin of Wisconsin does not appear. Perhaps it should.

Both Aspin and I serve on the House Armed Services Committee. We sit one seat apart. I watched in awe last winter as he worked the phones to muster congressional support for the Scowcroft compromise. His argument was that the package should command allegiance both from those who believe that arms control should be the primary focus of our strategic decisions and from those who believe that augmenting our arsenal to combat an unprecedented Soviet threat is the first priority. Aspin's article in The Post ["It's a Good Deal—and It's in Trouble," Topic A, July 17] reveals how bitterly disappointed he is that the compromise package unraveling.

Even with the context of nuclear game theory, the argument for the MX is weak. Only by stringing a hundred "What ifs?" together can you come up with a justification for it. Yet the cost of the system is extremely high. For the MX, or any other strategic system, we ought to ask the following questions:

Is deterrence strengthened or weakened by building this system? Does building this system increase the predictability of the arms race in the future? Does it save any resources? Does it increase or decrease the incentives for nuclear war? Will the building of this system lead toward arms control negotiations in a reasonable time period? Can this weapon system be part of an arms control package that allows for reasonable verification? The MX does not produce satisfactory answers to these questions.

Each MX missile holds 10 or 12 nuclear warheads, each of which can be targeted independently. If each warhead were accurately targeted and potent enough to break the hardened concrete and steel covering Soviet missile silos, the 100 MXs provided by the Scowcroft Commission could destroy 1,000 or 1,200 of the Soviet's 1,400 land-based missiles. For a preemptive first strike, therefore, the MX would be quite effective in eliminating the ability of the Soviet Union to retaliate.

On the other hand, the fact that up to a dozen warheads may be bunched on a single missile in a single silo makes the MX not very useful for responding to a Soviet first strike. In fact, systems with multiple independent reentry vehicles (MIRVs), such as the MX, provide increasingly irresistible targets for an enemy first strike.

The MX was designed too large to ever be mobile. Weighing 192,000 pounds and being 92 inches in diameter, the MX is a monster of a machine. One vexing technical problem now faced by the Air Force is how to transport the huge third stage from its assembly point to a silo. Alas, many highway bridges cannot support the weight. Being immobile, the MX would be the primary target for Soviet missiles. They would be unavailable for retaliation. The point is that, unless we commit ourselves to launching a first, preemptive nuclear strike, a position most Americans find repugnant, the MX is a waste of $29 billion.

The MX missile program is one element of a six-part Reagan administration plan to modernize our strategic nuclear forces. Other elements include the development of a single warhead Midgetman missile, the development of the Stealth bomber, the deployment of 3,200 air-launched cruise missiles on B52 bombers, the building of a Trident submarine a year for the foreseeable

future, and the deployment of 400 sea-launched cruise missiles. The MX missile has the lowest utility, highest cost and greatest potential for destabilizing the nuclear weapons balance of any of these systems.

Aspin describes the Scowcroft package this way: "the conservatives got the MX. . . . Liberals got promises of changes in the administration's arms control approach. . . . Liberals got a commitment from the administration to shift away from multi-warhead MIRVed missiles by beginning work on a small, single-warhead weapon." Congress can and should continue to deal with the MX factually and objectively; we should not allow ourselves to be manipulated into making the MX a right-versus-left debate.

Aspin appeals for liberal votes for the MX on two grounds. First, he reports that he gave his support for the MX in exchange for a commitment from the Reagan administration to pursue arms control diligently. Second, only if Congress goes forward with the MX, Aspin warns, will the administration go forward with the single-warhead Midgetman. It's worth scrutinizing these arguments.

We all want the START talks to succeed. Yet, we have negotiators who publicly proclaim that anything the Soviets will agree to has to be bad for the United States. It takes good will to negotiate, and that commodity seems to be in short supply in Geneva. If President Reagan were committed to arms control, he would appoint some of the outstanding individuals who served on the Scowcroft Commission to serve as our negotiators, not the right-wing ideologues now serving. The letter sent to Rep. Norman Dicks by President Reagan provided no assurance of a real change in the administration's arms control posture. The first item on the arms control agenda must be the elimination of MIRVs, for MIRVed missiles are good for only one thing: a first strike. Arms control negotiations should be aimed at reducing the risk of nuclear war; eliminating MIRVs would be the best first step toward doing so.

The Midgetman is an abandonment of the MIRV philosophy that has guided our missile design for the last 20 years. Building single-warhead missiles, to the exclusion of MIRVs, is the direction we should be taking. On defense matters, and specifically on the issue of land-based strategic missiles, this administration acts like a child in a candy store. It refuses to choose between the MX and the Midgetman. It demands both. Why it is in the interest of those of us dedicated to arms control to build both systems is something that Aspin does not explain.

In his article, Aspin makes a great deal of the dramatic shifts in public attitudes on defense spending. He paints the anti-MX lobbyists as monied bruisers, buying radio ads to scare members off the fence. I wish our side had some heavy-hitters, like the bankers or the insurance industry. I certainly haven't seen them. Who I have seen lobbying on the MX issue are priests, nuns, ministers and rabbis. I have heard from students, senior citizens, environmentalists, labor union members and many others.

This great anti-MX, pro-freeze lobbying force is an honest-to-goodness grass-roots response to the government going awry. It is made up of citizens who refuse to accept the rebuke that they do not know enough to have a say in our nuclear weapons policy. Opponents of the freeze movement will not and cannot accept the reality that freeze advocates are concerned American citizens who believe that the government is making a potentially cataclysmic error with nuclear weapons. Rather than trying to discredit the movement, as this administration has tried, we ought to listen to it.

Aspin thinks that if "the right-wing fringe" would attack the Scowcroft compromise, liberals would support it. I resent this argument. Those of us who oppose the MX do so because it is an expensive and destabilizing system. We do not and should not oppose it because the right wing supports it.

We are all anxious to resolve the issue of the MX missile. I believe the issue should be resolved by terminating the program. We can resolve it by negotiating with the Soviets on all aspects of our nuclear arsenal to reduce tensions, reduce the risk of nuclear war and reduce weapons on both sides. And there is no better way to start than by negotiating a nuclear freeze.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, just in case there are Senators who do have other business to transact on other measures, I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past the hour of 9:45 p.m., in which Senators may speak for not more than 10 minutes each.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore 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 in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

Pursuant to section 402 of the Congressional Budget Act of 1974, the Committee on the Budget was discharged from the further consideration of the following resolution; and the resolution was placed on the calendar:

S. Res. 172. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 675.

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-1482. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of July 1, 1983; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Agriculture, Nutrition, and Forestry, Labor and Human Resources, Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, Energy and Natural Resources, Armed Services, the Judiciary, Finance, and Environment and Public Works.

EC-1483. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to make annuity payments to survivors of members of former members early in certain circumstances; to the Committee on Armed Services.

EC-1484. A communication from the Secretary of the Army transmitting, pursuant to law, the Annual Report of the U.S. soldiers' and Airmen's Home; to the Committee on Armed Services.

EC-1485. A communication from the Secretary of Commerce transmitting, pursuant to law, the first biennial report on bluefin tuna for 1981 and 1982; to the Committee on Commerce, Science, and Transportation.

EC-1486. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1982 report on areas on the Registry of Natural Landmarks and National Registry of Historic Places; to the Committee on Energy and Natural Resources.

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-306. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 5

"Whereas, Through Section 2 of PL 95-627, the Chief Care Food Program became a permanent program which provides funds for children in any public or private nonprofit organization where children are not maintained in permanent residence, including, but not limited to, day care centers, settlement houses, recreational centers, family day care homes, Head Start centers, and institutions providing day care services for handicapped children; and

"Whereas, Under PL 95-627 the Child Care Food Program (CCFP) provided fund-

ing for five meal types per child per day: breakfast, morning supplement, lunch, afternoon supplement, supper; and

"Whereas, 8,873,000 children in the United States and 912,000 children in California have been eligible for this program; and

"Whereas, Approximately 74 percent of the program's funds went to sponsored child care centers, and nearly 75 percent of the children enrolled in these types of institutions qualified for free meals; and

"Whereas, PL 97-35, the Federal Omnibus Budget Reconciliation Act of 1981 reduced the CCFP budget by 34 percent which equals $130 million and made substantive changes in the administration and operation of the program; and

"Whereas, Under PL 97-35 funding is reduced to the extent that either two meals and one supplement or one meal and two supplements can be provided to each child per day; and

"Whereas, Nutritional habits developed in childhood can affect health throughout life and children's diets are likely to be critical in influencing their future health status; and

"Whereas, Research on nutrition states that infants and small children need small frequent feedings throughout the day for optimal development; and

"Whereas, Improved health status in early years has been found to be an important determinant of measured intelligence, years of formal schooling completed, and market wage rate and hours of work; and

"Whereas, Studies have demonstrated that the nutritional intake of children who participate in the CCFP is greater than that of poor children who do not participate, particularly needy children; and

"Whereas, The change in meal patterns from five meals to three meals poses a threat to the nutritional health of children in the CCFP: and

"Whereas, This new meal pattern provides two full meals per child per day to children in four-hour programs; and

"Whereas, It places at nutritional risk those infants, toddlers and children in 12-hour programs by providing only two full meals and one supplement; and

"Whereas, A young child in a 12-hour day care program would receive breakfast at 7:30 A.M., lunch at 10:30 A.M., and a small amount of food—the supplement—at 1:30 P.M. and this schedule would cause children to go hungry for as long as four and a half hours until the child is picked up by the parents and taken home for the next meal; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature memorializes the President and Congress of the United States to enact legislation which would restore funding for the meal pattern of five meals; breakfast, A.M. supplement, lunch, P.M. supplement, and supper to the Child Care Food Program; 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 each Senator and Representative from California in the Congress of the United States."

POM-307. A resolution adopted by the Legislature of the State of Missouri; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, the current federal administration has proposed consideration of the sale of thousands of acres of United States Forest Service land within the state of Missouri; and

"Whereas, the proposal contends that by consolidating lands, management costs can be greatly reduced, access improved and trespass on nearby lands reduced, however, this proposal ignores an ongoing existing program of exchange of lands whereby land is exchanged to consolidate the public land tracts into more manageable units; and

"Whereas, Missouri currently has less than one-half acre of public land per person and the demand for public land acquisition and use is growing; and

"Whereas, the proposal currently under consideration unfairly impacts the state of Missouri by proposing to dispose of more such land in Missouri than that proposed in Western states; and

"Whereas, the citizens of this state continue to place a high priority on preservation of the natural wonders of our great state demonstrated in the recent imposition of a sales tax to encourage the purchase of such lands by the state;

"*Now, therefore, be it resolved* by the members of the Missouri Senate of the Eighty-second General Assembly, First Regular Session, the House of Representatives concurring therein, that the Legislature of Missouri hereby petition the Congress of the United States, that the United States government cease and desist from the proposal to sell any of the acres in National Forest lands currently held in Missouri; and

"*Be it further resolved* that the Missouri Legislature hereby petition the Congress of the United States that the Forest Service lands located in this state continue unmolested and continue to be open to all citizens for hunting, fishing, camping, hiking, bird watching and other forms of outdoor recreation, as for many, they are the only lands available for these activities and if sold for private home development, timber management, or other uses, these lands will probably not remain open to the public: and

"*Be it further resolved* that a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of Congress and the members of the Congressional Delegation from the State of Missouri."

POM-308. A resolution adopted by the city council of the city of Palo Alto, Calif., relating to the Jobs With Peace Ordinance of 1983; to the Committee on Appropriations.

POM-309. A resolution adopted by the board of supervisors of the County of Los Angeles, Calif., urging Congress to enact the legislation embodied in S. 1354 and H.R. 3103 to provide the vitally needed additional funds to restore our Federal Highways; to the Committee on Environment and Public Works.

POM-310. A joint resolution adopted by the Legislature of the Senate of Alaska; to the Committee on Finance:

"RESOLUTION

"Whereas the tax-exempt mortgage revenue bond program under 26 U.S.C. 103A (P.L. 96-499 Mortgage Subsidy Bond Act of 1980) has established a useful and effective method that enables consumers in Alaska and other states to buy needed housing; and

"Whereas the tax-exempt mortgage revenue bond program is one of the few prudent methods of providing funds necessary to meet growing housing needs in Alaska and across the nation; and

"Whereas in 1982, tax-exempt mortgage revenue bonds financed roughly 65,000 housing starts in the United States, representing approximately 10 percent of all new single family construction nationally, and a greater percentage in Alaska; and

"Whereas in 1982, new single family housing construction financed by tax-exempt mortgage revenue bonds generated about 82,500 jobs, and produced about $1.5 billion in wages nationwide; and

"Whereas 26 U.S.C. 103A(c)(1)(B) provides that the tax-exempt mortgage revenue bond program ends on December 31, 1983; and

"Whereas termination of the tax exemption on bonds for home mortgages would work a hardship on consumers who are eligible for loans under the Alaska Housing Finance Corporation tax-exempt bond program, and similar programs in other states; and

"Whereas in response to the potential for hardship created by the termination of the tax-exempt mortgage revenue bond program, H.R. 1176 has been introduced in the United States House of Representatives and S. 137 has been introduced in the United States Senate; and

"Whereas H.R. 1176 and S. 137 would amend 26 U.S.C. 103A to allow continuation of the tax-exempt mortgage revenue bond program;

Be it resolved that the Alaska State Legislature supports passage of H.R. 1176 and S. 137 in the United States Congress; and be it

"*Further resolved* that the Alaska State Legislature supports the principles of the tax-exempt mortgage revenue bond program.

"Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; the Honorable Donald Regan, Secretary of the Treasury; the Honorable George Bush, Vice-President of the United States and President of the United States Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the United States House of Representatives; the Honorable Robert Dole, Chairman of the Senate Finance Committee; the Honorable Daniel Rostenkowski, Chairman of the House Ways and Means Committee; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-311. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 8

"Whereas, Nearly a quarter of a million Californians are employed as waitresses and waiters in this state; and

"Whereas, The average annual earnings of these workers are less than $6,000 per year; and

"Whereas, The majority of these workers are struggling to support families and children; and

"Whereas, Many of these workers are women and ethnic minorities; and

"Whereas, Most of these workers do not actually receive an amount in gratuities equal to 8 percent of the establishments' income; and

"Whereas, The net earnings of the average waitress or waiter have been reduced by an amount equivalent to one out of four monthly paychecks, in order to pay the additional federal income tax, required by the

Tax Equity and Fiscal Responsibility Act of 1982; and

"Whereas, The Legislature finds and declares that the current federal law, which assumes waiters and waitresses earn an amount equivalent to 8 percent of their employers' earnings, is not an accurate assumption or an equitable tax principle; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to modify the Tax Equity and Fiscal Responsibility Act of 1982 to restore an accurate and fair basis for assessing federal income tax obligations for waiters and waitresses; 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-312. A resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Finance:

"ENROLLED HOUSE CONCURRENT RESOLUTION No. 1012

"Whereas, many residents of the State of Oklahoma are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

"Whereas, many residents of this state are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

"Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

"Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

"Whereas, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

"Whereas, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future.

"Now, Therefore, be it resolved by the House of Representatives of the 1st Session of the 39th Oklahoma Legislature, the Senate Concurring therein:

"Section 1. The Oklahoma Legislature hereby memorializes Congress to enact H.R. 1646, the Railroad Retirement Solvency Act of 1983, to resolve financial problems of the railroad retirement system.

"Section 2. Copies of this resolution shall be distributed to the Oklahoma Congressional Delegation, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate."

POM-313. A resolution adopted by the Board of Supervisors of the County of Lake, California urging enactment of the wine equity bill of 1983; to the Committee on Finance.

POM-314. A resolution adopted by the board of supervisors of the County of San Luis Obispo, Calif., urging enactment of the wine equity bill of 1983; to the Committee on Finance.

POM-315. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

"HOUSE RESOLUTION No. 437

"Whereas, The proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

"Whereas, The proposed transaction would cause the loss of more than 3,000 jobs in the American Steel industry, plus at least 6,000 jobs in related industries and would have and adverse impact on the United States economy; and

"Whereas, The proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

"Whereas, The proposed transaction would violate United States unfair trade laws governing subsidized imports; and

"Whereas, The proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concessions of more than $3,000,000,000 dollars in exchange for, among other things, a steel industry commitment to modernization; and

"Whereas, The proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing steel companies in Illinois to import cheap, subsidized raw steel, which would result in the further loss of at least 8,000 jobs in Illinois thus reducing raw steel making capacity in the United States; and

"Whereas, The proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon raw steel, in the same manner as we now are for imported oil from the Middle East; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That we call upon the United States Congress and President to use all available legislative and administrative policy tools to prohibit the proposed transaction between the U.S. Steel Corporation and the British Steel Corporation; and be it further

"Resolved, That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation; and be it further

"Resolved, That we call upon United States Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities; and be it further

"Resolved, That copies of this resolution be immediately forwarded to the President of the United States, the United States Secretary of Commerce, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Illinois Congressional Delegation."

POM-316. A resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"LEGISLATIVE RESOLUTION—ASSEMBLY No. 1030

"Whereas, The United States and Greece have enjoyed harmonious relations throughout history as democratic nations committed to peace and international cooperation. These relations have included mutual action on behalf of freedom in World Wars I and II and the present membership of both nations in the NATO alliance; and

"Whereas, Our nation has links with Greece not only through a mutual belief in democracy, but also through the human bond formed by the millions of Greek Americans who have contributed so much to the advancement of our nation and, specifically, our state; and

"Whereas, The foreign policy of the United States has for many years wisely sought to preserve good relations with our allies by maintaining the balance of power between Turkey and Greece in the established aid ratio of ten to seven for the respective countries; and

"Whereas, The Administration now proposes to the Congress a drastic change in the aid ratio whereby military aid to Turkey would be more than doubled, thus further destabilizing the region, endangering Greek security, and undermining NATO; now, therefore, be it

"Resolved, That this Legislative Body pause in its deliberations to memorialize the President and the Congress of the United States to maintain the balance of power between Turkey and Greece by preserving the established aid ratio of ten to seven; and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President; to Howard Baker, President Pro-Tem of the United States Senate; to Thomas O'Neill, Speaker of the United States House of Representatives: to each Member of Congress from the State of New York; to Konsantinas Tettanis, Thomas Valsamopaulos, and to Nick Mazinaki."

POM-317. A resolution adopted by the Assembly of the State of New York; to the Committee on Commerce, Science, and Transportation:

"LEGISLATIVE RESOLUTION—ASSEMBLY No. 1246

"Whereas, A vitally important piece of legislation, HR 1242 and S 1000 is being considered by the United States Congress; This legislation is co-sponsored by some one hundred sixteen House members and eight Senators presently; and

"Whereas, This legislation, known as the "Competitive Shipping and Shipbuilding Act of 1983", is aimed at revitalizing our country's merchant marine and shipping industry; and

"Whereas, The Maritime Port Council of Greater New York and Vicinity, affiliated with the Maritime Trades Department and the American Federation of Labor and Congress of Industrial Organizations is in full and visible support of this vital legislation; and

"Whereas, America depends on foreign ships to transport more than ninety-eight percent of its bulk commodities, ninety-six percent of petroleum and seventy-one percent of general cargoes. In contrast, the United Kingdom carries thirty-four percent

of its trade, France thirty-three percent, Norway over thirty percent, Japan some forty-four percent and the Soviet Union forty-four percent; U.S. corporations are building vessels in foreign yards and also registering their ships under "flags-of-convenience", avoiding taxes, shipbuilding standards and safety rules; in nineteen hundred fifty, there were seventeen hundred privately owned U.S.-flag merchant ships; today there are only five hundred fifteen; and

"Whereas, The defense of this Beloved Nation, its need for strategic raw materials so essential to national security, is most heavily dependent upon our maritime industry; and

"Whereas, HR 1242 and S 1000 offer economic benefits to the United States at no cost to the U.S. Treasury or taxpayer with the construction of two hundred sixty-eight new vessels, approximately twenty-eight thousand U.S. shipyard and seagoing labor jobs, and eighty-four thousand jobs in related industries; and

"Whereas, Ultimately, one hundred twelve thousand jobs would be created by the enactment of this vital legislation; and

"Whereas, Upon enactment of this legislation, five percent of inbound and outbound bulk shipments will be moved on U.S.-flag ships—and rise annually by one percent until twenty percent is reached; this is not a one-sided proposition; an essential element of this proposal is realistic reductions in the cost of building in American yards and operating their ships with American crews; this legislation requires these costs to be reduced by a full fifteen percent; and

"Whereas, This Legislative Body is justly proud of its long and unyielding commitment to the Maritime Industry of this nation; and

"Whereas, It is, moreover, the sense of this Legislative Body that the Maritime Industry is of inestimable value to the people of this Empire State; and

"Whereas, The port facilities of this Empire State, its shipbuilding industry, its labor force: all would be directly and positively affected by the passage of HR 1242 and S 1000; now therefore, be it

"*Resolved*, That this Legislative Body pause in its deliberations and most emphatically urge the Congress of the United States to enact HR 1242 and S 1000, expressing, in turn, our continued support for the goals of the Maritime Port Council of Greater New York and Vicinity; and be it further

"*Resolved*, That copies of this Resolution, suitably engrossed, be transmitted to the Maritime Port Council of Greater New York and Vicinity and to the Congress of the United States."

POM-318. A resolution adopted by the Western Pennsylvania Conference of the United Methodist Church calling for a ban on all additional testing, production, and deployment of nuclear weapons and a gradual, equitable, and on-site verified mutual reduction of existing nuclear warheads; to the Committee on Foreign Relations.

POM-319. A resolution adopted by the Social Democratic members of the Danish Parliament urging Congress to reconsider the policy of the United States of America in Central America; to the Committee on Foreign Relations.

POM-320. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION NO. 53—RELATIVE TO BALTIC FREEDOM DAY

"Whereas, The people of the Baltic Republics of Estonia, Latvia, and Lithuania have cherished the principles of religious and political freedom and independence; and

"Whereas, The Baltic Republics have existed as independent, sovereign nations belonging to, and fully recognized by, the League of Nations; and

"Whereas, The people of the Baltic Republics have individual and separate cultures, national traditions, and languages, all of which are distinctively foreign to those of Russia; and

"Whereas, In 1940, the Union of Soviet Socialist Republics (U.S.S.R.) did illegally seize and occupy the Baltic Republics and, by force, incorporate them into the U.S.S.R., against their national will and contrary to their desire for independence and sovereignty; and

"Whereas, Since 1940, the U.S.S.R. has systematically removed native Baltic people from their homelands by deporting them to Siberia, and has caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

"Whereas, The U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed all vestiges of democracy, civil liberties, and religious freedom; and

"Whereas, The people of Estonia, Latvia, and Lithuania find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

"Whereas, The United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism; and

"Whereas, The United States, as a member of the United Nations, has repeatedly voted with a majority of the members of that international body to uphold the right of other countries of the world to determine their fates and to be free of foreign domination; and

"Whereas, The U.S.S.R. has steadfastly refused to return to the people of Estonia, Latvia, and Lithuania the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly*, That the Legislature of the State of California recognizes the continuing desire of the peoples of Estonia, Latvia, and Lithuania for freedom and independence from the domination of the U.S.S.R., and the right of the Baltic peoples to this freedom; and be it further

"*Resolved*, That the Legislature of the State of California deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression; and be it further

"*Resolved*, That the Legislature of the State of California declares as "Baltic Freedom Day" the 14th day of June 1983, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic peoples; and be it further

"*Resolved*, That the Legislature of the State of California urges the Governor to issue a proclamation for the annual observance of Baltic Freedom Day with appropriate ceremonies and activities; and be it further

"*Resolved*, That the Legislature of the State of California respectfully memorializes the President of the United States to request the United Nations to investigate the U.S.S.R.'s illegal and forceful occupation of Estonia, Latvia, and Lithuania and its continuous violations of the human rights of the Baltic peoples; and be it further

"*Resolved*, That suitably prepared copies of this resolution be transmitted to the Governor, 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 United States Ambassador to the United Nations."

POM-321. A resolution adopted by the City Council of the City of Tampa, Florida, urging Congress to continue to engage in talks for strategic arms limitation for the purpose of formulating agreements for a bilateral nuclear freeze which is both mutual and verifiable; to the Committee on Foreign Relations.

POM-322. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT LEGISLATION WHICH WILL ESTABLISH A NATIONAL OCEANS POLICY COMMISSION

"Whereas, We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the 111th Legislature most respectfully present and petition the Congress of the United States, as follows:

"Whereas, the United States Senate and the House of Representatives are currently considering bills to establish a National Oceans Policy Commission; and

"Whereas, there is a current need to examine and monitor certain long-term ocean policy issues now facing the United States; and

"Whereas, the importance of unimpaired navigation through, over and under the world oceans and the development of fisheries, oil, gas, ocean minerals and marine resources are of great concern to the Nation and the State of Maine; and

"Whereas, the purpose of the "National Oceans Policies Commission Act" of 1983 is to establish a commission in order to review and evaluate current marine policy programs during this present period of fundamental transition, and to maintain and further United States leadership in the oceans for the 1980's and 1990's; and

"Whereas, the commission shall represent the gubernatorial leadership of coastal states; and

"Whereas, the Act will ensure progressive, cooperative and mutual ocean policy developments and interests with Canada, Mexico and other countries; and

Whereas, the Act is essential to protect the interests of the State of Maine and its 3,500 miles of coastal resources; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully urge and request that the 98th Congress of the United States support and enact the Act to establish a National Oceans Policy Commission to study and develop a national oceans policy encompassing both

international and domestic marine issues; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-323. A concurrent resolution adopted by the General Assembly of the State of Missouri; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 3

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds one trillion dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to limit the growth of federal spending and taxes and balance the budget; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

"Whereas, knowledgeable planning, fiscal prudence and pain good sense require that the budget reflect all federal spending and be in balance on a regular basis; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, the federal deficit in Fiscal Year 1982 was $110.7 billion, nearly double the deficit in Fiscal Year 1981; and

"Whereas, the Congressional Budget Office projects a deficit for Fiscal Years 1983 and 1984 of $155 billion and $200 billion, respectively; and

"Whereas, the United States Senate approved a proposed balance budget amendment in response to the efforts of the thirty-one state legislatures which have requested a limited convention on this subject, and its conviction about the needs for a constitutional restraint upon Congress' fiscal authority; and

"Whereas, the Reagan Administration has indicated that the budget will not be balanced by 1984; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenver two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid for all intents and purposes when ratified by three-fourths of the several states, believing such action to be vital;

"Now, therefore, be it resolved by the Senate of the Eighty-second General Assembly of the State of Missouri, the House of Representatives concurring therein, that the Missouri General Assembly proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Missouri General Assembly requests the Congress to prepare and submit to the several states before January 1, 1984, an amendment to the Constitution of the United States, requiring a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that effective January 1, 1984, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, then this application and petition for a constitutional convention shall no longer be of any force or effect; and

"Be it further resolved that this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

"Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution, and making application to the Congress to call a constitutional convention for the purpose of proposing such an amendment to the federal constitution; and

"Be it further resolved that copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of Congress representing Missouri; and

"Be it further resolved that the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

POM-324. A joint resolution adopted by the legislature of the State of Oregon; to the Committee on the Judiciary:

"Be it further resolved that

"ENROLLED SENATE JOINT MEMORIAL 5

"Whereas the identification of a group of people for restrictive or punitive action based on race or national origin is a violation of the Fourteenth Amendment of the United States Constitution and repugnant to the American ideals which uphold the rights of life, liberty and property; and

"Whereas there is a fundamental difference between a nation which is at war with the United States and the former residents of that nation and their descendants who are American citizens or resident aliens; and

"Whereas President Franklin D. Roosevelt issued Executive Order 9066 on February 19, 1942, leading to the assembly, removal and internment of more than 110,000 Americans of Japanese descent and Japanese resident aliens based solely on their race, thereby denying them their liberty and property without due process of law; and

"Whereas 3,659 Oregonians of Japanese descent and Japanese resident aliens were denied their constitutional rights and suffered severe psychological and emotional trauma and grievous losses of property, jobs and income; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to consider appropriate compensation for Americans of Japanese descent and Japanese resident aliens who were denied the constitutional rights to liberty and property through detention, removal and internment.

"(2) The Congress of the United States recognize the humiliation and personal suffering experienced by Americans of Japanese descent and Japanese resident aliens during the years 1942 to 1946 and the personal embarrassment and sense of shame that Americans of Japanese descent and Japanese resident aliens have experienced since World War II because of their relocation and internment.

"(3) The Congress of the United States acknowledges this country suffers when any American is imprisoned because of race or national ancestry.

"(4) The Congress of the United States pass legislation to insure that the President of the United States or Congress, during times of crises, will not take punitive action against American citizens or resident aliens based on their race or national origin.

"(5) A copy of this memorial shall be sent to the President pro tempore of the Senate, the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation."

POM-325. A joint resolution adopted by the legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 28—RELATIVE TO LAW ENFORCEMENT ASSISTANCE

"Whereas, Senator Arlen Specter has introduced in the Congress of the United States S. 53, the Justice Assistance Act of 1983, which is legislation of vital importance to the safety and well-being of the people of California and throughout the United States; and

"Whereas, This comprehensive federal legislation encompasses local assistance programs in such essential areas as crime prevention, criminal law enforcement, victim services, offender rehabilitation, drug treatment, and justice personnel training, management, and technical assistance; and

"Whereas, In the amendments made by S. 53 to Section 403(a) of the Omnibus Crime Control and Safe Streets Act of 1968, the Director of the Office of Justice Assistance is authorized to make grants to the states for these purposes; and

"Whereas, It is particularly significant that one of the major components of the Justice Assistance Act of 1983 is to amend the Omnibus Crime Control and Safe Streets Act of 1968 (Section 403(a)(6)) to "provide community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime"; and

"Whereas, the legislation also establishes a Justice Assistance Board, which includes representatives of neighborhood and community-based groups, and representatives of local and state governments; and

"Whereas, The Legislature finds and declares that this "neighborhood watch" component of the Justice Assistance Act of 1983 should be a top priority in the ongoing efforts of our society to institute effective crime prevention; and

"Whereas, The Legislature further finds and declares that the concept of community crime prevention has become increasingly more recognized by citizens, law enforcement agencies, and local government as an integral element of crime control programs, and that crime prevention programs involving citizens as volunteers has enhanced law enforcement efforts to reduce crime; and

"Whereas, the Justice Assistance Act of 1983 is enacted, the State of California could obtain as much as ten million dollars for "neighborhood watch" crime prevention programs, an amount almost ten times more than the present available funding; 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 enact those portions of the Justice Assistance Act of 1983 which assure that priority is given under the act to "neighborhood watch" crime prevention programs; 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 Representative from California in the Congress of the United States."

POM-326. A resolution adopted by the Southern Association on Children Under Six relating to Quality Child Care; to the Committee on Labor and Human Resources.

POM-327. A resolution adopted by the Southern Association on Children Under Six relating to Head Start; to the Committee on Labor and Human Resources.

POM-328. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 46—RELATIVE TO QANTAS AIRWAYS, LIMITED

"Whereas, The International Association of Machinists and Aerospace Workers is a bona fide labor organization in the State of California; and

"Whereas, This union represents citizens of California for collective-bargaining purposes who were employed by Qantas Airways, Limited; and

"Whereas, Qantas is the international airline of Australia and the employer of these citizens; and

"Whereas, The parties entered into lawful collective-bargaining negotiations in February of 1982 under the Railway Labor Act; and

"Whereas, The Union made every attempt to bargain in good faith on behalf of these employees; and

"Whereas, These negotiations were unsuccessful even with the aid of the National Mediation Board, an agency of the United States government; and

"Whereas, The employer, Qantas, maintained a nonnegotiable position regarding the employment of these persons; and

"Whereas, On or about February 6, 1983, Qantas discharged these employees without good or sufficient reason; and

"Whereas, These long serving and faithful employees were forced to seek unemployment and social welfare benefits instead of gainful employment; now, therefore, be it

"Resolved by the Assembly and the 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 urge Qantas Airways, Limited, to reconsider its action in discharging its California employees during collective-bargaining negotiations and to enter immediately into meaningful negotiations that will restore the discharged employees to their former positions; 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, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Prime Minister of Australia, to the Chairman of the Board of Qantas Airways, Limited, and to the President of the International Association of Machinists and Aerospace Workers, with the earnest desire that they respond favorably with immediate and appropriate action to meet this grave matter concerning the citizens of this state.".

POM-329. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources;

"ASSEMBLY JOINT RESOLUTION NO. 55—RELATIVE TO EQUAL EDUCATIONAL OPPORTUNITY ON THE BASIS OF SEX

"Whereas, Title IX of the Federal Education Amendments of 1972 is the broadest prohibition against sex discrimination in any educational program or activity receiving federal financial assistance currently in effect; and

"Whereas, Title IX has resulted in greater equality of educational opportunity for female and male students in terms of admissions, access to courses in academic and vocational training, athletics and other extracurricular activities, and counseling and other services; and

"Whereas, Title IX has created a more equal distribution of women and men employed by educational institutions; and

"Whereas, The State of California has demonstrated a longstanding history of, and commitment to, equal opportunity in education on the basis of sex through the enactment of Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code, which parallels and reinforces Title IX in the State of California; and

"Whereas, The United States Department of Education has threatened to reduce the scope of Title IX and the requirements imposed by the guidelines for compliance with its provisions, limiting the protection afforded by Title IX and regulations promulgated pursuant to that law; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes each Senator and Representative from California in the Congress of the United States to preserve the scope and strength of Title IX and to work for the defeat of any legislation which would weaken or dismantle Title IX; 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 Representative from California in the Congress of the United States; and be it further

"Resolved, That the Assembly and the Senate of the State of California jointly proclaim June 23, 1983, Title IX Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes (Rept. No. 98-191).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; and

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

John P. Vukasin, Jr., of California, to be U.S. District Judge for the Northern District of California.

By Mr. McCLURE, from the Committee on the Energy and Natural Resources:

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior.

(The above nomination was reported from the Committee on Energy and Natural Resources 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.)

By Mr. GARN, from the Committee on the Banking, Housing, and Urban Affairs:

Paul A. Volker, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs, 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.)

By Mr. THURMOND, from the Committee on the Judiciary:

Hector M. Laffitte, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON:

S. 1654. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by

the United States to the Central Pacific Railway Company; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 1655. A bill to provide financial assistance to States for a program designed to assess and address the problems of quality instruction and the retention of students in secondary schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 1656. A bill to amend the Water Research and Development Act of 1978 (Public Law 95-467) to establish a research and development program in the area of the Ogallala Aquifer; to the Committee on Environment and Public Works.

By Mr. BURDICK:

S. 1657. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 1658. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. EAST, and Mr. BINGAMAN):

S. 1659. A bill to require the Secretary of the Interior, under certain conditions, to convey the Wrightsville Beach Test Facility (a Federal desalting facility) to the town of Wrightsville Beach, North Carolina, and to convey the Roswell Test Facility (another Federal desalting facility) to the city of Roswell, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PACKWOOD (for himself, Mr. GOLDWATER, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. STEVENS, Mr. TRIBLE, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HECHT, Mr. HEINZ, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. WALLOP, and Mr. WARNER):

S. 1660. A bill relating to the preservation of universal telephone service; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE, (for himself, Mr. LONG, Mr. WALLOP, Mr. BOREN, Mr. SYMMS, Mr. BENTSEN, and Mr. TOWER):

S. 1661. A bill to amend the Internal Revenue Code of 1954 to make technical corrections with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or tertiary processes; to the Committee on Finance.

By Mr. STEVENS:

S. 1662. A bill to amend title 5, United States Code, with respect to the authority of the Special Counsel of the Merit Systems Protection Board; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1663. A bill to extend the program of Federal supplemental unemployment benefits for six additional months, to provide additional weeks of such benefits, and to provide an alternate mechanism for determining the number of weeks of such benefits for any State; to the Committee on Finance.

By Mr. STEVENS:

S. 1664. A bill to amend title 5, United States Code, to make the Chairman of the Federal Labor Relations Authority the chief executive and administrative officer of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

S. 1665. A bill to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General Counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. BENTSEN, Mr. DURENBERGER, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. COHEN, Mr. NUNN, Mr. D'AMATO, and Mr. DENTON):

S. 1666. A bill to amend the Internal Revenue Code of 1954 to reduce the capital gains tax rates for individuals who hold new issues of stock at least 5 years; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1667. A bill to modify the Jackson Hole Snake River local protection flood control project in Wyoming to authorize maintenance work performed by the Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. PERCY, Mr. ANDREWS, Mr. COHEN, Mr. DOMENICI, Mr. HELMS, Mr. SYMMS, Mr. PRESSLER, Mr. PROXMIRE, Mr. BURDICK, Mr. DIXON, and Mr. MURKOWSKI):

S. 1668. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself and Mr. KENNEDY):

S. Res. 180. A resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans; to the Committee on Finance.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 1655. A bill to provide financial assistance to States for a program designed to assess and address the problems of quality instruction and the retention of students in secondary schools, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION AND PARTNERSHIP FOR EXCELLENCE ACT OF 1983

Mr. KENNEDY. Mr. President, today, I am introducing the second piece of my agenda for educational excellence—the Education Partnership for Excellence Act.

In March of this year, I introduced S. 874, the National Education and Economic Development Act of 1983, dealing with math and science education. Later in June, I recommended the convening of a National Summit Conference on Education to examine the reports of the distinguished panels which have studied the problems of our schools, so that we can synthesize the various ideas for improving education into a bipartisan blueprint to upgrade the quality of our Nation's schools.

For all of us who are committed to providing a quality education to this Nation's students, the reports which have appeared over the last 4 months have raised serious concerns. In April, the National Commission on Excellence in Education issued "A Nation At Risk," which warned that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people."

Only a month later, the Task Force on Federal Elementary and Secondary Education Policy of the Twentieth Century Fund issued a report which warned that "the Nation's public schools are in trouble. By almost every measure—the commitment and competency of teachers, student test scores, truancy and dropout rates, crimes of violence—the performance of our schools falls far short of expectations."

And last month, the Task Force on Education for Economic Growth of the Education Commission of the States issued its "Action for Excellence." In it, the task force concluded that "education for economic growth demands progress on many fronts."

These reports are a clarion call to action. I have been heartened to see the pervasive response from so many members of society all across this Nation.

The National Commission, in its final recommendation, urged the Federal Government to "provide the national leadership to insure that the Nation's public and private resources are marshaled to address the issues discussed in the report." It "calls upon educators, parents, and public officials at all levels to assist in bringing about the educational reforms proposed in the report."

The report of the Education Commission of the States even more explicitly "calls for new alliances among educators, school systems and many other groups in America to create a new ethic of excellence in public education." And it recognizes "the importance of a strong Federal commitment to education"—a commitment backed by "sufficient resources."

It is to meet these dual goals: to foster new education alliances and to provide sufficient resources to make them a productive reality, that I am introducing this bill today.

The legislation I have already introduced—the National Education and Economic Development Act—would establish a comprehensive program to

improve math and science education in our Nation. While I support the similar measure recently approved by the Labor and Human Resources Committee, I believe that such legislation is only the first step in the process. A more comprehensive program is essential.

Another essential part of my agenda will be a proposal to modernize the vocational educational system in our country. In particular, the existing system must be reformed to face the challenges of double-digit unemployment among disadvantaged groups in our society. The vocational education system can become an indispensable element of our country's efforts to meet our economic and social challenges of the 1980's, and 1990's.

We must also work to improve the language competency of all Americans, both in English and in the foreign languages, by establishing a national language policy. We must insure that all students develop a proficiency in English that allows them to function and prosper in our society. But we must also protect bilingualism where it exists and promote it where it does not. Bilingualism strengthens this Nation, both economically and socially. We must once and for all end the myth of the "tongue-tied American."

Finally, we must not forget those Federal programs which have functioned so well in raising the educational achievement of so many Americans. Programs like title I, Headstart, and Pell grants, must be expanded to receive adequate financial support.

My agenda is not a quick-fix. There are no panaceas or miracle cures. The only realistic remedy for the current crisis is a renewal of our national will and a new sense of dedication and commitment by government and citizens to the goal of excellence in education.

The cornerstone of the Education Partnership for Excellence Act is the concept of partnership—the development and support of creative local partnerships between the public and private sectors to improve American secondary schools. In particular, the education partnerships will work to improve six key areas in the Nation's high school:

First, curriculum; second, student academic competence; third, time spend on academic instruction; fourth, supply and skills of teachers; fifth, school leadership and management; and sixth, special needs of women, minorities, and other student populations.

The partnerships, working with the States, will examine the needs within a school regarding these six problem areas; they will develop plans to respond to these needs, and evaluate the success of the efforts in meeting the needs.

The partnership concept in this bill is a recognition of the magnitude of the problems our Nation's secondary schools face. The development, the financing, and the administration of these efforts are too great for any one level of government or any one sector of society to bear alone. This bill calls upon local educational agencies to unite with States, businesses, colleges and universities, private schools, parent and teacher organizations, and other institutions and groups—such as museums, libraries, and professional associations.

The bill authorizes a significant and increasing level of resources to carry out its purposes: $450 million in the first year, growing to almost $900 million by the fifth year. In conjunction with the requirement for non-Federal matching funds, this translates into almost $6 billion over the first 5 years of operation.

The majority of funds will go to the newly created local education partnerships. A portion of the funds will go to the various State and the Federal departments of education, which will provide informational and technical assistance to the local education agencies. The Federal department, in addition, will make grants to local partnerships and the States to support innovative demonstration programs.

Taken as a whole, this proposal is intended to focus a truly national effort on restoring excellence in the Nation's high schools. Other Federal programs concentrate on elementary schools and on college aid. But we have no coordinated program designed to deal with high schools. This legislation is intended to fill the gap.

America in the 1980's faces a dramatic challenge—from other nations and from a demanding future. Our success in mastering that future depends upon our people. Businesses cannot function without skilled workers or managers; scientific knowledge will not expand without well-educated researchers; our military might is in danger without well-trained forces, society itself is threatened without a well-informed citizenry. Our future depends upon the full realization of the talents of all our people. Now is the time to begin to chart the path that will lead America to a prosperous future.

As the Education Commission of the States declared:

> The stakes are high. If we fail, our children will experience a growing sense of loss and of failure: a sense of falling behind that will reflect the reality of falling behind. Fortunately, however, it is within our power to succeed. And the rewards of success will be great: improved productivity; sustained economic growth; job and career opportunities for all our people; the economic wherewithal to provide adequate public services; a secure defense—and above all, the excitement and satisfaction of life in a culture whose wellsprings of creativity and accomplishment are full and flowing.

And finally, as the National Commission on Excellence in Education concludes:

> It is their America, and the America of all of us, that is at risk; it is to each of us that this imperative is addressed. It is by our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will be either secured or forfeited. Americans have succeeded before and so we shall again.

Mr. President, I ask unanimous consent that the bill and a summary 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. 1655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Partnership for Excellence Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this act to provide national support for local education partnerships between local educational agencies, State agencies, business concerns, institutions of higher education, private secondary schools, parent and teacher organizations and other appropriate community organizations to conduct programs which—

(1) improve the content of the curriculum available in secondary schools and make it more relevant to the academic and vocational needs of secondary school students;

(2) improve the academic competence of students in secondary schools;

(3) increase the time spent by secondary school students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout rate and the chronic absentee rate and (C) by increasing study outside school hours and the school setting;

(4) improve the skills possessed by secondary school teachers and increase the quantity of secondary school teachers, particularly by improving the preparation of those teachers and the compensation and benefits received by those teachers;

(5) improve the leadership in and the management of secondary schools; and

(6) address the special needs of secondary school students, such as women, minorities and students of limited English proficiency, the economically disadvantaged, the handicapped and gifted and talented students,

and thereby to increase the number of students graduating from secondary schools in the community and to improve the academic and vocational skills of such students in order to increase their employment opportunities and to permit them to become productive citizens in the community and in the Nation.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "equipment" has the same meaning given that term under section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "Governor" means the chief executive of any State;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "local education partnership" means an agreement between—

(A) any local educational agency or a consortium of such agencies, and

(B) the State education agency, business concerns, institutions of higher education, other appropriate State agencies, private schools or other appropriate community organizations or institutions,

to conduct activities to improve secondary schools in accordance with the provision of this Act;

(6) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(7) the term "Secretary" means the Secretary of Education;

(8) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(9) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated to carry out the provisions of title I of this Act, relating to secondary education partnerships, $400,000,000 for the fiscal year 1984, $450,000,000 for the fiscal year 1985, $500,000,000 for the fiscal year 1986, $600,000,000 for the fiscal year 1987 and $750,000,000 for the fiscal year 1988.

(b)(1) There are authorized to be appropriated to carry out the provisions of part A of title II, relating to demonstration and dissemination grants, $40,000,000 for the fiscal year 1984, $70,000,000 for the fiscal year 1985, $90,000,000 for the fiscal year 1986, $110,000,000 for the fiscal year 1987 and $130,000,000 for the fiscal year 1988.

(2) There are authorized to be appropriated for the purpose of carrying out part B of title III, relating to the National Partnership Information Clearinghouse, $10,000,000 for the fiscal year 1984 and for each of the four succeeding fiscal years.

TITLE I—GRANTS TO STATES FOR SECONDARY EDUCATION PARTNERSHIPS

DISTRIBUTION OF FUNDS

SEC. 101. (a) Sixty percent of the funds appropriated to carry out this title for fiscal year 1984, and 30 percent of the funds appropriated to carry out this title for fiscal year 1985 shall be available for part A.

(b) Thirty percent of the funds appropriated to carry out this title for fiscal year 1984, 60 percent of the funds for fiscal year 1985, and 90 percent of the funds appropriated to carry out this title for each of the fiscal years 1986, 1987, and 1988 shall be available to carry out the provisions of part B.

(c) Ten percent of the funds appropriated to carry out this title for each of the fiscal years 1984 through 1988 shall be available to carry out the provisions of part C.

PART A—GRANTS TO ESTABLISH SECONDARY EDUCATION PARTNERSHIPS

ALLOCATIONS TO THE STATES

SEC. 111. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the Secretary shall allocate to each State an amount which bears the same ratio to such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "school-age population" means the population age 5 through 17; and

(2) the term "States" includes the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 112. (a) No State may receive a grant under this part unless the State submits to the Secretary the State assurances required under section 113.

(b) Funds under this part shall be used to support the establishment or expansion of local educational partnerships, under which the parties participating in the partnership agree to conduct programs for—

(1) improving the content of and make it more relevant to the academic and vocational needs of secondary school students; the curriculum available in secondary schools;

(2) improving the academic competence of students in secondary schools;

(3) increasing the time spent by secondary school students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout rate and the chronic absentee rate and (C) by increasing study outside school hours and the school setting;

(4) improving the skills possessed by secondary school teachers, and increasing the quantity of secondary school teachers, particularly by improving the preparation of those teachers and the compensation and benefits received by those teachers; and

(5) improving the leadership in and management of the secondary schools; and

(6) addressing the special needs of students, such as women, minorities and students of limited english proficiency the economically disadvantaged, the handicapped and gifted and talented students.

STATE ASSURANCES

SEC. 113. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the State educational agency shall be designated as the State agency to administer the funds allocated to the State under this part;

(2) the State educational agency will furnish technical assistance necessary to local educational agencies or consortia of such agencies in the establishment or expansion of local education partnerships;

(3) the State shall distribute its allocation under this part to local educational agencies or consortia of local educational agencies within the State to establish or expand local education partnerships in accordance with section 112(b) and based upon the factor described in section 111(a)(2); and

(4) the application of each local educational agency or consortia of such agencies applying for funds under this part will not be denied without notice and opportunity for a hearing before the State educational agency.

(b) The Secretary shall not disapprove an application filed by the State educational agency without affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 114. (a) A local educational agency or consortia of local educational agencies may receive payments from the State under this part after submitting to the State educational agency an application which—

(1) sets forth the agencies, institutions and organizations which will be contacted to form the local education partnership;

(2) sets forth the purposes for the establishment of the local education partnership;

(3) sets forth the uses for which assistance is sought by the applicant; and

(4) provides assurances that the applicant will comply with the other provisions of this part.

(b) A local educational agency or consortia of local educational agency may, on behalf of the local education partnership, receive payments from the State under this part after submitting to the State educational agency an application which—

(1) sets forth the agencies, institutions, and organizations which comprise the local education partnership;

(2) sets forth the purpose and activities of the local education partnership;

(3) sets forth the agencies, institutions, and organizations which will be contacted to expand the local education partnership;

(4) sets forth the purposes for expanding the local education partnership;

(5) sets forth the uses for which assistance is sought by the local education partnership; and

(6) provides assurances that the local education partnership will comply with the other provisions of this part.

PART B—GRANTS FOR LOCAL EDUCATION PARTNERSHIP ACTIVITIES

ALLOCATIONS TO THE STATES

SEC. 121. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall first reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the Secretary shall allocate to each State—

(A) an amount which bears the same ratio to 30 percent of the amount of such remainder as the school-age population of the State bears to the school-age population of all States;

(B) an amount which bears the same ratio to 20 percent of the amount of such remainder as the excess number of unemployed in the State bears to the total excess number of unemployed in all the States; and

(C) an amount which bears the same ratio to 50 percent of the amount of such remainder as the number of children aged 5 to 17 who—

(i) are from families below the poverty level as determined under section 111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965; and

who were counted in the fiscal year preceding the fiscal year for which the determination is made bears to the total number of such children in all States,

except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "excess number of unemployed" means the number of unemployed individuals in excess of 4.5 percent of the civilian labor force;

(2) the term "school-age population" means the population age 5 through 17; and

(3) the term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 122. (a) No State may receive a grant under this part unless the State submits to the Secretary the State assurances required under section 113.

(b) Funds under this part shall be used to pay the Federal share of programs and activities of local education partnerships which—

(1) improve the content of the cirriculum available in secondary schools and make the cirriculum more relevant to the academic and vocational needs of secondary school students;

(2) improve the academic competence of students in secondary schools;

(3) increase the time spent by secondary schools students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout and chronic absentee rates and (C) by increasing study outside school hours and the school setting;

(4) improve the skills possessed by secondary school teachers and increase the quantity of secondary school teachers, particularly by improving the preparation of teachers and the compensation and benefits received by teachers;

(5) improve the leadership in and management of the secondary schools; and

(6) address the special needs of secondary school students, such as women, minorities and students of limited English proficiency, the economically disadvantaged, the handicapped and gifted and talented students.

STATE ASSURANCES

SEC. 123. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the state educational agency will be designated as the State agency responsible for the administration and supervision of programs assisted under this part;

(2) the State will use grants made under this part—

(A) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no case to supplant such funds from non-Federal sources; and

(3) the State educational agency will furnish technical assistance necessary to local education partnerships within the State to carry out their responsibilities under this part;

(4) the State shall distribute its allocation under this part to local education partnerships within the State in accordance with the provisions of section 125; and

(5) the application of each local education partnership applying for funds under this part will not be denied without notice and opportunity for a hearing before the State educational agency.

(b) The Secretary shall not disapprove the application filed by the State educational agency without affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 124. (a) Each local educational agency or consortium of such agencies may on behalf of a local education partnership, receive payments under this part for any fiscal year in which it files with the State educational agency an application. Each such application shall—

(1) describe the programs for which assistance is sought, including—

(A) identifying the specific problems to be addressed and specifying the goals which the program is designed to serve; and

(B) describing the manner in which the programs for which assistance is sought is intended to attain the stated goals;

(2) provide assurances that the local education partnership will pay from non-Federal sources the remaining costs of carrying out the programs for which assistance is sought under this part;

(3) provide a description of expected local resources, both public and private, which will be committed to the payment of the non-Federal share of carrying out the program for which assistance is sought;

(4) provide assurances that the local education partnership will cooperate with State efforts to evaluate the effectiveness of the program assisted under this part;

(5) provide assurances that information developed as a result of the programs assisted under this part will be submitted to the State educational agency; and

(6) provide assurances that the programs for which assistance is sought will be administered in cooperation with the business concerns and other organizations in the community engaged in the development of the program, in accordance with subsection (b) of this section.

(b) Each application submitted under subsection (a) of this section shall be developed in consultation with interested parties in the community to be served by its program for which assistance is sought, including—

(1) business concerns, in particular local business concerns;

(2) private schools;

(3) institutions of higher education;

(4) parent and teacher organizations;

(5) cultural and community organizations with particular interest in both education and employment opportunities; and

(6) State and local public agencies.

(c)(1) Each local education partnership which desires assistance under this part may establish a local advisory council composed of members representing public agencies, business concerns, and private organizations involved in the development of the program for which assistance is sought.

(2) Expenses of any local advisory council established under this subsection is a permissible use for the purpose of receiving assistance under this part.

(d) An application filed by a local education partnership under subsection (a) may be amended annually as may be necessary to reflect changes without filing a new application.

WITHIN STATE ALLOCATION

SEC. 125. (a) Each State educational agency shall rank approved applications submitted by local education partnerships according to the following criteria:

(1) First, the sum of the number of children aged 5 to 17 within the geographical area of the local education partnership, who—

(A) are from families below the poverty level as determined under section 111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(B) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965.

(2) Second, the school-age population within the geographical area of the local education partnership as a percentage of the school-age population within the State.

(3) Third, the excess number of unemployed in the geographical area of the local education partnership.

(b) The State educational agency shall distribute funds to local education partnerships in accordance with the ranking established under subsection (a) of this section.

PART C—GRANTS FOR STATE EDUCATIONAL AGENCIES

ALLOCATIONS TO THE STATES

SEC. 131. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the secretary shall allocate to each State an amount which bears the same ratio to such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "school-age population" means the population age 5 through 17; and

(2) the term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 132. (a) No State may receive a grant under this part unless the States submits to the Secretary the assurances required under section 133.

(b) Funds under this part shall be used—

(1) for State administration of grants under parts A and B of this title;

(2) to assess the needs within the State relating to—

(A) attendance among secondary school students;

(B) the adequacy of course requirements and the quality of the curricula in secondary schools;

(C) the academic competence and conduct of secondary school students;

(D) the skills possessed by and quantity of secondary school teachers;

(E) leadership in and management of secondary schools; and

(F) the special needs of students, such as women, minorities and students of limited English proficiency, the economically disad-

vantaged, the handicapped and the gifted and talented students;

(3) to inventory the resources in the State available to address the educational needs of the State;

(4) to conduct independent evaluations of the effectiveness of the programs of the local education partnerships assisted under this Act; and

(5) to provide technical assistance to local education partnerships in the creation or expansion of partnerships, in the preparation of local applications, in the development and operation of programs by the local education partnership and in other activities assisted under this Act.

STATE ASSURANCES

SEC. 133. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the State educational agency will be designated as the State agency responsible for the administration and supervision of programs assisted under this part;

(2) the State will use funds under this part—

(A) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of this part; and

(B) in no case to supplant such funds from non-Federal sources; and

(3) no more than 30 percent of the funds allocated to the State under this part shall be used for State administration.

TITLE II—NATIONAL PROGRAMS

PART A—NATIONAL DEMONSTRATION AND DISSEMINATION GRANTS

DISSEMINATION AUTHORIZED

SEC. 211. From the amounts appropriated pursuant to section 4(b)(1), the Secretary is authorized to allocate $10,000,000 to the National Diffusion Network to disseminate information on innovative projects developed under this Act.

NATIONAL DEMONSTRATION GRANTS AUTHORIZED

SEC. 212. (a) From the remainder of the amount appropriated for this part pursuant to section 4(b)(1), the Secretary is authorized to make grants to local educational agencies or consortia of such agencies on behalf of local education partnerships and to State educational agencies to develop and carry out innovative projects designed to meet the purposes of this Act.

(b)(1) From the remainder of the amount appropriated for this part pursuant to section 4(b)(1), the Secretary is authorized to make grants and to enter into contracts for the evaluation of programs assisted under this part with public agencies and private nonprofit organizations which have demonstrated the capacity to perform independent evaluations of education programs.

(2) Each evaluation conducted under this part shall examine—

(A) the number of secondary school students who graduate from secondary school;

(B) the characteristics of secondary school students who do graduate and the secondary school students who drop out of school before graduation, together with a description of the sex, race cultural background, and economic background of such students;

(C) the type of skill and degree of competence of the secondary school students who complete secondary school and the nature of the academic or employment opportunities which such students pursue;

(D) the degree of achievement in postsecondary education or employment by secondary school students who have graduated from secondary school; and

(E) the degree of the participation of interested parties in the community and the program.

Information developed as a result of the evaluations shall be disseminated under section 211.

APPLICATIONS FOR NATIONAL DEMONSTRATION GRANTS

SEC. 213. (a) No grant may be made under this part unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Each such application for assistance under section 212(a) shall be developed in consultation with interested parties in the community to be served by the program for which assistance is sought, including—

(1) local business concerns and business concerns with establishments located in the community;

(2) private schools;

(3) institutions of higher education;

(4) parent and teacher organizations;

(5) cultural and community organizations with particular interests in both education and employment opportunities; and

(6) State and local public agencies.

(c) Each application for assistance under section 212(a) shall contain—

(1) a description of the specific problems addressed by the proposal, together with the methods which the proposal employs to meet the problems; and

(2) a description of the local resources available to carry out the proposal and the State resources, if any, which are available for that purpose.

LIMITATION

SEC. 214. No grant to a local education partnership or to a State educational agency under this part may exceed $1,500,000 in any fiscal year.

PART B—NATIONAL PARTNERSHIP INFORMATION CLEARINGHOUSE

CLEARINGHOUSE AUTHORIZED

SEC. 221. (a) From the amount appropriated pursuant to section 4(b)(2) in each fiscal year, the Secretary is authorized to establish a National Partnership Information Clearinghouse designed to gather and make available information on programs and activities which meet the purposes of this Act.

(b) The Clearinghouse shall provide information upon request regarding local partnership efforts and activities.

TITLE III—GENERAL PROVISIONS

PAYMENTS; FEDERAL SHARE

SEC. 301. (a)(1) From the amount allotted to each State pursuant to section 111, the Secretary shall, in accordance with the provisions of part A of title I of this Act, pay to each State the costs of the program to be assisted under part A of title I.

(2) From the amount allotted to each State pursuant to section 121, the Secretary shall, in accordance with the provisions of part B of title I of this Act, pay to the State an amount equal to the Federal share of the costs of the program to be assisted under part B.

(3) From the amount available for part C of title I, the Secretary shall, in accordance with the provisions of such part, pay to each State the costs of the program to be assisted under part C of title I.

(4) From the amount available for part A of title II, the Secretary shall, in accordance with the provisions of such part, pay to the recipient an amount equal to the cost of the program described in the application approved under part A.

(b)(1) The Federal share for services and activities assisted under part B of title I shall be—

(A) 70 percent for the fiscal year 1984;

(B) 60 percent for the fiscal year 1985;

(C) 50 percent for the fiscal year 1986; and

(D) 40 percent for the fiscal years 1987 and 1988.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

WITHHOLDING

SEC. 302. Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of title I or the assurances of the State approved under sections 113, 123, and 133, as the case may be, the Secretary shall notify the agency that further payments will not be made to the State under title I (or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this Act to specified local educational agencies and local education partnerships whose actions caused or are involved in such failure) until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies and local education partnerships whose actions did not cause or were not involved in the failure, as the case may be.

SUMMARY

Purpose: The bill creates and supports creative local partnerships to address the following six problems facing America's secondary schools: (1) curriculum, (2) student academic achievement, (3) time spent on academic instruction, (4) supply and skills of teachers, (5) school leadership and management, and (6) the needs of women, minorities, the handicapped and other special populations.

Grants to establish secondary education partnerships: For the first two years of the program, the Secretary shall distribute funds for the establishment and expansion of secondary education partnerships. Funds shall be distributed on a per-pupil basis and shall be redistributed by the states to the secondary education partnerships on the same basis. Secondary education partnerships shall include local educational agencies and may include the State education agency, businesses, colleges and universities, private schools, other State agencies, and other community institutions or organizations (such as museums, libraries and professional associations). These parties may participate at their option.

Grants for secondary education partnership activities: The Secretary shall also distribute funds in support of the activities of secondary education partnerships. These activities must address the six general problems listed in the statement of purposes. Funds will be distributed to the States through the following formula: 50 percent based on the poverty population; 30 percent based on total student population; and 20 percent on the excess number of unemployed in the state. The states shall in turn distribute funds to the secondary education partnerships on the basis of approved applications. The States shall develop formulas

for distribution based first on the poverty population, second on the total student population and finally on the excess unemployed population in the secondary education partnership. Federal funds shall be matched by the secondary education partnership with non-federal funds. The non-federal share of the program shall begin at 30 percent in the first year and rise to 60 percent by the fourth year.

Grants for State education agencies: These grants shall be distributed to the States on the basis of the total student population. The States shall use these funds to provide technical assistance to partnerships; to assess the needs within the State in the six problem areas listed in the Statement of Purposes; to conduct independent evaluations of the programs operated by secondary education partnerships; and for State administration.

National demonstration grants: The Secretary shall make competitive grants to secondary education partnerships and to States to conduct innovative demonstration programs. The Secretary shall also ensure that independent evaluations of these programs are conducted.

Dissemination: The Secretary shall allocate $10 million annually to the National Diffusion Network to disseminate information on these innovative demonstration programs.

National partnership information clearinghouse: The Secretary shall allocate $10 million annually for a National Clearinghouse to gather and make available information on programs and activities related to Secondary education partnerships.

Authorization: Federal funds authorized under this bill are $450 million in the first year; $530 million in the second year; $600 million in the third year; $720 million in the fourth year; and $890 million in the fifth year. Taking into account the matching funds, the total program would receive $500 million in the first year; $710 million in the second year; $1.05 billion in the third year; $1.53 billion in the fourth year; and $1.93 billion in the fifth year.

FUNDING DISTRIBUTION

[In millions]

	1984	1985	1986	1987	1988
Partnerships	240	135			
Partnership activities	170	450	900	1,350	1,700
Federal share	120	270	450	540	675
Matching share	50	180	450	810	1,025
State activities	40	45	50	60	75
Demonstration grants	30	60	80	100	120
Dissemination	10	10	10	10	10
Clearinghouse	10	10	10	10	10

By Mr. BAKER (for Mr. DOMENICI):

S. 1656. A bill to amend the Water Research and Development Act of 1978 (Public Law 95-467) to establish a research and development program in the area of the Ogallala Aquifer; to the Committee on Environment and Public Works.

OGALLALA AQUIFER RESEARCH AND DEVELOPMENT ACT OF 1983

● Mr. DOMENICI. Mr. President, in 1976 the Department of Commerce, acting through the Economic Development Administration, the Corps of Engineers, other appropriate Federal agencies, and the private sector, were charged by Congress with the difficult task of undertaking a study of the depletion of the Ogallala Aquifer and to report back to the Congress with recommendations on how to halt the depletion.

The Ogallala Aquifer is a huge underground body of water which provides water to parts of the six States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, called the High Plains Region. The High Plains is an extremely productive agricultural region, with significant importance in national and international markets. It produces 15 percent of the total national wheat, corn, grain, sorghum, and cotton. Furthermore, 38 percent of the total value of livestock produced in this Nation comes from the area.

The area is highly dependent upon irrigation to sustain its production. In all, there are 14.3 million acres of irrigated land with over 170,000 irrigation wells. This is a tremendous rise of irrigated land over the last 30 years; in 1950 there were only 3.5 million irrigated acres under cultivation.

With the surge in irrigation a tremendous strain has been placed on the Ogallala Aquifer. Less than 7 million acre-feet of water were withdrawn from the Ogallala in 1950, while in 1980 more than 21 million acre-feet were pumped annually.

The aquifer does receive some recharge each year, but the quantities of ground water that are withdrawn and used far exceed the quantities being replaced. If something is not done soon, we can expect severe economic consequences at the local, regional and national level.

The report sent to Congress outlines these concerns and recommends a comprehensive research and demonstration program to begin immediately. There is no question that the longer we wait, the more likely it is that we will not be able to arrest the serious depletion that has already begun.

The legislation which I am introducing today embodies the recommendations of the report, providing technical assistance and research and demonstration grants to the six High Plains States. There is critical urgency to act now, and it is my hope this legislation will receive strong support by the Senate.

Mr. President, I ask unanimous consent that the text of this legislation appear at this point in the RECORD.

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

S. 1656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ogallala Aquifer Research and Development Act of 1983."

SEC. 2. (a) The Congress finds that—

(1) The Ogallala Aquifer lies beneath, and provides needed water supplies to, the six states of the High Plains Region: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas;

(2) The High Plains Region has become an important source of agricultural commodities and livestock for domestic and international markets, providing 15 percent of the nation's supply of wheat, corn, feed grains, sorghum, and cotton, plus 38 percent of the value of livestock raised in the United States; and

(3) Annual precipitation in the High Plains Region ranges from 15 to 22 inches, providing inadequate supplies of surface water and recharging of the Ogallala Aquifer needed to sustain the agricultural productivity and economic vitality of the High Plains Region.

(b) It is, therefore, the purpose of this Act to establish a comprehensive research and development program to assist those portions of the High Plains Region dependent on water from the Ogallala Aquifer to:

(1) plan for the development of an adequate supply of water in the region;

(2) develop and provide information and technical assistance concerning water conservation management practices to agricultural producers in the region;

(3) examine alternatives for the development of an adequate supply of water for the region; and

(4) develop water conservation management practices which are efficient for agricultural producers in the region.

SEC. 3. The Water Research and Development Act of 1978 (Public Law 95-467) is amended by adding at the end thereof the following new title:

"TITLE V—OGALLALA AQUIFER RESEARCH AND DEVELOPMENT

"SEC. 501. (a) The Secretary shall establish within each State of the High Plains Region (defined for the purposes of this Title as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, and referred hereinafter in this Title as the 'High Plains Region') an Ogallala Aquifer technical advisory committee (hereinafter in this Title referred to as the "State Committee"). Each State Committee shall be appointed by the Secretary and shall be composed of no more than 12 members, including—

"(1) a representative of the United States Department of Agriculture;

"(2) a representative of the Secretary; and

"(3) upon the recommendation of the Governor of the State, representatives from agencies of that State having jurisdiction over water resources, the agricultural community, the academic/research community, and others with a special interest or expertise in water resources.

"(b) The State Committee established pursuant to subsection (a) of this section shall—

"(1) review existing State laws and institutions concerning water management and, where appropriate, recommend changes to improve State or local management capabilities and more efficiently use the waters of such State;

"(2) establish, in coordination with other State Committees, State priorities for research and demonstration projects involving water resources; and

"(3) provide public information, education, extension, and technical assistance on the need for water conservation and information on proven and cost-effective water management.

"(c) Each State Committee established pursuant to this section shall elect a chairman, and shall meet at least once every three months at the call of the chairman, unless the chairman determines, after consultation with a majority of the members of the committee, that such a meeting is not necessary to achieve the purposes of this section.

"SEC. 502. The Secretary shall annually allocate among the States of the High Plains Region funds authorized to be appropriated for this section for research in—

"(1) water-use efficiency;

"(2) cultural methods;

"(3) irrigation technologies;

"(4) water efficient crops; and

"(5) water and soil conservation.

Funds distributed under this section shall be allocated to each State Committee for use by institutions of higher education within each State. To qualify for funds under this section, an institution of higher education shall submit a proposal to the State Committee describing the costs, methods, goals of the proposed research. Proposal shall be selected by the State Committee on the basis of merit.

"SEC. 503. The Secretary shall annually divide funds authorized to be appropriated under this section among the States of the High Plains Region for research into:

"(1) precipitation management;

"(2) weather modification;

"(3) aquifer recharge opportunities;

"(4) saline water uses;

"(5) desalinization technologies;

"(6) salt tolerant crops; and

"(7) local water transfer opportunities.

Funds distributed under this section shall be allocated by the Secretary to the State Committee for distribution to institutions of higher education within such State. To qualify for a grant under this section, an institution of higher education shall submit a research proposal to the State Committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State Committee on the basis of merit.

"SEC. 504. The Secretary shall annually allocate among the States of the High Plains Region funds authorized to be appropriated under this section for grants to farmers for demonstration projects for—

"(1) water efficient irrigation technologies and practices;

"(2) soil and water conservation management systems; and

"(3) the growing and marketing of more water efficient crops.

Grants under this section shall be made by each State Committee in amounts not to exceed 85 per centum of the cost of each demonstration project. To qualify for a grant under this section, a farmer shall submit a proposal to the State Committee describing the costs, methods, and goals of the proposed project. Proposals shall be by the State Committee selected on the basis of merit. Each State Committee shall monitor each demonstration project to assure proper implementation and make the results of the project available to other State Committees.

"SEC. 505. The Secretary of the Army, acting through the Chief of Engineers, is authorized to study the feasibility of water transfers into the High Plains Region, and report annually to Congress.

"SEC. 506. The Secretary, acting through the United States Geological Survey and in cooperation with the States of the High Plains Region, is authorized to monitor the levels of the Ogallala Aquifer, and report annually to Congress.

"SEC. 507 (a). For each of the fiscal years ending September 30, 1985, through September 30, 1989, the following sums are authorized to be appropriated to the Secretary to implement the following sections of this Title, and such sums shall remain available until expended:

"(1) $500,000 for the purposes of Section 501;

"(2) $6,000,000 for the purposes of Section 502;

"(3) $2,000,000 for the purposes of Section 503;

"(4) $2,000,000 for the purposes of Section 504;

"(5) $500,000 for the purposes of Section 505; and

"(6) $500,000 for the purposes of Section 506.

"(b) Funds made available under this Title for distribution to the States of the High Plains Region shall be distributed equally among the States."●

By Mr. BURDICK:

S. 1657. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. BURDICK. Mr. President, I am today introducing a bill which would permanently establish the week including Thanksgiving Day as National Family Week. This week has been proclaimed National Family Week by the President and declared by the Congress every year for the past 7 years as well as in 1972. Senate Joint Resolution 45, designating National Family Week for 1983 passed the Senate on April 21, 1983, and is pending in the House of Representatives. This history clearly shows the broad support for National Family Week.

The purpose of National Family Week is very simple. It is a specific time to recognize the importance of the family in American life and the fundamental role it has played in forming the values upon which our Nation is based. National Family Week is simply a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of this Nation.

The widespread support for the designation of National Family Week is further witnessed by the enthusiastic backing of many broad-based organizations including the American Legion, the Boy Scouts of America, the Salvation Army, and the General Federation of Women's Clubs. Last year, President Reagan added significance to the week by holding a proclamation signing ceremony.

Mr. President, I believe it is time that this celebration be permanently recognized. In addition to Human Rights Week, American Education Week, and National Employ the Physically Handicapped Week, we also have permanent designations of Save Your Vision Week, National Farm Safety Week, Fire Prevention Week, and National Safe Boating Week. While all of these are commendable, it seems to me that National Family Week represents a more fundamental theme for our society and should become a permanent week on our calendar.

Last year, 35 Senators cosponsored the National Family Week resolution with me, and over half the Members of the House cosponsored a similar measure. I urge both Houses to recognize again the value of National Family Week and to join me in making this designation permanent.

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. 1657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the week in November which includes Thanksgiving Day of each year be declared National Family Week and that the President of the United States be authorized and requested to issue annually a proclamation inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. PERCY (by request):

S. 1658. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to implement the Inter-American Convention on International Commercial Arbitration.

This legislation was requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated June 30, 1983.

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

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 9, United States Code, is amended by adding:

"CHAPTER 3. INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

"Sec.
"301. Enforcement of convention.
"302. Incorporation by reference.
"303. Order to compel arbitration; appointment of arbitrators; locale.
"304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity.
"305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
"306. Applicable rules of Inter-American Commercial Arbitration Commission.
"307. Chapter 1; residual application.

"SEC. 301. ENFORCEMENT OF CONVENTION.

"The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

"SEC. 302. INCORPORATION BY REFERENCE.

"The provisions of chapter 2, sections 202, 203, 204, 205 and 207 shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter "the Convention" shall mean the Inter-American Convention.

"SEC. 303. ORDER TO COMPEL ARBITRATION; APPOINTMENT OF ARBITRATORS; LOCALE.

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

"In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

"SEC. 304. RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL DECISIONS AND AWARDS; RECIPROCITY.

"Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

"SEC. 305. RELATIONSHIP BETWEEN THE INTER-AMERICAN CONVENTION AND THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS OF JUNE 10, 1958.

"When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

"(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

"(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.

"SEC. 306. APPLICABLE RULES OF INTER-AMERICAN COMMERCIAL ARBITRATION COMMISSION.

"(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on January 1, 1978.

"(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of the said Commission, the Secretary of State, by regulation in accordance with Section 553 of Title 5, United States Code, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

"SEC. 307. CHAPTER 1; RESIDUAL APPLICATION.

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States."

"SEC. 2. Title 9, United States Code, is further amended by adding to the table of chapters at the beginning a new sub-heading as follows:

"3. Inter-American Convention on International Commercial Arbitration..... 301".

SEC. 3. This Act shall be effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States.

SECTION-BY-SECTION ANALYSIS OF A BILL TO IMPLEMENT THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Section 1. Section 1 of the bill amends Title 9 of the United States Code by addition of a new Chapter 3, consisting of sections 301 through 307. As amended, Title 9 would thus contain three chapters: Chapter 1 (sections 1-14), the original Federal Arbitration Act; Chapter 2 (sections 201-208), the implementing legislation for the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 ("New York Convention"); and Chapter 3 (sections 301-307), implementing legislation for the Inter-American Convention on International Commercial Arbitration of January 30, 1975 ("Inter-American Convention").

Section 301. Section 301 of Title 9 parallels section 201 of the implementing legislation for the New York Convention.

Section 302. Section 302 incorporates sections 202, 203, 204, 205, and 207 of the implementing legislation for the New York Convention: the two Conventions do not differ so as to call for different measures of implementation in these respects.

The incorporation of section 202, which provides that an arbitration agreement or arbitral award arising out of a legal relationship "which is considered as commercial" falls under the Convention (as incorporated, the reference is to the Inter-American Convention), provides the basis for a broad definition of the term "commercial" for purposes of the Convention. The Convention itself provides no definition of the term, but it is the understanding of the United States that trade, investment, and other business and financial activities which bear on "foreign commerce" are considered "commercial" and are thus within purview of the Convention.

The incorporation of section 202 also clarifies that the Inter-American Convention, like the New York Convention, shall be deemed not to apply to an arbitral agreement or award arising out of a legal relationship which is entirely between citizens of the United States, unless there is a reasonable foreign element in the relationship as defined in section 202.

The incorporation of sections 203 and 204 extends the same provisions concerning jurisdiction of the United States district courts and venue to actions or proceedings falling under the Inter-American Convention as apply to those falling under the New York Convention. Similarly, the incorporation of section 205 gives defendants the right to remove actions or proceedings relating to arbitration agreements or awards falling under the Inter-American Convention from State courts to United States district courts, as is now the case for those falling under the New York Convention.

With the incorporation of section 207, the three-year limitation period for application to a court for an order confirming an arbitral award that applies to awards falling under the New York Convention will also apply to awards falling under the Inter-American Convention. Section 207 also requires the court to confirm the award "unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention." Those grounds are specified in Article 5 of the Inter-American Convention, which was taken almost verbatim from Article V of the New York Convention in order to assure that the sole grounds for refusal of the recognition and enforcement of an award would be the same under both Conventions.

Section 303. The first paragraph of this section repeats 9 U.S.C. section 206, providing that a court may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States, and that the court may also appoint arbitrators in accordance with the provisions of the agreement. Neither the Convention nor section 303 attempts to resolve other issues which the court may be asked to address in connection with a matter which is to be submitted to arbitration.

The second paragraph of section 303 is new, reflecting Article 3 of the Inter-American Convention. Article 3 provides that when or to the extent that the parties fail to agree upon other applicable rules of procedure, arbitration shall be governed by the rules of procedure of the Inter-American Commercial Arbitration Commission, a private organization originally established in 1934 at the recommendation of the predecessor of the Organization of American States (OAS).

Neither the Federal Arbitration Act nor the New York Convention contains a comparable provision, but rather leaves the choice of rules of procedure to the court in the absence of agreement by the parties. The specification of "back-up" rules provides a desirable certainty and uniformity in the application of the Inter-American Convention.

Section 304. Section 304 provides a rule of reciprocity analogous to that applicable to the New York Convention. The latter permits a reservation, which the United States has made, that a State may on the basis of reciprocity apply the Convention to the recognition and enforcement of awards made

only in the territory of another Contracting State (Article I, paragraph 3). The United States will make a comparable reservation to the Inter-American Convention, and Section 304 has been drafted to make that reservation readily available for the reference of courts and practitioners. Also, the section has been worded in such a way as to make clear that it is intended only to be a rule of reciprocity and not a determination that arbitral decisions and awards made in the United States are excluded from the applicability of the Inter-American Convention if they otherwise fall under the Convention and the provisions of chapter 3, including in particular section 202 as incorporated in chapter 3. Litigation has been required to resolve that issue, in so far as the applicability of the New York Convention is concerned, given the less than precise wording of the two sentences of paragraph 1 and the first sentence of paragraph 3 of Article I of the New York Convention. The Inter-American Convention contains no comparable provisions; while it deals only with "international commercial arbitration," there is nothing in the language of the Convention or in the negotiating history to indicate an intent to limit the applicability of its recognition and enforcement provisions to awards made in countries other than those where recognition and enforcement are sought.

Section 305. The Inter-American Convention does not contain an express provision concerning its applicability when there is another convention on recognition and enforcement of arbitral agreements and awards which might also apply to a specific case. In particular, the United States and at least some other countries will be a party to both the Inter-American and the New York Conventions. Given the substantial identity of the two conventions, this issue is not expected to be of great consequence. However, it is nonetheless useful to resolve it explicitly in order to remove a potential ground for controversy.

The New York Convention is better established in law and in practice than the Inter-American Convention and has greater worldwide participation. The United States will therefore enter a reservation in ratifying the Inter-American Convention, to establish clearly the applicability of the New York Convention in appropriate cases.

Section 305 reflects this reservation, providing that, where both Conventions are applicable to a particular case, the United States would be bound by and apply the provisions of the Inter-American Convention only if a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to this Convention and are citizens of OAS Member States. In other cases, the United States will be bound by and apply the provisions of the New York Convention. Section 305 makes clear that, where both Conventions are potentially applicable, both parties must be citizens of OAS Member States before the Inter-American Convention would supersede the New York Convention.

Section 306. Section 306, like section 303, is necessary in order to implement the Article 3 provision of the Inter-American Convention which specifies applicable rules of procedure for cases in which the parties fail to agree on such rules. While the rules of procedure of the Inter-American Commercial Arbitration Commission are deemed useful and acceptable, the Commission is a private, nongovernmental body. It is therefore desirable that there be official review and approval of any amendments to the rules before they are made applicable to parties by law.

The United States will enter a reservation regarding article 3 that the United States will apply the rules of procedure of the Inter-American Commercial Arbitration Commission which are in effect as of ratification, unless a later official determination is made to adopt and apply any amendments to the rules which the Inter-American Commercial Arbitration Commission may make subsequently. Section 306 provides a rulemaking procedure for making such an official determination; this procedure provides a simple and efficient mechanism for soliciting the comments of interested and expert groups and individuals in order to provide an informed basis for official judgment and determination.

Section 307. Section 307 incorporates a provision parallel to 9 U.S.C. section 208.

Section 2. Section 2 of the bill adds a new subheading to the table of chapters at the beginning of Title 9 to correspond to the new Chapter 3.

Section 3. Section 3 of the bill establishes the effective date.

DEPARTMENT OF STATE,
Washington, D.C., June 30, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress the draft of a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration. The Convention was transmitted to the Senate for its advice and consent to ratification on June 15, 1981; the instrument of ratification will be deposited with the General Secretariat of the Organization of American States once appropriate implementing legislation has been enacted. The Convention would enter into force for the United States on the thirtieth day after deposit of the instrument of ratification.

The Inter-American Convention on International Commercial Arbitration entered into force on June 16, 1976. At present, Chile, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay and Uruguay are parties. Consistent with the longstanding United States policy to facilitate the use of arbitration as a means of resolving international commercial disputes, this Convention will provide an opportunity to secure wider benefits of recognition and enforcement of international commercial arbitration agreements and awards among a greater number of countries in this hemisphere.

The Inter-American Convention on International Commercial Arbitration is modeled after the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which the United States became a party in 1970. The draft bill to implement the Inter-American Convention is similarly modeled after, and incorporates in large part, the legislation which implements the New York Convention, 9 U.S.C. 201-208. Several new provisions are incorporated in the draft bill, however, in order to clarify the sphere of application of the Inter-American Convention and to safeguard its provisions respecting arbitral procedures; these are described more fully in the section-by-section analysis which accompanies this letter.

The draft bill is identical in all essential respects to the bill which was introduced, by request, in the House of Representatives on February 8, 1982, by Chairman Rodino (H.R. 5478) and in the Senate on February 23, 1982, by Chairman Percy (S. 2119). Before it is reintroduced, two minor revisions should be made and are reflected in the draft which accompanies this letter. Section 304 has been reworded to eliminate a possible ambiguity, and the date in Section 306(a) has been changed to show the correct date on which the rules of procedure of the Inter-American Commercial Arbitration Commission were promulgated.

The Inter-American Convention on International Commercial Arbitration has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the United States Chamber of Commerce, the Association of American Chambers of Commerce in Latin America, the American Foreign Law Association, and a number of State and local bar associations. Experts from the American Arbitration Association and American Bar Association have reviewed the proposed legislation and have advised that they consider it satisfactory.

Prompt approval of this implementing legislation will permit United States citizens and concerns seeking enforcement of commercial arbitration agreements and awards to enjoy the benefit of this Convention among the countries which are parties, and may encourage more rapid and widespread ratification by other countries as well.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

Yours sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Intergovernmental Affairs.●

By Mr. HELMS (for himself, Mr. EAST, and Mr. BINGAMAN):

S. 1659. A bill to require the Secretary of the Interior, under certain conditions, to convey the Wrightsville Beach test facility (a Federal desalting facility) to the town of Wrightsville Beach, N.C., and to convey the Roswell test facility (another Federal desalting facility) to the city of Roswell, N. Mex., and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FEDERAL DESALTING FACILITIES

● Mr. HELMS. Mr. President, I am pleased to join with Senator EAST and Senator BINGAMAN in introducing legislation to authorize the transfer of two desalinization plants now owned by the Department of the Interior to the municipality where each is located. One plant is in my home State at Wrightsville Beach, and the other is in Roswell, N. Mex.

Under the auspices of the Office of Water Research and Technology, scientists at these two plants have worked to develop low-cost methods of converting saltwater into fresh water suitable for household use. However, the Interior Department has announced its intention to close the ORWT and, with it, the two desalinization plants.

Officials in both towns have expressed an interest in operating the plants and continuing the desalinization research. Since I am more familiar with the North Carolina facility, I will limit my comments to Wrightsville Beach. I feel sure my distinguished colleague from New Mexico will want to comment on the Roswell plant.

Mr. President, Wrightsville Beach has a twofold interest in acquiring the plant located there. First, town officials want to see desalinization research continued. Like many coastal towns, Wrightsville Beach has its share of water problems. Wells are gradually drying up and dwindling supplies of fresh water have prompted local officials to search for other sources of water. They are convinced that desalinization is the key to plentiful supplies in the future. If a cost-efficient method of converting seawater into drinking water can be developed, prospects of future water shortages will certainly be reduced.

Second, officials there have expressed an interest in using the physical plant and adjacent land for town purposes. Mayor Gene Floyd tells me Wrightsville Beach outgrew its administration building long ago and desperately needs additional office space. Aside from the space needed for desalinization research, the plant has ample room for town offices, as well as fire and police equipment.

The town is currently operating the plant under terms of a use agreement it negotiated with the Department of Interior last year. The town has contracted with a private company to continue the research and has neither asked for nor received financial support from the Federal Government in that endeavor.

Mr. President, while my bill provides for the transfer of title to the facility without cost to either party, there are certain conditions the town must abide by. First, the legislation directs Wrightsville Beach to operate and maintain the facility primarily for desalinization or other related research. Second, the bill directs the town to use the facility only for "public purposes," which, of course, provides for town use of the office space. The bill contains a reverter clause which states that title shall return to the Federal Government if the town ever uses the property for anything but public purposes. The conditions are very reasonable, I believe, and the town has pledged to comply with them.

Mr. President, the benefits of this legislation are obvious. Wrightsville Beach gains much-needed office space and vital research continues. The Federal Government will certainly benefit from this research at no cost to the taxpayers.

I urge my colleagues to consider this proposal carefully and to join with me in supporting it.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b), which constitutes the Wrightsville Beach Test Facility, to the Town of Wrightsville Beach, North Carolina.

(2) Such conveyance shall be made on the conditions that—

(A) during the period beginning on the date of such conveyance and ending on December 31, 1987, such Facility is—

(i) maintained in a working order which is comparable to the condition of such Facility on the date of such conveyance, and

(ii) operated and maintained primarily for desalinization or other related research; and

(B) should the real property described in subsection (b) ever cease to be used for public purposes title shall revert back to the United States.

(b) The real property referred to in subsection (a) is real property located in the town of Wrightsville Beach, North Carolina, as follows:

Real property which constitutes the Wrightsville Beach Test Facility and may be described as Beginning at a point in the old northern line of U.S. Highway 76, said point located north 51 degrees 05 minutes west 530.00 feet as measured with said line from the southeast corner of Tract No. 1 as shown by "Map Showing Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry; running thence from said Beginning north 38 degrees 55 minutes east 660.00 feet to a point; thence north 51 degrees 05 minutes west 120.80 feet to a point; thence north 38 degrees 56 minutes 30 seconds east 157.89 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 101.40 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of U.S. Highway 74; thence with said southern line south 77 degrees 53 minutes west 563.57 feet to a point; thence south 38 degrees 55 minutes west 554.52 feet to a point in the old northern line of U.S. Highway 76; thence with said old northern line south 51 degrees 05 minutes east 538.47 feet to the point of Beginning, containing 9.57 acres.

Real property which is adjacent to such Facility and may be described as beginning at a point in the old northern right-of-way line of U.S. Highway 76 (Wrightsville Causeway) at the southeastern corner of Tract No. 1 as shown by "Map Showing Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry; said southest corner located north 51 degrees 05 minutes west 862.6 feet as measured with said northern line from its intersection with the extension of the western line of Island Drive, Shore Acres; running thence from said Beginning south 38 degree 55 minutes west 150.00 feet to a point in the new northern right-of-way line of U.S. Highway 76; thence with said line north 51 degrees 05 minutes west 530.00 feet to a point; thence north 38 degrees 55 minutes east 150.00 feet to a point in said old northern right-of-way line; thence continuing north 38 degrees 55 minutes east 660.00 feet to a point; thence continuing north 38 degrees 55 minutes east 140.11 feet to a point; thence north 12 degrees 27 minutes 30 seconds west 108.44 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 34.31 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of U.S. Highway 74; thence north 77 degrees 53 minutes east 240.00 feet to the northernmost corner of said Tract No. 1, Map Book 7, Page 40; thence with the eastern lines of said Tract No. 1 South 12 degrees 07 minutes east 723.8 feet to its easternmost corner; thence continuing with said eastern line south 38 degrees 55 minutes west 723.8 feet to the point of Beginning, containing 14.079 acres.

Beginning at a point in the old northern right-of-way of U.S. Highway 76 (Causeway Drive) and the southern line of tract No. 1 as shown by map, "Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry, said point located north 51 degrees 05 minutes west 1,068.47 feet as with said line from the southeastern corner of said Tract No. 1; running thence from said Beginning with said line north 51 degrees 05 minutes west 322.62 feet to a point in the new right-of-way of U.S. Highway 76; thence with said new right-of-way north 19 degrees 27 minutes 15 seconds west 32.01 feet to an iron rod; thence continuing with said new right-of-way north 33 degrees 42 minutes 15 seconds east 94.98 feet to an iron rod in the southern right-of-way of U.S. Highway 74; thence with said southern line north 77 degrees 53 minutes east 570.17 feet to an iron pipe; thence south 38 degrees 55 minutes west 554.55 feet to the point of Beginning, containing 2.72 acres and being the western portion of said Tract No. 1 recorded in Map Book 7, Page 40.

SEC. 2. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b), which constitutes the Roswell Test Facility, to the city of Roswell, New Mexico.

(2) Such conveyance shall be made on the conditions that—

(A) during the period beginning on the date of such conveyance and ending on December 31, 1987, such facility is—

(i) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(ii) operated and maintained primarily for desalinization or other related research; and

(B) should the real property described in subsection (b) ever cease to be used for public purposes title shall revert back to the United States.

(b) The real property referred to in subsection (a) shall consist of so much of the real property located in the county of Chaves, New Mexico, as constitutes the Roswell Test Facility. Such real property shall consist of—

(1) the lands at the Roswell site as conveyed to the United States by the city of

Roswell, New Mexico, by warranty deed dated April 13, 1961, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 205, page 406, and more fully describing such lands as being—

A tract of land lying and being situated in the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east at 137 feet distant from the southwest corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 455 feet thence north 78 degrees 03 minutes east a distance of 531.9 feet; thence south 25 degrees 00 minutes east a distance of 450.1 feet; thence southwesterly along a curve to the right, the arc which bears south 77 degrees 43 minutes west a distance of 760.4 feet to the point of beginning containing 6.94304 acres, and

(2) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated June 18, 1968, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 250, page 390, and more fully describing such lands as being—

A tract of land lying and being situated in the west half of the west half of the southwest quarter of section 32, township 10 south, range 25 east, New Mexico, principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east 592 feet distant from the southwest corner of said section 32, thence north 3 degrees 58 minutes east a distance of 911.5 feet; thence south 39 degrees 33 minutes east a distance of 179.00 feet; thence south 27 degrees 35 minutes east a distance of 1,193.00 feet; thence southwesterly along the north highway right-of-way line on a curve to the right of 5,655 feet radius through an included angle of a degrees 13 minutes a distance of 21.31 feet, thence north 25 degrees 00 minutes west a distance of 444.26 feet; thence south 78 degrees 03 minutes west a distance of 531.9 feet to the point of beginning containing 5.795 acres, more or less. Note: The east boundary of this tract of land lies 50 feet west of the center line of the Hagerman canal, together with water rights appurtenant thereto.●

● Mr. EAST. Mr. President, I am honored to join with Senator BINGAMAN as a cosponsor of this legislation offered by the senior Senator from North Carolina, Senator HELMS. This legislation would authorize the Department of the Interior (DOI) to transfer title of two desalting test facilities to the local governments where each is located: the town of Wrightsville Beach, N.C. and the city of Roswell, N. Mex.

Since the early sixties, the Office of Water Research and Technology (OWRT) has operated these test facilities to conduct research and development on desalination processes. The local governments where these sites are located have cooperated in the successful operation of the test facilities. The town of Wrightsville Beach, for instance, has provided secure easements, rights-of-way, police and fire protection, water and sewer services, refuse collection, and other necessary services without cost to the Federal Government. In addition, the town participated in original site selection and preparation for the installation. Recently, however, the Department of the Interior has discontinued the maintenance and use of these facilities under OWRT. The operation of the saline water conversion program is being shut down and the land declared surplus.

The town of Wrightsville Beach like the city of Roswell has stated an interest in acquiring these properties and continuing desalination research. To underscore this interest, I mention that the town of Wrightsville has operated the water conversion facility since January 23, 1983, under a cooperative agreement with DOI. The city of Roswell has acted in a similar manner to continue its water conversion operations. They are concerned about the facilities remaining open and believe that sooner or later desalting procedures are going to become important in supplying our water resource needs.

Mr. President, I support this legislation because it provides adequate and reasonable conditions for the transfer of a Federal program to a local government which wishes to keep up the desalination research for the benefit of its citizens. The legislation allows for continued production and research of obtaining potable water from seawater. Moreover, it contains a property reverter clause to the Federal Government should the property ever be used for anything but public purposes.

Our water resource needs of present and future generations should not be neglected. This legislation gives new lease to a viable alternative for seawater conversion. I commend this legislation to my colleagues and urge their support for it.●

● Mr. BINGAMAN. Mr. President, I am pleased to join with Senator HELMS and Senator EAST in introducing legislation that will authorize the transfer of two desalinization plants now owned by the Department of the Interior to the municipalities of Roswell, N. Mex. and Wrightsville Beach, N.C. I will limit my comments to the New Mexico facility.

The U.S. Department of the Interior decided in mid-1982 to close its Roswell Test Facility (RTF), This research complex has been operated by the Federal Government for the past two decades principally for the development of desalting technology and for related water research. A cooperative agreement was negotiated with the DOI enabling the city of Roswell to operate the RTF exclusively for water and related research through 1983. The facility is currently being used by New Mexico State University and public researchers on a contract basis with the city.

I am convinced that the facility represents great potential for water, agriculture and aquaculture research beneficial to New Mexico. The RTF is capable of producing extremely high quality water with as little as 200 parts per million to total dissolved solids. One of the city's primary goals is to make this high quality water available to prospective industries whose production is dependent on a supply of high quality water. The electronics, chemical and photo finishing industries are three that could be attracted to Roswell for its water. The expanded industrial base would help create jobs for Roswell and all of Chavez County. Light industry would broaden the county's primarily agricultural tax base and increase tax revenues for the entire region.

The State of New Mexico will realize benefits not only because of an increased prosperity in the southeastern region, but also through the direct application of RTF's experience around the State.

The desalting plant has unmet potential as a commercial research and development site. Newer, faster, and more economical methods of desalinization processes and products can be tested for efficiency. This would not only advance the technology of purifying brackish water, but also generate valuable revenue for the facility. The technology and experience gained from the facility could then be applied in areas plagued by brine water around the State and Nation.

The bill provides for the transfer of title to the facility without cost to either party. There are certain conditions set which the municipality must abide by. First, the legislation directs Roswell to operate and maintain the facility primarily for desalinization or other research. Second, the bill directs the town to use the facility only for "public purposes." This, of course, would include research conducted with the State and educational institutions. The bill contains a reverter clause which states that title to the property shall return to the Federal Government if the town ever used the property for anything but public purposes. These conditions are reasonable.

Mr. President, I believe the benefits to the public of this legislation are very clear. I urge my colleagues to consider the proposal carefully and to join me in supporting it.●

By Mr. DOLE (for himself, Mr. LONG, Mr. WALLOP, Mr. BOREN, Mr. SYMMS, Mr. BENTSEN, and Mr. TOWER):

S. 1661. A bill to amend the Internal Revenue Code of 1954 to make technical corrections with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or terti-

ary processes; to the Committee on Finance.

APPLICATION OF PERCENTAGE DEPLETION ALLOWANCE

● Mr. DOLE. Mr. President, today, I am joining with Senators LONG, WALLOP, BOREN, SYMMS, BENTSEN, and TOWER introducing a bill which makes a technical amendment to the Tax Reduction Act of 1975.

PURPOSE

This bill will correct a technical drafting error in the Tax Reduction Act of 1975. Except for small independent producers and royalty owners, the intent of the conference agreement was generally to repeal the percentage depletion deduction for oil and gas production. In addition, the 1975 act provides a special rule on secondary and tertiary production which would maintain the rate of percentage depletion at 22 percent on secondary and tertiary production for calendar years 1975 through 1983. After 1983, the conference agreement provides that secondary and tertiary production will be subject to the percentage depletion rules generally applicable to production for independent producers and royalty owners.

Because of an error in the drafting of the 1975 act, it eliminates the percentage depletion from secondary and tertiary production after 1983. This was not the intent of the conference agreement. This bill will correct this drafting error so that after 1983, secondary and tertiary production will be subject to the percentage depletion rules generaly applicable to production for independent producers and royalty owners (15 percent up to 1,000 barrels a day).

BACKGROUND

Prior to the Tax Reduction Act of 1975, two methods of depletion were allowable under the Internal Revenue Code for oil and gas production: The cost depletion method and the percentage depletion method. Under the cost depletion method, a taxpayer is allowed to deduct a portion of the adjusted basis of the property equal to the ratio of units sold from the property during the taxable year over the number of units remaining. Under the percentage depletion method, a fixed statutory percentage of the taxpayers' adjusted gross income from the property is allowed as a deduction.

The Tax Reduction Act of 1975 generally eliminated the percentage depletion method for most oil and gas production except for certain sales of natural gas under a fixed contract and natural gas from geopressured brine. Under the small producer exemption, the percentage depletion rate for oil and gas production was gradually phased down from 22 percent in 1980 to a permanent rate of 15 percent in 1984.

The 1975 act also contained a special rule for percentage depletion for secondary and tertiary production. Percentage depletion is allowed at a rate of 22 percent on production resulting from secondary or tertiary recovery methods until 1984. In 1984, the 22-percent rate of percentage depletion for secondary and tertiary production was intended to be reduced to the permanent rate of 15 percent on up to 1,000 barrels a day.

When the 1975 act was drafted, the special rule for secondary and tertiary production was drafted as a separate allowance of percentage depletion on secondary and tertiary production. Since the special percentage depletion rate of 22 percent for secondary and tertiary oil production is supposed to end in 1983, the separate allowance terminates in 1983. No provision was made in the statute for making the percentage depletion rules for independent producers and owners applicable to secondary and tertiary production after 1983. Therefore, the statute has the unintended result of allowing a percentage depletion on secondary and tertiary production after 1983.

This bill corrects this unintended result in the drafting of the 1975 act and would allow independent producers and royalty owners the generally applicable percentage depletion rate of 15 percent up to 1,000 barrels a day for secondary and tertiary production, after 1983.

Mr. President, it is my understanding that Treasury does not oppose this technical amendment. Since the 1975 act as presently drafted would eliminate the percentage depletion deductions for secondary and tertiary production after 1983, I hope my colleagues will join me in passing this bill before the end of the year.●

● Mr. BOREN. Mr. President, I join with the distinguished Senator from Kansas, Mr. DOLE, in correcting an error made in the drafting of the Tax Reduction Act of 1975 with regard to the percentage depletion allowed on secondary and tertiary production of crude oil and natural gas.

The Tax Reduction Act of 1975 contained at least two errors dealing with secondary and tertiary production. The first error was corrected by the Tax Reform Act of 1976. The second error which we seek to correct is that section 613A(c)(6)(C) can be interpreted to mean that no percentage depletion will be allowed under the independent producer and royalty owner exemption for secondary and tertiary production after December 31, 1983. It is clear that Congress intended only that the 22-percent rate terminate for secondary and tertiary production on that date, but that percentage depletion continue on such production after that date at the 15-percent rate to the extent of the available-per-day exemption. However, the regulations have failed to clarify this point, so legislation is needed.

If legislation is not enacted to clarify this point, many independent producers will lose the needed incentive to rework these older wells. Large investments are needed to use the exotic tertiary techniques, such as fireflooding and polymers, which recover these significant reserves. The Department of Energy has testified that with proper inducement, over 2 million barrels of oil production per day could be recovered by 1990. The retention of percentage depletion for this type of production is crucial. It would be ridiculous to allow percentage depletion on less costly wells and deny it to those expensive projects involving secondary and tertiary recovery methods,

I urge my colleagues to join us in correcting this obvious oversight.●

By Mr. STEVENS:

S. 1662. A bill to amend title 5, United States Code, with respect to the authority of the Special Counsel of the Merit Systems Protection Board; to the Committee on Governmental Affairs.

AUTHORITY OF THE SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD

Mr. STEVENS. Mr. President, I am introducing a bill today to clarify certain authorities for the Special Counsel of the Merit Systems Protection Board.

The Special Counsel is responsible for investigating prohibited personnel practices, protecting whistleblowers, and assuring the merit principles of the civil service are upheld. Unlike the General Counsel of the Federal Labor Relations Authority, the Special Counsel is designed to be more independent of its parent agency.

Over the years, however, there has been a great deal of controversy surrounding the relationship between the Special Counsel and the Merit Systems Protection Board. I introduced legislation in the last Congress that would clarify the role the Special Counsel is to play in various matters. I am again introducing legislation which cleans up some of the ambiguity of the current law and establishes certain specific authority for the Special Counsel.

One, the bill authorizes the Special Counsel to prepare a separate budget to the President to be transmitted to Congress. It clarifies the current statute to insure that in budgetary matters the Special Counsel is totally independent from the Merit Board. Under current law, the Special Counsel does have a line-item appropriation, but there is ambiguity regarding the relationship between the Board and the Special Counsel in budgetary matters.

Two, the bill empowers the Special Counsel to litigate before the courts on its own behalf on any matter in which the Special Counsel has been

previously involved. Current law is again ambiguous as to the special litigating authority of the Special Counsel. The Merit Board has independent litigating authority from the Justice Department. It is not clear, however, that the Special Counsel also has special litigating authority. This bill empowers Special Counsel to litigate separately from the Merit Board and authorizes the Special Counsel to appeal decisions of the Merit Board in which the Special Counsel has been previously involved.

Three, the bill clarifies the Special Counsel's authority to administer oaths, examine witnesses, take depositions, and receive evidence without prior designation by the Board. The Board itself has that authority plus any employee designated by the Board; however, it is unclear as to the Special Counsel's role in this matter.

Four, the Special Counsel is empowered to submit directly to Congress any legislative recommendations the Special Counsel deems is necessary to further enhance the ability of its office to perform its duties under the law.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1663. A bill to extend the program of Federal supplemental unemployment benefits for 6 additional months, to provide additional weeks of such benefits, and to provide an alternate mechanism for determining the number of weeks of such benefits for any State; to the Committee on Finance.

EXTENSION OF FEDERAL UNEMPLOYMENT BENEFITS

● Mr. RIEGLE. Mr. President, for the past few weeks we have received reports of an economic recovery from the devastating recession that has gripped this country under the current administration. While visible signs of such a recovery would be a welcome sight to all of us, they would be particularly welcome in my State of Michigan. Michigan has just suffered its 42d consecutive month of double-digit unemployment. Media reports of an imminent recovery, however, must not delude us into thinking that the unemployed in this country no longer require our assistance. Unfortunately, signs of a meaningful decrease in our unemployment rate have proven virtually nonexistent. Despite a slight decrease in the national unemployment rate, more than 11 million workers remain unemployed today.

Michigan's unemployment situation has exhibited an erratic performance in recent months. A drop in the number of Michigan unemployed between March and May provided a welcome decrease in the unemployment rate. The June unemployment statistics, however, provide more sobering news. The number of Michigan unemployed actually rose from May to June and resulted in an increased seasonally adjusted unemployment rate of 15.2 percent. A more fundamental problem concerns the composition of this group of unemployed workers. The drop in Michigan's unemployment rate reflects more hiring by seasonal industries and a reduction in initial layoffs. Sadly, Mr. President, the decrease does not reflect large numbers of long-term unemployed securing employment. Indeed, the number of Federal supplemental compensation (FSC) recipients in Michigan has increased from approximately 55,000 in late March to approximately 125,000 in mid-June. Clearly the plight of the long-term unemployed, an inordinate number of whom live in the industrial Midwest, has not improved in recent months.

Consequently, today I am introducing legislation that addresses an immediate problem faced by thousands of individuals in this group. My bill will extend the FSC program, provide additional weeks of FSC benefits, and modify eligibility requirements that determine the number of FSC weeks for which a State qualifies.

EXTENSION OF THE FSC PROGRAM

The legislation I am introducing today extends the termination date of the FSC program from the current September 30 to March 31, 1984. The extension of these benefits is essential for those unemployed who will have exhausted other forms of unemployment benefits by the end of September.

The FSC program has proven invaluable to the hundreds of thousands of unemployed who have depended on them to provide the everyday essentials such as food and shelter for themselves and their families. Unable to secure jobs in their communities, these individuals have been forced to rely on FSC benefits through the many months of this severe recession. This has been especially true in Michigan where over 200,000 unemployed have received FSC benefits.

The continuing need for a supplemental benefit program is obvious. When Congress enacted the FSC program last year, the national unemployment rate had risen to 9.8 percent and hundreds of thousands of unemployed had begun to exhaust their benefits. Similar conditions will exist when the FSC program expires at the end of September. Several projections indicate that the unemployment rate will not decrease appreciably this year, but will hover near 10 percent. Consequently, many of those unemployed currently receiving regular unemployment benefits will remain jobless through this year. When the FSC program expires in September, we in Congress cannot simply turn our backs on the unemployed. In light of the projected continued high rate of unemployment, no good reason exists to deny these unemployed this crucial assistance. Extension of this program will not retard any recovery that materializes. Rather, it is prudent and realistic for Congress to act to insure that these jobless workers will not find themselves relegated to the welfare rolls.

PROVISION FOR ADDITIONAL WEEKS OF BENEFITS

Long-term unemployed who have begun to exhaust their FSC benefits face a more immediate crisis. As part of the social security reform legislation enacted at the end of march, Congress provided additional weeks of FSC benefits for those individuals who had exhausted them at that point. The maximum allotment of 10 additional weeks provided in that legislation has begun to expire for thousands of long-term jobless workers. Estimates indicate that anywhere from 20,000 to 65,000 FSC recipients in Michigan have already exhausted their FSC allotment. These numbers will only increase as the summer continues. If it were these long-term unemployed who accounted for a significant decrease in the unemployment rate, additional weeks of FSC benefits might prove unnecessary. As I have already indicated, however, the number of workers who have remained jobless for more than 40 weeks has not decreased appreciably. Indeed, the number of Michigan FSC recipients has more than doubled since we last acted in late March to provide additional weeks of benefits. Mr. President, these long suffering individuals and their families need our help now.

Provisions in the bill I am introducing today for additional FSC weeks reflect those enacted as part of the social security reform legislation. Like that legislation, my bill classifies FSC recipients into three categories: First, individuals who have exhausted their FSC benefits by August 1 (exhaustees); second, individuals who begin to receive FSC benefits on or after August 1 (basic claimants); and third, individuals who begin to receive FSC benefits prior to August 1 but who have some FSC entitlement remaining after that date (transitional claimants). This bill provides the same number of weeks as provided by the earlier legislation. Thus, exhaustees will receive 10, 8, or 6 additional weeks of FSC benefits depending on the tier of benefits for which their State qualifies. Basic claimants will receive 14, 12, 10, or 8 weeks depending on their State's tier. Transitional claimants will also receive additional weeks, but their total entitlement may not exceed the maximum basic entitlement alloted for their State. The bill also extends the phaseout provision to March 31, 1984, so that individuals who have not exhausted their FSC entitlement by

that date can qualify for up to 50 percent of their remaining entitlement.

MODIFICATION OF ELIGIBILITY REQUIREMENTS

The final component of this bill modifies the eligibility requirements that determine under which tier of benefits a State falls. It adopts the formula proposed by my colleague from Michigan, Senator LEVIN, in legislation (S. 1589) he introduced just prior to the July 4 recess. Thus, this bill permits a State to qualify for a certain tier based on its insured unemployment rate (IUR) or its total unemployment rate (TUR). Under the new formula, a State will qualify for: Tier 1 benefits if its IUR is 6 percent and above or its TUR is 11 percent and above; tier 2 benefits if its IUR is at least 5 percent but less than 6 percent or its TUR is at least 10 percent but less than 11 percent; tier 3 benefits if its IUR is at least 4 percent but less than 5 or its TUR is at least 9 percent but less than 10 percent; or tier 4 benefits if it does not qualify for tier 1, 2, or 3 benefits. Should a State qualify for more than one tier of benefits, it would fall under the tier that provides the greater number of benefit weeks.

Modification of the current requirements is essential because reliance on the IUR has proven illogical in many States. As Senator LEVIN indicated in his remarks, logic has been stood on its head when our State has triggered off the extended benefit program despite having an unemployment rate that is 50 percent greater than the national rate and which exceeds the rate in States that qualify for extended benefits. The same illogic applies to the FSC program, which provides different numbers of FSC weeks based on a State's IUR. Despite having one of the highest unemployment rates in the country—15.2 percent—Michigan qualifies for the second lowest tier of FSC benefits. Moreover, jobless workers in Michigan have seen their FSC allotment drop by 4 weeks in the past 5 weeks as Michigan's IUR has dropped.

Michigan's declining IUR should indicate an improving unemployment situation. In fact, Michigan's unemployment situation has not improved markedly at all. Rather, the IUR distorts the situation and ceases to act as an accurate barometer of unemployment. Reliance on the IUR penalizes States that have great numbers of long-term unemployed since the calculation of the IUR does not even include them. The IUR trigger has simply become an absurd distortion of a State's real need to provide unemployment benefits for its jobless workers. Michigan AFL-CIO Executive Vice President Sam Fishman has accurately compared this trigger mechanism to a faulty system once used to determine pollution levels in lakes. That system measured water pollution levels by relying on the rate at which fish in the lake were dying. That measure, however, categorized a lake in which all of the fish had died as pollution free. Mr. President, my bill will correct this absurd situation by permitting States to use their TUR when the IUR does not reflect accurately their unemployment situation. Consequently, those States experiencing the highest rates of unemployment will qualify for the greatest amount of supplemental compensation.

FSC REFORM REQUIRES IMMEDIATE ATTENTION

Mr. President, FSC recipients have already begun to exhaust their benefits. Consequently, an immediate need for congressional action exists. I am pleased that the chairman of the Finance Committee, Senator DOLE, has called for hearings to examine the problems associated with the use of the IUR to determine extended benefit eligibility. While I appreciate the chairman's concern in addressing this important issue, I would hope that those hearings would also examine the need to extend the FSC program and to provide additional weeks of benefits. Hundreds of thousands of unemployed depend on quick enactment of reforms in our unemployment insurance laws. I am hopeful that my colleagues will act in such a manner. I ask that the text of the bill be reprinted in full in the CONGRESSIONAL RECORD.

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

S. 1663

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

EXTENSION OF PROGRAM

SECTION 1. (a) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "March 31, 1984".

(b) Section 605(2) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "April 1, 1984".

NUMBER OF WEEKS FOR WHICH COMPENSATION IS PAYABLE

SEC. 2. (a) Section 602(e)(2)(A) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "March 31, 1983" and inserting in lieu thereof "July 31, 1983".

(b) Subparagraph (C) of section 602(e)(2) of such Act is amended to read as follows:

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before August 1, 1983, and who did not exhaust his rights to such compensation (by reason of the payment of all the amount in such account) prior to August 1, 1983, the amount established in such account for compenation payable for weeks beginning on or after August 1, 1983, shall be equal to the lesser of the subparagraph (A) entitlement or the sum of—

"(i) the subparagraph (A) entitlement reduced (but not below zero) by the aggregate amount of Federal supplemental compensation paid to such individual for weeks beginning before August 1, 1983, plus

"(ii) such individual's additional entitlement.".

(c) Section 602(e)(2)(E) of such Act is amended by striking out "March 31, 1983" and "April 1, 1983" and inserting in lieu thereof "July 31, 1983" and "August 1, 1983", respectively.

(d) Section 602(e)(2) of such Act is amended by adding at the end thereof the following new subparagraph:

"(F) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before August 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to August 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after August 1, 1983, shall be equal to such individual's additional entitlement.".

ALTERNATE STATE TRIGGER

SEC. 3. Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(4)(A) If the application of the provisions of this paragraph result in a higher applicable limit for a State, as determined under the tables appearing in paragraphs (2)(A)(ii) and (2)(D)(ii), the applicable limit for such State shall be determined in accordance with this paragraph, rather than under subparagraphs (A) and (B) of paragraph (3).

"(B) A State shall be deemed to be in a '6-percent period', '5-percent period', or '4-percent period' if—

"(i) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins falls within the applicable range described in subparagraph (C); or

"(ii) in the case of a State not described in clause (i)—

"(I) the average monthly total rate of unemployment for such State for the 12-month period immediately preceding the month in which such week begins falls within the applicable range described in subparagraph (C), and

"(II) the total rate of unemployment for such State for the month preceding the month in which such week begins falls within such applicable range.

"(C) For purposes of subparagraph (B), the applicable range is as follows:

"In the case of a:	The applicable range is:
6-percent period	A rate equal to or exceeding 11 percent.
5-percent period	A rate equal to or exceeding 10 percent but less than 11 percent.
4-percent period	A rate equal to or exceeding 9 percent but less than 10 percent.".

EFFECTIVE DATE

SEC. 4. (a) The amendments made by this Act shall become effective on August 1, 1983, and shall apply to weeks beginning on or after such date.

(b) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supple-

mental compensation under such Act in accordance with the amendments made by this Act. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before such 3-week period.●

By Mr. STEVENS:

S. 1664. A bill to amend title 5, United States Code, to make the Chairman of the Federal Labor Relations Authority the chief executive and administrative officer of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

DESIGNATION OF AUTHORITY TO THE CHAIRMAN OF THE FEDERAL LABOR RELATIONS AUTHORITY

Mr. STEVENS. Mr. President, I am introducing today a bill to designate the Chairperson of the Federal Labor Relations Authority to be the chief executive and administrative officer of the agency.

The Federal Labor Relations Authority is composed of three members who adjudicate claims of unfair labor practices in the Federal sector. The statute is ambiguous as to who has the administrative authority in the agency. Thus, what has occurred is that all administrative and executive decisions have to be cosigned by all three members. This has created a situation of great friction, confusion, and delay. In fact, the well-publicized furniture fiasco of last year can be, in part, attributed to the lack of one central person accountable for administrative matters. The empowering of the Chairperson with this authority will not in any way diminish the authority of other members in matters relating to cases before them. This is simply a clarification of administrative authority in that agency.

By Mr. STEVENS:

S. 1665. A bill to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Governmental Affairs.

CONTINUITY DURING VACANCY OF GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

Mr. STEVENS. Mr. President, I am introducing a bill today to simply authorize the President to designate a person as the acting General Counsel of the Federal Labor Relations Authority, for a short period, if the office of the General Counsel is vacant. Under current law only the General Counsel is empowered to investigate and prosecute unfair labor practices in the Federal sector.

The recent experience of the Office of the General Counsel highlights the critical problems created when there is a vacancy in the position of the General Counsel: On March 22, 1982, the first Presidentially appointed General Counsel of the Authority resigned. On June 28, 1982, the President designated an Acting General Counsel. The President nominated a General Counsel on November 1, 1982, and the new General Counsel took office, after Senate confirmation, on March 8, 1983. During the 3-month hiatus between March 22, and June 28, 1982, the Office of the General Counsel was required to defer issuing approximately 248 unfair labor practice complaints and 140 decisions on appeals from regional directors' refusals to issue unfair labor practice complaints. Although the Office of the General Counsel continued to investigate allegations of new unfair labor practices during this 3-month period, and regional directors continued to dismiss nonmeritorious unfair labor practice charges, although no action was taken on appeals of such dismissal actions, such continued investigation and dismissals in the absence of a General Counsel could be questioned as being inappropriate.

Upon the designation by the President of an Acting General Counsel new unfair labor practice complaints were issued and action was taken on appeals of regional directors' dismissals of unfair labor practice charges. However, legal questions exist whether the requirement for Senate confirmation contained in section 7104(f)(1) of the statute can be avoided, absent specific statutory authority, through the designation of a Federal official as Acting General Counsel to exercise the statutory authority of the General Counsel for an indefinite period.

This bill gives the President that authority.

By Mr. PACKWOOD (for himself, Mr. GOLDWATER, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. STEVENS, Mr. TRIBLE, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HECHT, Mr. HEINZ, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. WALLOP, and Mr. WARNER):

S. 1660. A bill relating to the preservation of Universal Telephone Service; to the Committee on Commerce, Science, and Transportation.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I introduce S. 1660, the Universal Telephone Service Act of 1983. A similar bill is being introduced today in the House of Representatives by the chairman of the Energy and Commerce Committee, JOHN DINGELL; the chairman of the Subcommittee on Telecommunications, Consumer Protection, and Finance, TIMOTHY WIRTH, and other members of that subcommittee. The main purpose of this bill is to establish, as national policy, that the Federal Communications Commission must insure the universal availability of basic telephone service at reasonable rates.

Recent requests for large increases in local telephone rates are of great concern to me and other Members of this body. We fear that, if these proposed increases in local rates are approved, many consumers will be forced to give up their telephones—an integral part of their daily lives—because they no longer will be able to afford telephone service. Rate increases that lead to the disconnection of telephone service threaten not only individual consumers, but also America's efficient telephone network. Our primary goal is to insure that the consumers' interests in maintaining efficient and economical telephone service are protected during this time of enormous change in the telecommunications industry.

Mr. President, this is a confusing period for this industry—AT&T is being reorganized, new technologies are emerging faster than we can keep track of them, and the FCC is changing fundamental regulatory groundrules. The apparent effect of these changes is to shift much of the responsibility for maintaining the universal telephone network from the major users of the network to residential telephone customers. If these policies continue, the result will be the destruction of universal service.

After the AT&T/Justice Department consent decree was announced in January of 1982, we and others were told, that telephone rates would not go up by more than 8 to 10 percent a year. Many recent local rate requests, totaling over $5 billion nationwide, have far exceeded that prediction. Rural telephone companies also fear that their rates will greatly exceed that prediction, if Congress does not act.

Two years ago, I was concerned about the possible impact of regulatory changes on telephone rates and consumers. A bill I sponsored, S. 898, would have protected consumers by continuing the use of long-distance revenues in subsidizing residential and rural rates. S. 898 passed the Senate in October 1981. In January of 1982, AT&T and the Justice Department agreed to break up that company, and the House Commerce Committee was not able to report out legislation similar to S. 898.

Based upon the assurances we received after the consent decree was announced, I was willing to let the dust settle before considering further legislation. However, the prospect of these rate increases and the possible impact on our universal telephone network compel me to take legislative action now.

Mr. President, it would be irresponsible to wait any longer until massive rate increases actually hit the public. We need to act now to insure that no judicial or regulatory policy results in unreasonable rate increases. Judge Greene, the judge in the AT&T divestiture case, has no jurisdiction over local or long distance telephone rates. He cannot solve the problem, but the Congress can. I believe that it is in the national interest for us to do so this year.

This bill I introduce today, with Senators GOLDWATER, DANFORTH, KASSEBAUM, PRESSLER, STEVENS, TRIBLE, ABDNOR, ANDREWS, BOSCHWITZ, CHAFEE, COCHRAN, COHEN, DENTON, DOLE, DOMENICI, DURENBERGER, GRASSLEY, HATCH, HATFIELD, HECHT, HEINZ, JEPSEN, LAXALT, MCCLURE, ROTH, SIMPSON, SPECTER, STAFFORD, WALLOP, and WARNER as cosponsors, will accomplish the major goals the Senate established 2 years ago in passing S. 898. The Committee on Commerce, Science, and Transportation will hold joint hearings on this legislation with Energy and Commerce Committee of the House of Representatives on July 28 and 29. We hope to move expeditiously on this legislation in the Senate, and the leadership of the House Energy and Commerce Committee has made a commitment to do the same in the House. We believe that the passage of this legislation is of great importance to the Nation.

I ask that the bill and a summary be printed in its entirety at this point in the RECORD. I also ask that a survey on State telephone rate requests and awards, prepared for me by the National Telecommunications and Information Administration, be printed at this point in the RECORD.

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

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

POLICY

SEC. 2. For the purpose of making available, so far as possible, to all the people of the United States, rapid, efficient, nationwide, and worldwide telecommunications services with adequate facilities at reasonable charges; for the purpose of providing universal basic telephone service at reasonable charges to rural and residential basic telephone customers; for the purpose of assuring that all providers of telecommunications services bear an equitable share of the costs of providing universal basic telephone service; for the purpose of encouraging continuing improvements in telecommunications technologies and service in all areas of the United States; and for the purpose of promoting safety of life and property through the use of telecommunications.

EXCHANGE ACCESS

SEC. 3. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e) The Commission shall establish a system of exchange access charges in order to—

"(1) achieve equal treatment among all interLATA carriers and other customers using the services of exchange companies through direct or indirect connection;

"(2) assure that payments and assignments of costs relating to exchange access are carried out in a manner which is open to public examination and which ensures accountability to the public;

"(3) achieve flexibility in accommodating changes in market conditions and technology;

"(4) establish incentives for efficient investment decisions and technological choices; and

"(5) ensure that exchange carriers are compensated for their costs of providing exchange access.".

UNIVERSAL SERVICE COSTS; DEFINITIONS

SEC. 4. Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(c)(1) The joint board established pursuant to section 410(d) of this Act shall establish a Universal Service Charge Schedule to insure that basic telephone service will be available at reasonable rates throughout the United States. Such Schedule shall take effect on January 1, 1986, or on the date of the termination of the current subscriber plant factor compensation arrangement, whichever first occurs. Such Schedule shall designate Universal Service Costs to be allocated to the Federal jurisdiction and provide for their collection by means of a universal Service Charge that is payable by any interLATA carrier or any provider of interLATA services or private system that connects directly or indirectly to any exchange carrier or any local exchange switched network used to provide basic telephone service.

"(2) Each exchange company that qualifies for payments shall be entitled to receive 90 percent of its reasonably incurred Universal Service Costs, which are directly related to the efficient and economic provision of such service.

"(3) For purposes of this title, Universal Service Costs shall consist of an exchange company's costs for basic intraLATA telephone service to any points within a LATA which exceed 110 per centum of the average cost of providing comparable basic intraLATA telephone service throughout the United States.

"(d) Notwithstanding the provisions of subsection (c), any company which qualifies for payments under this section and whose costs for basic intraLATA telephone service to any points exceed 250 per centum of the average cost of providing comparable basic intraLATA telephone service throughout the United States shall be entitled to receive 100 per centum of its reasonably incurred Universal Service Costs over 25 per centum of the natioal average.

"(e) For purposes of this section, the term—

"(1) 'Basic telephone service' shall mean residential voice-grade communications provided to the general public on a universal basis over the public switched telephone network for use by natural persons to communicate with each other by voice;

"(2) 'basic intraLATA telephone service' shall mean that portion of basic telephone service provided within a local access and transport area (LATA) as that term was described in the Plan of Reorganization filed on December 16, 1982, in the United States District Court for the District of Columbia, in Civil Action No. 82-0192, and as approved by such Court, including access to such service. Such term shall include service between independent telephone companies that are associated with Bell Operating Company LATAs and service within an independent telephone company service area which is the equivalent of a LATA; and

"(3) 'exchange company' shall mean a company that offers basic telephone service and other services within one or more service areas recognized by any State regulatory commission.

"(f) On and after the date of the enactment of this subsection, no interstate nontraffic sensitive costs shall be recovered from end users.".

JURISDICTION

SEC. 5. (a) Section 2 (a) of the Communications Act of 1934 is amended by inserting immediately after "interstate" the first place where it occurs, a comma and "interLATA".

(b) Section 2 (b)(1) of the Communications Act of 1934 is amended by deleting "intrastate communication service" and inserting in lieu thereof "exchange communications service".

(c) Sections 2(b) (2) and (3) of the Communications Act of 1934 are each amended by inserting immediately after "interstate" a comma and "interLATA".

(d) Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(f) In order to achieve consistency and uniformity of policy in regard to interstate and intrastate access charges, the Commission may assert jurisdiction over all nontraffic sensitive subscriber loop costs to the Federal jurisdiction.

"(g) The Commission may, by rule, delegate to a State commission some or all of the Commission's authority under this title with respect to (1) intrastate interLATA toll service, and (2) access charges for the interconnection of exchange communications service with interstate or intrastate interLATA toll service upon a finding that such delegation would promote the purposes of this Act.

"(h) The joint board established pursuant to section 410(d) of this Act shall establish guidelines consistent with the purposes of this Act which shall bind a State commission in its exercise of any authority delegated to it under this section.

"(i) For purposes of this section, the term—

"(1) 'non-traffic sensitive' shall have such meaning as shall be prescribed by the Universal Telephone Service Joint Board established pursuant to section 410(d) of the Communications Act of 1934; and

"(2) 'subscriber loop' means a path for communication between a subscriber's access point, excluding inside wire, and the exchange company's central switch, furnished expressly for the use of one subscriber, and in such a manner as the exchange

company elects, either by wire, radio, fiber optics, or a combination thereof.".

UNIVERSAL TELEPHONE SERVICE JOINT BOARD

SEC. 6. (a) Section 410 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall establish a joint board which shall be known as the 'Universal Telephone Service Joint Board'. Such Board shall be composed of five commissioners of the Commission and of four commissioners nominated by the national organization of the State Commissions (referred to in subsection (c)), and approved by the Commission. The chairman of the Commission, or another commissioner designated by the Commission, shall serve as chairman of such Board. The Commission shall refer any matter relating to section 201(c) and subsections (e), (f), and (g) of section 221 to the Board established by this subsection. Any decision of such Board arising out of or in connection with such matter so referred shall be adopted by the Commission as a final decision. For the purpose of acting on any such matter, such Board shall have all the jurisdiction and power of a board established pursuant to subsection (a) of this section.

"(e) Whoever, with the intent to deprive any exchange company of any revenue to which it is otherwise entitled in connection with access charges, transmits telecommunications in a manner so as to avoid accessing a local exchange for the purpose of avoiding the payment of such charges shall be fined not more than $100,000.".

(b)(1) Section 410 (a) of the Communications Act of 1934 is amended by inserting "and subsection (d) of this section" after "409".

(2) Section 410 (c) of such Act is amended by inserting "and subsection (d) of this section" after "409".

BASIC TELEPHONE LIFELINE SERVICE

SEC. 7. The Federal Communications Commission and each State regulatory authority shall take action to ensure that natural persons within the jurisdiction of such authority have access to basic telephone lifeline service which shall be the minimum capability necessary for basic telephone service.

DEFINITION

SEC. 8. As used in this Act, the term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without charge in the form or content of the information, by means of electromagnetic impulses (including impulses of light), with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

SUMMARY

1. The purpose is to establish as national policy the nationwide availability of basic local telephone service to residential and rural customers at reasonable rates.

2. The FCC is to ensure that long distance services continue to subsidize local residential and rural telephone service.

3. The FCC is directed to establish a system that requires long distance telephone companies to compensate local telephone companies for the cost of placing and receiving long distance telephone calls.

4. The FCC "access charge decision," which equally divided the cost of maintaining the local system between long distance carriers and consumers, is reversed. This bill places all costs on the long distance carriers and on any companies that bypass the local telephone company.

5. A Universal Service Fund (the subsidy mechanism) is created to ensure that local basic telephone service will continue to be available in high cost residential and rural areas throughout the United States. The Universal Service Fund receives a fee from any long distance company, or other entity that directly or indirectly connects to any local telephone company, or any other company that provides local telephone service (i.e., cable system).

Only local telephone companies with local costs that are more than 10% above the national average cost are eligible for the subsidy.

A. If a local company's costs are more than 10% above the national average cost, then that local company receives a subsidy equal to 90% of those higher costs.

B. If a local company's costs are more than 2½ times the national average cost, then that local company receives a subsidy equal to 100% of those higher costs.

6. A permanent Universal Telephone Service Joint Board (Federal/State) is created to govern the subsidy mechanism. Because this Board will be made up of 4 State commissioners (along with all 5 FCC commissioners), this provision ensures that the States will have a permanent and important role in the decision-making process.

7. In order to establish uniform national policy, the FCC is given jurisdiction over all long distance calls, including those that are wholly intrastate. These calls are now within state jurisdiction.

8. The FCC is given the discretion to transfer back to the states their jurisdiction over intrastate long distance calls.

9. Fraudulent avoidance of the local telephone network (fraudulent bypass) could be punishable by a fine of up to $100,000.

10. The FCC and each State Utility Commission are directed to ensure the availability, to all people, of access to minimum basic telephone service (sometimes called "basic lifeline service"), consisting of the least expensive two-way telephone service available to the public.

STATE TELEPHONE RATE REQUESTS AND AWARDS

[In millions of dollars]

State	1982 Request	1982 Granted	1983 Request	1983 Granted	Comments
Alabama				52.5	South Central Bell.
Alaska					
Arkansas	26.1	18.7	137.9		Southwestern Bell.
Arizona	84.8	60.2	79.0		Mountain Bell.
California	475.0	50.7			GT&E.
	6.7	3.8			Roseville Telphone.
	31.1	12.7			Continental Telphone.
	597.3		819.2		Pacific Bell.
Colorado	127.9	38.5			Mountain Bell.
Connecticut	3.5	2.5			New York Bell.
	167.6	89.0			Southern New England Telephone.
District of Columbia.	82.0	40.3			C&P.
Delaware	2.0	1.9	15.9		Diamond State Telephone.
Florida			285.1	113.4	Southern Bell.
			238.9		Southern Bell.
Georgia	180.0	75.4	158.5		Southern Bell.
Hawaii					Hawaiian Telephone filed for $47,600,000 rate increase in 1981.
Idaho	22.6	7.3	28.9	5.9	Mountain Bell.
Illinois	406.0	217.7	50.0		Illinois Bell.
			31.5	21.7	GT&E.
Indiana	71.5	66.8	96.0		Indiana Bell.
Iowa	31.8	24.2	44.7	18.7	Northwestern Bell.
Kansas	80.5	46.7	63.5	20.7	Southwestern Bell.

STATE TELEPHONE RATE REQUESTS AND AWARDS—Continued

[In millions of dollars]

State	1982 Request	1982 Granted	1983 Request	1983 Granted	Comments
			213.7		Southwestern Bell.
Kentucky	66.1	14.5	3.4	4.6	South Central Bell.
				6.5	Cincinnati Bell.
Louisiana			238.6	41.5	South Central Bell.
Maine	49.8	15.0			New England Bell.
Maryland	202.0	95.3	165.0	44.3	C&P.
			218.0		C&P.
Massachusetts	60.0	19.1			New England Bell.
Michigan		28.8	45.5	12.1	GT&E.
			452.0	182.3	Michigan Bell.
Minnesota	6.7	4.1	5.7	3.7	United Telephone.
	96.4	59.6	83.6	52.6	Northwestern Bell.
Mississippi	98.2	0			South Central Bell.
Missouri	134.1	12.3	254.8	63.8	Southwestern Bell.
			9.0	5.4	Continental Telephone.
Montana	27.0	8.1	20.7		Mountain Bell.
Nebraska	5.7				Lincoln Telephone.
			33.0	6.2	Northwestern Bell.
Nevada	16.4	1.9			Nevada Bell.
New Hampshire	13.7	8.4			New England Bell.
New Jersey	212.9	84.8		34.8	New Jersey Bell.
				15.8	New Jersey Bell (for depreciation).
New Mexico			76.6	30.0	Mountain Bell.
			86.1		Mountain Bell.
New York	33.4	20.6			Rochester Telephone.
	644.3	361.6	706.0	185.9	New York Bell.
		99.3			New York Bell.
North Carolina	129.0	81.8	145.0		Southern Bell.
North Dakota					Northwestern Bell, Granted $9,900,000 in 1981.
Ohio	27.8	19.4			United Telephone.
	10.6		36.2	22.5	Cincinnati Bell.
	123.4	103.0	187.5	103.6	Ohio Bell.
Oklahoma		16.4	138.5	43.7	Southwestern Bell.
			301.0		Southwestern Bell.
Oregon			1.9	1.1	Continental Telephone.
	36.6	26.3	73.9	38.4	Pacific Northwestern Bell.
				10.1	GT&E.
Pennsylvania	426.0	255.6	378.9		Bell of Pennsylvania.
Rhode Island	17.3	6.5	37.4		New England Bell.
	7.6	9.3			New England Bell.
South Carolina	87.6	72.2	98.5	20.3	Southern Bell.
South Dakota	23.4	4.6	20.2		Northwestern Bell.
Tennessee	130.5	49.4			South Central Bell.
Texas			428.8	221.8	Southwestern Bell.
			1,200.0		Southwestern Bell.
			85.4		General Telephone of Southwest.
Utah	33.2	22.6	78.8	36.6	Mountain Bell.
			43.2		Mountain Bell.
Vermont	16.5				New England Bell.
Virginia	5.2	2.2			Central Telephone.
	10.6	5.7			Continental Telephone.
			5.3	0	United Inter-Mountain Telephone.
			133.5	63.8	C&P.
Washington			146.7	56.9	Pacific Northwest Bell.
West Virginia			58.4	26.9	C&P.
Wisconsin	99.0	61.8			Wisconsin Bell.
Wyoming	5.6	1.4	20.9	2.6	Mountain Bell.

Source: Telecommunications Reports Bulletin of the National Association of Regulatory Utility Commissioners Center for Communications Management, Inc. Where a grant is specified, an attempt was made to correlate the request with the grant, even if the request was made in previous years. Compiled as of June 30, 1983.●

● Mr. DANFORTH. Mr. President, in January, 1982, the American Telephone & Telegraph Co. and the Department of Justice reached an agreement in Federal court in settlement of a 7-year-old antitrust suit. The agreement called for a monumental restructuring of the telephone industry, which both parties hailed as a positive development that would promote competition, increase consumer choice, and lead to lower costs for telecommunications services.

The months since the settlement, however, have been characterized by uncertainty and increasing concern that telephone rates are going to skyrocket—particularly in rural areas. Southwestern Bell Telephone Co. has

asked the Missouri Public Service Commission for a record $254.8 million increase in rates for local service, and the Federal Communications Commission has announced that it will require all telephone customers to pay a monthly long-distance access charge, even if the telephone is never lifted off the hook. It has been estimated that in rural Missouri this charge could be as high as $23 every month.

Mr. President, with enactment of the original Communications Act in 1934, Congress assumed the obligation of assuring "universal" telephone service; that is, it assumed the obligation of assuring that all Americans have access to affordable telephone service whether they live in urban or rural areas, whether they be healthy or disabled, whether they be young and gainfully employed, or elderly and living on a fixed retirement income. The time has come for Congress to reassert its commitment to this obligation. Today the telephone is an essential part of living. It is not luxury, nor should it be. It is a lifeline. Therefore, I am joining with my colleague from Oregon, Senator PACKWOOD, in sponsoring the Universal Telephone Service Preservation Act of 1983.

There are a number of reasons why local telephone rates are increasing. One is inflation. Local telephone rates have remained relatively stable for almost two decades while the costs for other services have risen dramatically. Until very recently, for example, the prices charged for residential telephone installations did not begin to cover labor costs, and were far below the prices charged for work done by plumbers, electricians, and other servicemen.

Another factor is the move to a move competitive marketplace. This has precipitated a drive by the telephone companies to modernize their plant and increase their rates of return. It has also led the telephone companies to begin pricing business telephone services closer to actual cost. Historically, business telephone rates have been set at rates substantially above the level of residential rates, although the actual cost of service is essentially the same, and the excess revenues have been used to subsidize residential services. This disparity in rates has been justified by the belief that telephone service is worth more to business and that business is able to pass on the added expense. Today, however, the telephone companies have a growing fear that if businesses are overcharged for service they will simply purchase their own in-house telephone system, connect directly with a long-distance carrier, and bypass the local network. Such bypass could have a devastating effect on the local telephone companies.

But the single most significant factor leading to predictions of drastically increased telephone rates is the fear of a reduction in the historic long-distance revenue subsidy to local service. This need not be the case. When the Bell System was broken up, it was assumed that the long-distance subsidy to local service would continue through imposition of charges on long-distance carriers for access to the local telephone exchange. Indeed, Federal District Judge Harold Greene assumed in his opinion approving the settlement that the local access charges would be designed to keep local phone rates from rising dramatically. Judge Greene said:

> The divestiture of the Operating Companies will not necessarily have an adverse effect upon the cost of local telephone service. The decree would leave state and federal regulators with a mechanism—access charges—by which to require a subsidy from intercity service to local service. By means of these access charges, the regulators would be free to maintain local rates at current levels or they could so set the charges as to increase or decrease local rates.

The bill introduced today by Senator PACKWOOD is consistent with this principle. It would establish, as national policy, that universal basic telephone service be available at reasonable rates through the subsidization of residential and rural telephone service. It would accomplish this goal by directing the Federal Communications Commission to establish an access charge system requiring long-distance companies to compensate local telephone companies for the cost of originating and terminating long-distance telephone calls, and would reverse a recent FCC decision which allocated long distance access costs equally between consumers and long-distance carriers. This bill would place all access costs on the carriers. It would set up a universal service fund to assure continued, reasonable telephone rates in rural areas, set up a joint board to assure the States of a permanent role in the decisionmaking process, and impose sanctions against fraudulent bypass of the local network. Perhaps most importantly, it would direct the FCC and each State public utility commission to insure the availability, to all people, of access to basic lifeline telephone service.

Mr. President, it is with enthusiasm that I join with the distinguished chairman of the Commerce Committee in sponsoring this bill. I recommend it to my colleagues, and urge speedy enactment.●

● Mr. ABDNOR. Mr. President, I join my fellow cosponsors in endorsing legislation to preserve quality telephone service at reasonable rates to virtually all Americans. A strong and extensive communications network is essential to the very social and economic structures which made the United States the greatest Nation on Earth. Let us work together constructively not only to retain the world's finest telephone system, but also to improve it.

The telecommunications industry is going through tremendous change. Emerging technologies are broadening the types and delivery of communications services. Productivity increases and resulting cost decreases have transformed telephone usage from luxury to necessity. Phone service is a convenience, without which no home or business can function effectively. Because of technological advances, the market structure of the communications industry has been subjected to intense analysis in recent years. The Justice Department took bold and controversial action last year in deciding to dismantle American Telephone & Telegraph (AT&T).

That decision will cause some disruption and adjustments initially, but the long-term results are for the better. Bell operating companies and other providers of local exchange networks are best suited to a regulated public service environment. Other services and products offered by the telephone industry probably are oriented better to a market setting, so that the benefits of competition are introduced to the public.

While this division between regulated and unregulated offerings may appear simple and straightforward, the underlying financial implications are foreboding. It is an economic fact of life that long-distance profits subsidize substantially the cost of providing local telephone service. Nationwide, that subsidy amounts to an overwhelming $10 billion annually. When Bell operating companies are separated from other profitable undertakings of AT&T, that subsidy must be replaced, and telephone customers are extremely vulnerable to rate increases to make up for that large revenue shortfall. Of every dollar spent on long-distance calls, 35 cents is dedicated to reducing the cost of local phone service. In high-cost areas like my home State of South Dakota, that subsidy factor is much higher.

A main concern of mine is establishing who will receive the benefits of telephone deregulation. I do not think it will be the average American household or small business. I am highly skeptical that reductions in long-distance rates will offset entirely the increases in rates for local service. It is my suspicion that only high volume customers will receive lower phone bills as a result of the mandated change in phone service pricing. If this is true, I am worried about the consequences. Since a small percentage of phone customers generate most of the revenue, the vast majority of phone users face dramatically increased costs.

Many factors must be considered in establishing and allocating a universal

service fund. My position on such fund is widely known through my contacts with the Federal Communications Commission, the telephone industry, and my universal service fund amendment to the findings section of S. 66, the Cable Telecommunications Act. I believe that all providers of communications services—data and voice—must contribute to the provision of a universal network at affordable rates to the customer. My colleagues agree with me unanimously. Private networks, in my estimation, have a public responsibility. To the extent that the public interest and national security are enhanced by an extensive communications network, an obligation exists for private communications systems, to contribute to the universal service fund.

A fair allocation of funds to high-cost areas deserves careful consideration as well. Economic rationale must be employed to insure efficient use of money devoted to keeping phone costs down. Besides providing assistance to high-cost areas, consideration must be given to protecting elderly, disabled and low-income individuals who will be most affected by increases in phone rates.

I commend the efforts of my colleagues on the Commerce Committee and pledge my support to achieving a fair and workable universal service fund. Universal service at reasonable rates plays as important a role to this Nation as uniform and affordable postage stamps have played historically and contemporarily. Electronic communication is of vital importance to our Nation. It contributes greatly to our security, well-being, and standard of living. I urge my colleagues to enact universal service fund legislation as soon as possible.●

● Mr. PRESSLER. Mr. President, I am pleased to join the chairman of the Senate Commerce, Science and Transportation Committee today in introducing the Universal Telephone Service Preservation Act of 1983. It is my hope that both the Commerce Committee and the full Senate will act expeditiously on this legislation.

My home State of South Dakota is one of those high-cost areas much talked about in recent media stories about rising telephone rates. One of our South Dakota telephone cooperatives has only 44 subscribers spread out over a 210-square-mile service area. Obviously, two customers per square mile do not generate sufficient revenue to cover costs for the local co-op. Yet these are the very people who are so dependent on affordable phone service because of the great distances between towns and the poor weather and road conditions during the winter months. These are the farmers, ranchers, and small businessmen who are already suffering from a depressed agricultural economy and outrageous interest rates. They are entitled to good phone service at reasonable prices.

Traditionally, long-distance phone rates have subsidized local phone service throughout the country, not just in remote rural communities. After the AT&T divestiture, this subsidy will no longer be in place. Individual phone users must pick up more of these costs. In many areas of the country, this will mean a doubling or tripling of phone bills in a matter of months. The FCC policy of burdening the American people with astronomical phone rates is simply unacceptable and must be curbed by immediate congressional action.

The legislation introduced today is an important step in Congress responsibility to protect universal telephone service. Its twofold purpose, to insure the principles of universal phone service and the establishment of an access charge system which is fair to the American public, is commendable and I strongly support these concepts. I look forward to working with the chairman and my colleagues on the Commerce Committee to act on this measure in a timely and effective manner.●

By Mr. CHAFEE. (for himself, Mr. BENTSEN, Mr. DURENBERGER, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. COHEN, Mr. NUNN, Mr. D'AMATO, and Mr. DENTON).

S. 1666. A bill to amend the Internal Revenue Code of 1954 to reduce the capital gain tax rates for individuals who hold new issues of stock at least 5 years; to the Committee on Finance.

THE CAPITAL FORMATION TAX ACT OF 1983

● Mr. CHAFEE. Mr. President, today I am joined by Senators BENTSEN, DURENBERGER, BOREN, WALLOP, PRYOR, COHEN, NUNN, D'AMATO, and DENTON in introducing a bill amending the Internal Revenue Code by lowering the minimum effective capital gains tax rate on new stock held for 5 years.

During the last several years, we have seen the dynamic growth of new companies based on advance technologies. These pioneering companies have paced our economy toward recovery and contributed to our national well-being. They are a major source of new jobs.

However, such companies are capital intensive, and large capital infusions are essential to their well-being. Accordingly, an economic environment that supplies an adequate and stable source of investment capital is needed. The legislation we introduced today accomplishes this goal by fostering such capital investment.

Our bill entitles an individual taxpayer to a reduced capital gains tax, at a minimum rate of 10 percent, upon the sale or exchange of stock in a company if such stock was:

First, held for at least 5 years; and

Second, acquired through an initial or principal stock offering.

The central reason for this bill is to cash in on the benefits our high-growth companies can provide our economy.

A 1982 study completed by the General Accounting Office at the request of Senator Bentsen titled, "Government-Industry Cooperation Can Enhance the Venture Capital Process," identifies the benefits generated by growth companies. These benefits include creation of thousands of new high-quality jobs, increases in Federal, State, and local tax receipts, stimulation of supplier and allied firms, augmentation of R&D expenditures, and generation of higher export earnings.

Considering some of these known benefits separately, Doctor ED ZSCHAU, former professor at Stanford University and director of the American Electronics Association and American Council for Capital Formation and now U.S. Congressman from California, in 1978 presented a survey to the Senate Select Committee on Small Business. His survey concluded that within 5 years each dollar invested in a small business returns $1.38 each and every year forever. This $1.38 is broken down to 70 cents in exports, 33 cents in R&D expenditures, 30 cents in Federal taxes, and 5 cents paid to State and local governments.

As for jobs, a 1982 report by the Joint Economic Committee, entitled "Location of High Technology Firms and Regional Economic Development," stated that high technology industries accounted for 75 percent of the net increase in manufacturing jobs from 1955 to 1979.

The GAO report mentioned above indicates that in 1980 high-growth technology businesses produced a $30.5 billion positive trade balance as compared to a negative $54.7 billion trade balance for all other businesses.

Earlier this year, the Senate Finance Committee's Subcommittee on Savings, Pensions, and Investment Policy, which I chair, conducted 2 days of hearings at which industry leaders and economists testified. The hearing topic was "Promotion of High Growth Industries and U.S. Competitiveness."

Each of the witnesses who were asked what steps Congress could take to promote an improved environment for high-growth companies responded that a reduction in the effective capital gains tax rate would help supply the investment capital required by such companies.

Mr. David Packard, chairman of the Hewlett-Packard Co. and former Deputy U.S. Secretary of Defense, stated the Government should do as it has done in the past, that is, to provide incentives for the private sector. One incentive for capital formation has been the reduction of the capital

gains tax, which Mr. Packard argued be further lowered.

The impact of this tax policy was articulated by Dr. Frank Press, president of the National Academy of Sciences and a distinguished scientist. He said that we have already had some "dramatic illustrations of the effects of changes in the tax policy on innovative vigor. Venture capital virtually disappeared after the 1969 increases in capital gains taxes; it reappeared in 1978, when the rates were lowered and has been boosted even further by the 1981 tax revisions, which lowered the effective rate."

Similarly, according to the Securities and Exchange Commission's Government-Business Forum on Small Business Capital Formation, the report of which was published in November 1982, high capital gains taxation decreased the mobility of funds and locked investors into their holdings during the 1970's. The report advocated further capital gains tax reduction.

Now, to quell the fear that only the wealthy might benefit from this further capital gains tax reduction, let me inform you of the results of the last capital gains tax cuts. In 1982, when the effective capital gains tax rate was last cut, both the Congressional Budget Office and OMB predicted major declines in nonwithheld payments made quarterly by the wealthy. OMB said the receipts from the rich would drop from $76 billion in 1981, before the cuts, to $72 billion in 1982.

The results for 1982 were contrary to these predictions. In fact, tax payments by the wealthy rose considerably—to $85.1 billion. That is 20 percent greater than the OMB prediction and 11 percent higher than the receipts in 1981. The explanation for this is that people move out of tax shelters and invest more in companies and investments generating capital gains, interest, and other income if tax policy permits them. I submit that if we were to identify one group that benefits most, it would be those who fill the new jobs flowing from increased investments.

In addition to encouraging capital formation for new companies, our bill addresses a second aspect of the need for capital formation. This key factor is the 5-year holding period requirement.

Mr. Stanley Pratt, president of Venture Economics and a leading expert in the venture capital field, indicated at our hearings that it takes 3 to 5 years to determine if a new venture is a good investment. Thus, to create a more stable investment capital pool, it is absolutely necessary that investors make a long-term commitment to support a new company.

Therefore, our bill requires the initial investor to hold the qualified stock at least 5 years before the initial investor can receive the benefit of the reduced tax.

Finally, I would point out that the United States is one of the few countries that levies a capital gains tax. Arthur Andersen & Co. prepared a report this year comparing capital gains taxation of individuals throughout the world. Individuals in Australia, Belgium, Germany, Italy, Japan, and the Netherlands are exempt from such tax. Closer to home, California exempts from State tax on capital gains individuals who have held a security in a medium or large firm for 3 years.

It is clear that capital formation is extremely sensitive to the level of capital gains taxation. Consequently, to spur the capital intensive growth industries that lead our economy, we should improve capital gains tax treatment. Passage of this bill will be a positive step in stimulating our economy and its competitive vitality.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at the conclusion of my remarks.

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

S. 1666

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 Capital Formation Tax Act of 1983".

SEC. 2. 80 PERCENT CAPITAL GAINS DEDUCTION ATTRIBUTABLE TO NEW ISSUES OF STOCK HELD AT LEAST 5 YEARS.

(a) IN GENERAL.—Section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sume of—

"(A) 80 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified net capital gain, plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the qualified net capital gain taken into account under subparagraph (A).", and

(2) by inserting after subsection (c) the following new subsection:

"(d) QUALIFIED NET CAPITAL GAIN.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only qualifies issues of stock held by the taxpayer for at least 5 years at the time of the sale or exchange were taken into account.

"(2) QUALIFIED ISSUES OF STOCK.—For purposes of subsection (d), the term 'qualified issues of stock' means issues of stock which—

"(A) are publicly or privately offered through an initial stock offering by any corporation,

"(B) are purchased from the initial offeror, underwriter, broker, or agent, and

"(C) represent contributions to capital or paid in surplus of such corporation.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to sales or exchanges after December 31, 1983.

● Mr. PRYOR. Mr. President, I am pleased to be an original cosponsor of the Capital Formation Tax Act of 1983," and I commend the Senator from Rhode Island, Mr. CHAFEE, for his leadership in this effort. There is no doubt, Mr. President, that one of the most important issues for the small business sector of our economy is the need to raise capital for expansion and other improvements. This legislation will aid this effort and will not be costly. I think it is a well-reasoned and sound way to provide assistance to many small, growing businesses in this country who need additional capital.

Mr. President, the statistics about the importance of small businesses are recited so often that many people frequently tend to take this sector of our economy for granted. The statistics show that small businesses are very efficient and create many times more jobs than larger firms. Further, these small firms are leading the way for many of the new technologies currently under development. In an era of increasing competition with foreign firms for valuable markets, both here and abroad, I believe it is absolutely essential that our Government adopt policies that will aid these companies. After all, Mr. President, if these companies grow, it means one important thing—jobs. Since putting people back to work is probably the top priority at this time, I hope this bill will receive strong bipartisan support.

Mr. President, this legislation is straightforward and fairly simple. It increases the section 1202 deduction for net capital gain from 60 to 80 percent if four requirements are met. First, the stock must be purchased through an initial stock offering. Second, it must be purchased from the initial offeror, underwriter, broker, or agent. Third, the stock must represent contributions to capital of paid-in surplus of the corporation. Finally, and most importantly, there is a requirement that the stock be held for 5 years in order to qualify for this increased 1202 deduction. Under existing tax law, for long-term capital gains treatment, there is a holding period of 1 year. The effect of these changes, Mr. President, is to provide that if an investor meets these requirements, including the 5-year holding period, the maximum tax on the sale of the stock would be 10 percent, instead of 20 percent under current law.

In summary, Mr. President, I think this is a sound measure which will generate some much-needed capital for

many small, growing firms in this country. I urge my colleagues to support it and I look forward to working with the sponsor of the bill in the Senate Finance Committee on this measure.●

● Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my distinguished colleague from Rhode Island, Mr. CHAFEE. The purpose of the bill is to increase the investment capital available to new businesses. As a member of the Small Business Committee, I am concerned about the difficulty new firms have attracting capital. Without the opportunity to raise funds, growing enterprises have their innovative ideas stifled.

The measure introduced today will help alleviate this problem. It will mandate a 10-percent capital gains tax rate on income generated from initial investments in the stock of new companies. The same individual has to hold the investment for at least 5 years. The capital raised from the issuance of stock must be utilized for working capital purposes.

This legislation will create a major incentive for individuals to make long-term investments in new companies. A lower capital gains tax rate will provide a flood of venture capital into growing young firms. In this way, jobs will be created from the capital harnessed to finance new ideas.

This legislation will broaden an existing avenue of finance available to new enterprises—venture capital. Small firms will have to rely less on commercial banks for funding. This is the best manner in which to assist small firms and protect existing jobs.

It has become vogue in Washington to discuss industrial policy. I believe that this debate should focus more on new businesses with innovative ideas. For this reason, I have introduced the Small Business Capital Formation Tax Act of 1983, S. 1043, which now has 15 cosponsors. Like the legislation introduced today, it provides tax incentives for investment in small enterprises. This is critical to the future health of our economy.

To the extent that jobs are created through increased investment, the tax base is expanded. Without a consensus in Congress to reduce spending, the only way to mitigate the impact of the budget deficit is through savings and investment. If the individual savings rate can be improved, it will be easier to finance the budget deficit. This will avoid crowding out of private financing needs. In addition, if the savings rate can be improved, new taxes will be generated and the deficit reduced.

I urge my colleagues on both sides of the aisle to cosponsor this legislation introduced today.●

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1667. A bill to modify the Jackson Hole Snake River local protection flood control project in Wyoming to authorize maintenance work performed by the Corps of Engineers; to the Committee on Environment and Public Works.

JACKSON HOLE SNAKE RIVER FLOOD CONTROL

● Mr. SIMPSON. Mr. President, today I and my colleague, Senator MALCOLM WALLOP, are introducing legislation to correct a longstanding problem regarding flood control near the town of Jackson, Wyo. This measure is not new to this body, but it has a history that goes back to the tenure of my respected and distinguished predecessor, Senator Clifford Hansen from Wyoming. During the 95th Congress, the Senate approved a proposal that required the U.S. Army Corps of Engineers to administer the operation and maintenance of the local flood protection project at Jackson Hole, Wyo.

Testimony and documents developed in the 95th Congress indicate that the project at Jackson Hole had been inadequately designed and constructed—a fact that totally distorted the amount of local maintenance costs required to be assumed by the local citizens. The unfortunate situation still exists today.

The serious problem of flood control in that area is especially brought to mind due to the particularly heavy spring runoff of this year. Serious flood problems along the Snake River persist—even in years of relatively light or normal snowpack. Tens of thousands of dollars in property damage have already been sustained over the years that this situation has persisted.

This bill would correct the deficiencies created by the project's design as well as establish a reasonable and fair cost of local participation—a concept that I heartily endorse.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbors Act of 1950 (Public Law 81-516), is hereby modified to provide that the operation and maintenance of the project, and additions and modifications thereto constructed by non-federal interests, shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers: *Provided,* That non-federal interests shall pay the initial $35,000 in cash or materials, of any such cost expended in any one year.

● Mr. WALLOP. Mr. President, along with my colleague from Wyoming Senator SIMPSON, I am today introducting a bill which would require the U.S. Army Corps of Engineers to administer the operation and maintenance of the local flood control project on the Snake River at Jackson Hole, Wyo.

This bill would correct initial levee design deficiencies created by the U.S. Army Corps of Engineers and establish a reasonable cost for local participation of $35,000 in cash or materials for any operation and maintenance costs expended for the levee in any 1 year.

Although the Rivers and Harbors Act of 1950, which initially authorized the Corps of Engineers to construct and repair levees and flood protection projects in the Columbia Basin, normally requires local interests to maintain and operate flood protection works after completion, this is not a normal case. Despite the levees, annual flooding along the upper Snake remains a serious problem even in years of light snowpack. Over the years tens of thousands of dollars of property damage and untold losses in wildlife and ecological damage have taken place because of the levee's inadequate design. Moreover, levee erosion is much worse than is normal. Therefore local maintenance costs are prohibitively high. In short, in an area where the Federal Government owns 97 percent of the land in the county, it is an intolerable and inequitable situation.

Congress is charged with the responsibility of providing a long-range program for the conservation, development, and full use of the natural resources within the confines of the United States. As the major landowner in the Jackson Hole area, the Federal Government likewise has a major interest in the economy of the region, and a commensurate responsibility for the prevention of waste due to flooding.

Because Senator SIMPSON and I view the natural resources of the Yellowstone region as a national treasure to be protected for the benefit of all the Nation's people, we propose to correct this problem through a partnership venture with the Federal Government. This bill is the first step in the realization of that goal. I trust that my colleagues in the Senate agree so that we might move the bill quickly.

As many of you know, this legislation is a legacy to the former senior Senator from Wyoming. Cliff Hansen. He first proposed it and in the 95th Congress on three separate occasions the Senate approved a similar proposal. I hope that this year we are able to finish the task by enacting this legislation into public law.●

By Mr. D'AMATO (for himself, Mr. PERCY, Mr. ANDREWS, Mr. COHEN, Mr. DOMENICI, Mr. HELMS, Mr. SYMMS, Mr. PRESSLER, Mr. PROXMIRE, Mr. BUR-

DICK, Mr. DIXON, and Mr. MURKOWSKI):

S. 1668. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

FEDERAL DEBT RECOVERY ACT OF 1983

● Mr. D'AMATO. Mr. President, on May 25, Senator PERCY and I introduced S. 1356, the Federal Debt Recovery Act. This measure authorized the heads of various Federal agencies to contract with private law firms for the litigation of debt owed to the Federal Government.

The need for this legislation is clear. The GAO recently reported that "debts owed the government are enormous and growing each year, with billions of dollars delinquent." According to the Office of Management and Budget, some $40 billion in delinquent debt is owed to the Federal Government. Now tax delinquencies amount to $16 billion.

On October 25, 1982, the President signed into law the Debt Collection Act. Among other things, the act allows Federal agencies to charge interest and penalties on delinquent debt, offset the salaries of Federal employees having delinquent debts to the Government, report delinquent debtors to credit bureaus and use private sector contractors to collect debts owed to the Government. I commend Senator PERCY, chairman of the subcommittee which oversees Government debt, for this landmark piece of legislation and for his persistence in insuring the promulgation of regulations which will implement this act.

Although the Debt Collection Act provided for the use of private collection agencies, it did not permit the use of private firms to assist in the litigation of Government debt. Testimony at the May 25 hearing made clear that the use of private attorneys would put real teeth in Federal debt collection.

The Department of Education is currently carrying $1.7 billion in defaulted student loans. Pursuant to the Debt Collection Act, Education referred over 400,000 cases worth $676 million to collection agencies for action. To date, these agencies have collected only $21 million or 3 percent of the claims. The collection agencies have testified to the need for the use of private law firms.

The Department of Justice simply does not have the capacity to handle the massive number of cases which the Department of Education and other Federal agencies will refer to it. For example, I recently asked the Department of Education to canvass the collection agencies with which it does business in major metropolitan areas and report back with an approximate number of cases which could be brought to litigation within a reasonable amount of time if the capacity existed at Justice. Education responded that over 26,000 cases could be called back from the collection agencies and litigated. The Department of Justice simply does not have the wherewithal—in particular a developed computer system—which could deal with this volume within a reasonable time frame.

In addition, there are serious questions as to the cost effectiveness of the Department of Justice litigating Federal debt. For example, according to Department of Justice statistics, student debt represents 22.8 percent of the debt case load at the Department of Justice. However, the dollar volume on this case load represents only 3.8 percent of all loans which have been referred to the Department of Justice by all Federal agencies for action. It would make more sense to turn these cases over to the private sector for litigation. Morever, the opportunity costs of pursuing these cases which average only $12,000 is great. The Department of Justice simply has too many other pressing matters to handle.

Department of Education records reveal that the situation is much worse with regard to debt which has been turned over by other Federal agencies. Federal agencies must have the ability to contract out to private law firms for litigation services. Just as in the case of the private collection agencies, a contingency fee arrangement will provide these firms with a ready incentive to seriously collect Government debt.

Mr. President, at the hearings on May 25, the Department of Justice supported the concept of contracting out to private law firms. After extensive negotiations, we have reached an agreement on the details of a slightly modified version of S. 1356. Under the compromise, Justice will have the authority to contract with law firms for collection services, including litigation. The head of a Federal agency would thereafter be able to forward cases directly to the law firm which has been engaged. This will expedite debt collection.

The bill I and several of my colleagues introduce today permits Justice to terminate a contract if it is in the public interest. It also provides for monthly reports from the law firms to both Justice and the relevant Federal agencies. Debtors will be protected since law firms must abide by the Fair Debt Collection Practices Act.

Mr. President, millions of dollars are being lost as cases are not acted upon and lost to statute of limitation law. I urge that the Senate expeditiously pass this important legislation.●

ADDITIONAL COSPONSORS

S. 905

At the request of Mr. EAGLETON, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Indiana (Mr. QUAYLE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), the Senator from North Dakota (Mr. BURDICK), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 1090

At the request of Mr. WALLOP, the names of the Senator from Iowa (Mr. JEPSEN) and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1146

At the request of Mr. BENTSEN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1510

At the request of Mr. DURENBERGER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1510, a bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes.

S. 1566

At the request of Mr. ROTH, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1566, a bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1650

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1650, a bill to increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rule of agencies.

SENATE JOINT RESOLUTION 111

At the request of Mr. PERCY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 111, a joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

SENATE JOINT RESOLUTION 131

At the request of Mr. DOLE, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating "National Cystic Fibrosis Week."

SENATE RESOLUTION 72

At the request of Mr. HEINZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 72, a resolution to assure Israel's security, to oppose advance arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from Arkansas (Mr. BUMPERS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

AMENDMENT NO. 1539

At the request of Mr. DENTON, the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from California (Mr. WILSON) were added as cosponsors of amendment No. 1539 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

AMENDMENT NO. 2061

At the request of Mr. METZENBAUM, his name was added as a cosponsor of amendment No. 2061 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

At the request of Mr. MOYNIHAN, the names of the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of amendment No. 2061 proposed to S. 675, supra.

At the request of Mr. TSONGAS, his name was withdrawn as a cosponsor of amendment No. 2061 proposed to S. 675, supra.

SENATE RESOLUTION 180—RELATING TO HEALTH CARE FOR OLDER AMERICANS

Mr. METZENBAUM (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 180

Whereas the medicare program is a solemn commitment by the Government to older Americans to assure the availability of affordable and quality health care;

Whereas skyrocketing health-care costs threaten the health and income security of older Americans and of all people;

Whereas the health-care needs of older Americans are not being met by the current health-care delivery system;

Whereas the medicare program pays less than half of the cost of health care for older Americans;

Whereas older Americans must pay increasing out-of-pocket costs to meet their health-care needs;

Whereas the President and the Congress have enacted budget cuts that reduce health-care services and increase costs for older Americans, low-income individuals, and working families;

Whereas the financial solvency of the Federal Hospital Insurance Trust Fund is threatened by increasing health-care costs; and

Whereas immediate legislative action is necessary to protect the ability of the medicare and medicaid programs to provide an adequate level of health care at affordable costs to older Americans;

Resolved, That it is the sense of the Senate that the Congress should enact legislation—

(1) to control the rising cost of health care, without placing the burden of such cost containment upon the elderly and those who are least able to pay for needed health-care services; and

(2) to assure that health-care dollars purchase the maximum amount of appropriate care at the lowest cost.

SEC. 2. The legislation described in the first section should provide for—

(1) the application of prospective payment methods to all payors:

(2) the avoidance of additional cost-sharing by medicare and medicaid recipients as a method of health-care cost containment;

(3) a prohibition against further Federal spending reductions with respect to the medicare and medicaid programs that increase out-of-pocket costs or reduce benefits for older Americans;

(4) incentives for States to develop and maintain their own programs to contain health-care costs; and

(5) modification of the medicare program to provide improved coverage for preventive and chronic care and to provide alternatives to institutionalization.

● Mr. METZENBAUM. Mr. President, today Senator KENNEDY and I are submitting a resolution concerning what may be the single most important issue in the coming decade—the availability of decent and affordable health care for older Americans. Our resolution calls on the Senate to enact legislation immediately to stem the rising tide of health care costs and to protect the elderly against further increases in out-of-pocket costs or further reductions in benefits.

We are all familiar with the litany of facts concerning the skyrocketing cost of health care. For the first time in history, health care costs exceed 10 percent of the GNP. In other words, Americans must now spend more than $1 out of every $10 for health care. In 1982, the rate of inflation was only 3.9 percent, yet hospital costs increased by 12.6 percent. And most analysts expect this rate of increase to continue for at least the next 10 years.

The situation for the elderly is even more serious than for the rest of the population. Older Americans must spend 20 percent of their personal income on health care costs. And medicare, the program that was originally envisioned as a comprehensive health coverage system now covers only 44 percent of the cost of health care for seniors—less than when medicare was enacted in 1965. Part B of medicare, the part that pays for physicians services, provides even less protection, with the elderly having to pay 70 percent of doctors' fees out of their own pockets—a perversion of the concept of medicare.

In the face of this crisis in health care, the administration has continued

to propose shortsighted solutions which simply increase the burden on the elderly and others who can least afford it. In his 1984 budget, the President proposed a new copayment charge for a hospital stay that would cost the medicare recipient an additional $420 for room and board during a 15-day hospital stay. Yet the inpatient deductible—a one-time charge for every hospital stay—has already risen by almost 50 percent in the last 2 years, from $204 in 1981 to $260 in 1982 to $304 in 1983. And this fee is expected to rise to $350 in 1984. the President also proposed sharp increases in the premiums for part B coverage to pay for doctors' visits.

While Congress did not go along with all of the President's recommended cuts in medicare, the budget resolution does call for $1.7 billion in medicare cuts over the next 3 years. On top of this, the Republican-controlled Senate just reported out a bill that finances health insurance for the unemployed by increasing the costs of physicians' services to the elderly.

I believe the time has come to stop forcing older Americans to bear the burden of our health-care-cost-containment efforts. The problem is that the administration and, often, Congress view the medicare program in isolation, as simply a Government budget problem. It is true that the financial solvency of medicare's hospital insurance trust fund is seriously threatened by the rising cost of health care. Yet the rapidly escalating cost of the medicare program simply mirrors what is happening in the entire health care field.

The resolution we are submitting today looks toward a more comprehensive solution to the health care crisis. It calls for expanding the concept of prospective reimbursement—where the cost of a service is decided upon in advance, rather than after the fact—to all payors instead of just the Government; it calls for legislation that would provide incentives for States to develop and maintain their own cost-control programs; and it recognizes that the medicare problem cannot be resolved until the entire health care system is made more efficient.

But, most importantly, it expresses the sense of the Senate that cost-containment legislation shall not achieve its savings through additional increases in out-of-pocket costs or reductions in benefits for older Americans.

We urge the Senate to go on record in support of true health-care reform, not harmful medicare cuts. Mr. President, we hope that the Senate can act quickly on this vital piece of legislation.●

● Mr. KENNEDY. Mr. President, when Congress enacted medicare in 1965, we made a solemn commitment to the elderly of our country. We pledged that never again should our senior citizens have to choose between putting bread on the table, heating their home, or seeing a doctor for needed health care. For those who worked hard throughout their lives to make America a great nation, medicare was to provide peace of mind and protection from ruinous medical bills in their later years.

Sadly, the reality has fallen far short of our promise. Medicare now pays on 44 percent of the health-care costs of the elderly. Seniors themselves pay on average more than $1,400 per year for health care—nearly 20 cents out of every dollar they receive. Many vital health care services—including prescription drugs, preventive care, eyeglasses, and hearing aids are simply uncovered.

And as if these shortcomings were not enough, the Reagan administration has been waging a war against medicare. The President's budget for fiscal year 1984 calls for $18 billion in medicare cuts over the next 5 years—cuts that will come directly out of the pockets of the elderly and disabled. And, under the guise of solving the looming crisis in the medicare trust fund, we can look forward to new attempts to cut medicare benefits even further.

The trust fund is in trouble. But the answer is not to blame the elderly and the sick as the Reagan administration would have it. Senior citizens do not decide what hospital to go to, what tests to order, what drugs to take. Over 70 percent of health-care decisions are influenced by the physician, not the patient. The time has come for effective action against rising health costs.

The resolution we are submitting today is an important step in that process. It calls on Congress to act promptly to address the problem of health-care inflation through a comprehensive cost-containment program that would dampen the fires of runaway health costs without imposing new and onerous burdens on the already hard-pressed elderly. I have introduced such a proposal—S. 814—earlier this year.

The resolution also directs an end to increased out-of-pocket costs for the elderly and provides for improving medicare coverage and preventive and chronic care—two critical health needs which are currently uncovered.

This resolution provides a humane blueprint for addressing the crisis that threatens the health and well-being of our senior citizens. I call on my colleagues to join with us in supporting this resolution.●

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

DENTON AMENDMENT NO. 2073

(Ordered to lie on the table.)

Mr. DENTON submitted an amendment intended to be proposed by him to amendment No. 1539 submitted by him to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; as follows:

At the end of the amendment add the following new sentence: "The authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part to carry our research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army,".

LEVIN AMENDMENT NO. 2074

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 2057 proposed by him to the bill S. 675, supra; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) the Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

BRADLEY AMENDMENT NO. 2075

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 675, supra, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . None of the funds authorized pursuant to this Act or any Act may be for the purpose of the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress and the Congress has approved by Joint Resolution that procurement and deployment of the MX missile will not contribute to the underfunding of conventional weapons.

METZENBAUM AMENDMENT NO. 2076

Mr. METZENBAUM proposed an amendment to amendment No. 1539 proposed by Mr. DENTON to the bill S. 675, supra; as follows:

At the end of the amendment No. 1539 (as modified) insert the following: "In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill."

LEVIN AMENDMENT NO. 2077

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill (S. 675), supra; as follows:

It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) "stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals;"

(2) "our ICBM programs should support pursuit of a stable regime of arms control agreements;"

(3) "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,

(4) "from the point of view of enhancing such stability, . . . there is considerable merit in moving toward an ICBM force structure in which potential targets are of comparatively low value—missiles containing only one warhead;"

Therefore it is declared that deployment of fixed, accurate, land-based, multiple-warhead (MIRV'ed) intercontinential ballistic missiles (ICBMs) is destabilizing and does not promote a stable regime of arms control.

AGRICULTURAL PRICE TARGETING

ZORINSKY AMENDMENT NOS. 2078 THROUGH 2081

(Ordered to lie on the table.)

Mr. ZORINSKY submitted four amendments intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; as follows:

AMENDMENT No. 2078

On page 11, line 20, strike out "TARGET PRICES AND".

On page 11, beginning with line 23, strike out all down through line 5 on page 12.

On page 12, line 6, strike out "(c)" and insert in lieu thereof "(b)".

On page 12, line 20, strike out "(d)" and insert in lieu thereof "(c)".

AMENDMENT No. 2079

On page 11, line 20, strike out "EXPORT INITIATIVES".

On page 12, beginning with line 6, strike out all down through line 13 on page 13.

AMENDMENT No. 2080

In the amendment to the title to the bill, strike out "to provide discretion to the Secretary of Agriculture in the establishment of target prices,".

AMENDMENT No. 2081

In the amendment to the title of the bill, strike out "to extend agricultural export initiatives,".

LEVIN AND COHEN AMENDMENT NO. 2082

Mr. LEVIN (for himself, Mr. COHEN, Mr. DENTON, Mr. HUMPHREY, Mr. PRYOR, and Mr. JEPSEN) proposed an amendment to the bill (S. 675), supra, as follows:

At an appropriate part of the bill, add the following general provision:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

TOWER FOR QUAYLE AND OTHERS AMENDMENT NO. 2083

Mr. TOWER (for Mr. QUAYLE) (for himself, Mr. MOYNIHAN, and Mr. PRYOR) proposed an amendment to the bill (S. 675), supra, as follows:

On page 134 strike out lines 5 and 6 and insert in lieu thereof the following:

"(2) by striking out the second sentence and inserting in lieu thereof the following: 'The reports shall include an assessment of the costs and benefits of the test program and shall also contain—

'(A) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated employment impact);

'(B) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

'(C) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreaed over the previous fiscal year;

'(D) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures as a result of decreased competitiveness; and

'(E) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, or media advertising.' ".

COHEN AND NUNN AMENDMENT NO. 2084

Mr. COHEN (for himself and Mr. NUNN) proposed an amendment to the bill (S. 675), supra, as follows:

At the end of part L of title I add the following new section:

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. . Section 7227 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Navy may furnish routine port services to naval vessels of any allied country at no cost to such country if, by agreement, such services are provided to visiting

naval vessels of the United States by such allied country at no cost to the United States.

"(2) Payment for such services furnished by the United States shall be paid for out of working-capital funds established under section 2208 of title 10, United States Code. Working-capital funds established under such section shall be reimbursed out of any operating funds available to the Navy for any payments made therefrom under this subsection.

"(3) In this subsection:

"(A) 'Allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State."

MELCHER AMENDMENT NO. 2085

Mr. MELCHER submitted an amendment to be proposed to the bill (S. 675), supra, as follows:

To the pending amendment No. 1567, strike all after "viz" and insert the following:

SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. *Provided further,* the amount authorized for DOD recruiting activities may be reduced by an amount sufficient to provide the 4 percent increase for military personnel grade E-1 with less than 4 months active duty.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Bruce Beaudin and Franklin Burgess to be Associate Judges for the Superior Court of the District of Columbia and Judith W. Rogers to be Associate Judge for the Court of Appeals of the District of Columbia on Tuesday, July 26, 1983 in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 905, the National Archives and Records Administration Act of 1983 on Friday, July 29, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Marion Morris at 224-4161.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on OMB Circular A-122 on Friday, July 29, at 2 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Paul Hewitt at 224-4718.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, July 21, to hold a hearing to mark up S. 628, a bill to amend section 18A of the Small Business Act, and S. 1022, a bill to amend section 8A of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 21, to hold a monetary policy hearing required under the Humphrey-Hawkins Act.

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

COMMITTEE ON THE JUDICIARY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 21, in order to consider and act on pending nominations, commemorative resolutions, and the following legislation:

S. 829—Comprehensive Crime Control Act of 1983.

S. 668—Sentencing Reform Act of 1983 and other agreed upon related crime bills.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 21, to hold a hearing on S. 593, the "Federal Meat and Poultry Products Inspection Act of 1982."

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

COMMITTEE ON FOREIGN RELATIONS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 21, at 2 p.m., to hold a hearing entitled "USIA: Recent Developments."

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

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATON, AND GOVERNMENTAL PROCESSES

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, July 21, at 10 a.m., to hold an oversight hearing on S. 1356, the Debt Collection Act of 1982.

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

ADDITIONAL STATEMENTS

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

● Mr. ARMSTRONG. Mr. President, one of the greatest horrors in the world today is the use of chemical and biological weapons by the Soviet Union and its satellites against helpless civilians in Afghanistan, Laos, and Cambodia. A comprehensive account, from the victims' point of view, of how the Soviets and their proxies use "Yellow Rain" was written by Al Santoli in the June 26, 1983 issue of Parade Magazine. Robert L. Bartley and William P. Kucewicz of the Wall Street Journal discussed the implication of the Soviet use of chemical and biological weapons in direct contravention of treaties to which they were a party for nuclear arms control negotiations in the Spring 1983, issue of Foreign Affairs. I ask that these articles be printed at this point in the RECORD. I urge all my colleagues to read them carefully.

The article follows:

[From Parade Magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

THE PHU BIA MOUNTAINS OF LAOS are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in

the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, PARADE spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribes-people and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000 compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration. U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our force defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 per cent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and

gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam's People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effect of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book Yellow Rain, says: "Why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison strategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, Parade spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."

"Yellow Rain" and the Future of Arms Agreements

This Convention completely prohibits biological and toxin weapons. Since it provides for the elimination of existing weapons, it is a true disarmament measure."

So it seemed to Fred Charles Iklé, then director of the Arms control and Disarmament Agency, as he testified before the Senate Foreign Relations Committee in 1974. He expressed the Ford Administration's support for ratification of a treaty with the comprehensive if awkward title, "Convention on Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction." At the same time, he recommended that the Senate ratify the Geneva Protocol of 1925, already ratified by all the other major military powers, which prohibited the use of both biological and chemical agents in warfare.

This seemed entirely appropriate to the full blossom of détente. In November 1969, the same month U.S. and Soviet negotiators opened the Strategic Arms Limitation Talks, President Richard Nixon undertook an experiment in unilateral disarmament, unconditionally renouncing all methods of biological warfare. Three months later this renunciation was broadened to include toxin weapons, i.e., poisons produced by biological processes but not themselves living organisms. The Administration set about destroying all stockpiles of biological and toxin weapons, and closing down the research into offensive use of such weapons that had been conducted at Fort Detrick, Maryland.

This U.S. initiative was quick to bear fruit. In early 1971, the Soviet Union dropped its previous insistence that any biological weapons treaty also include chemical weapons, which had created a negotiating deadlock because the United States and Great Britain were unwilling to destroy existing chemical weapons stock they felt served deterrent purposes. With the Soviets willing to treat biological warfare separately, the Convention was concluded a year later, and was signed by 111 nations.[1]

The 1972 Convention called for an end to development of biological and toxin weapons. Signatories pledged not to acquire or maintain stocks of biological agents "of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes." Existing stocks and delivery equipment were to be destroyed, and transfer of either stocks or technololgy to third parties were specifically banned.

Perhaps curiously, the 1972 Convention did not ban the use of such weapons in warfare, though presumably this was already outlawed by the 1925 Geneva Protocol, not to mention customary international law. The Convention made only limited provision for verification of compliance with its terms. It required state parties "to consult one another and to cooperate in solving any problems which may arise." It established no supervisory machinery, but provided that governments that find evidence of violations "may lodge" complaints with the U.N. Security Council. Final appeal could be taken by persuading a majority of signatories to convene a special meeting.

In presenting the official case for ratification of the treaty, Mr. Iklé offered three arguments: that the treaty did not deny the United States any "military viable option" since the usefulness of such weapons was "dubious at best," that "biological weapons are particularly repugnant from a moral point of view," and that the Convention would "discourage some misguided competition in biological weapons."

Mr. Iklé added one caveat, that it would be "difficult" to verify compliance with the Convention "in countries with relatively closed societies." This did not preclude an agreement because the weapons were deemed militarily unimportant, but "the limited verifiability of this Convention should not be misconstrued as a precedent for other arms limitations agreements."

Such doubts seemed footnotes, though, compared to the promise of the Convention. As President Nixon, who had first requested ratification, had put it in his official message, it was "the first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenal of nations." The Convention seemed an apt expression of the spirit of détente, and a significant victory for arms control. It was ratified by the Senate, along with the Geneva Protocol, December 16, 1974. With deposit of U.S. ratification in Washington, Moscow and London, the Convention went officially into force on March 26, 1975.

II

Beginning in the summer of 1975, H'Mong refugees fleeing Laos for Thailand started to carry terrifying stories. They spoke of aircraft attacking their villages with rockets that exploded overhead to release a cloud of vapor, usually described as yellow or white, but sometimes red or green. As the vapors settled over the huts and fields, they caused bizarre medical symptoms. Those most exposed frequently died, and similar though milder symptoms were reported by those on the periphery of an attack or who ate food or drank water contaminated with the yellowish powder. The refugees described dizzi-

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Footnotes at end of article.

ness, severe itching or tingling of the skin, the formation of numerous small and hard blisters, nausea, shock, coughing of blood-tinged material, bloody diarrhea, and vomiting of massive amounts of blood.

The H'Mong are primitive mountain people historically at odds with the lowland Lao, and for that matter any central authority. During the Vietnam War many of them fought against the North Vietnamese and Pathet Lao in a force organized under General Vang Pao and supported by the United States. At the time they were referred to as the Meo, the Laotian term for the tribes. They now complained that the Pathet Lao and North Vietnamese were attacking their villages in retribution for helping the United States during the War. Having little grasp of modern technology, or even a written language, they christened the gruesome new weapon "yellow rain."

In 1975 and 1976, however, such reports remained fragmentary. The reported attacks took place in north-central Laos; the journey to Thailand was long and arduous. U.S. intelligence had no systematic procedures for collecting such reports, and the available information came from doctors working in the refugee camps and the volunteer efforts of two Bangkok embassy officials, Foreign Service Officer Edward McWilliams and Lieutenant Colonel C. Dennison Lane.

By 1977 and 1978, the number of reports of apparent chemical attacks began to increase alarmingly, especially from the H'Mong stronghold area in the Phou Bia mountains. In October 1978, U.S. officials raised the reports with the Lao Chargé d'Affaires in Washington, and Assistant Secretary of the State Richard Holbrooke went to Vientiane to express American concern over human rights for the H'Mong. In March 1979, the United States raised the issue of poison gas use at the 35th session of the U.N. Human Rights Commission. The Laotians consistently denied the use of chemical weapons.

In May 1979, Mr. McWilliams went to refuge camps in Thailand to interview H'Mong eyewitnesses, and compiled a lengthy report of his conversations. This represented the first systematic record of the reports, and became the basis for later compilations published by the State Department. In the fall a U.S. Army medical team was dispatched to Thailand to conduct interviews. In the winter of 1979, the U.S. government raised the "yellow rain" issue with the governments of the Soviet Union, Laos and Vietnam; all three denied the charges.

By 1980 similar reports were being received from Kampuchea, where Khmer Rouge forces were still holding out against Vietnamese, and from Afghanistan, where Soviet troops were fighting against local resistance. The Carter Administration became concerned enough to compile a 131-page collection of refugee reports and newspaper accounts of chemical attacks,[2] and to seek an international investigation. In December of 1980, at the urging of U.S. and Canadian delegations and over the objections of the Soviet Union, the U.N. General Assembly voted to conduct an investigation of the charges.

The material compiled by the State Department in 1980 included interviews with a defector from the Lao People's Liberation Army who said he had been directly involved in the kind of attacks described by the H'Mong. He had flown captured U.S. L-19 and T-41 aircraft dispensing toxic chemicals over H'Mong villages in the Phou Bia area. He described the directions of Vietnamese officers, and special medical precautions taken during and after the flights. He said that the missions were called "Extinct Destruction Operations," and that he had been told by his superior officer that they were intended to "wipe out the reactionary H'Mong people."

In March 1981, the State Department issued a 33-page update of its previous compilation.[3] To get a flavor of the 164 pages of documents, consider the account of Mah Hear, who had lived in the H'Mong village of Long Sa in the Phu Khao Khaoi area, and who fled to Thailand with his son in February 1981. He told of a chemical attack the previous October on a cluster of four villages in which approximately 1,000 people had died after intensive vomiting and diarrhea with blood. The dead included Mah Hear's wife and daughter, and his five-year-old son Tou Houa was questioned about the attack.

State's summary of the child's testimony reads, "Tou said that his mother and sister had been poisoned by a white plane which dropped yellow—his father said 'red'—smoke. He said that many people died vomiting. He said that many animals also died. When asked what people at the local clinic did to make him better, he responded that they played with him. When asked how he got the various sores on his body which his father had attributed earlier to the gas attacks, he responded simply that he had the injuries a long time."

III

From the start, U.S. chemical warfare experts in the Defense Department and at the Central Intelligence Agency were puzzled by the "yellow rain" reports from Southeast Asia. The symptomology, particularly the massive hemorrhaging, did not correspond to any known chemical warfare agent. Early samples of vegetation, clothing and human tissue from attack sites and victims showed no traces of familiar chemical agents.

Even though the symptoms did not fit any known chemical agents, there was no denying the numerous and consistent reports from Southeast Asia. Analysts in the intelligence community decided by 1979 that they needed to broaden the list of potential chemical agents. Analysts from the State Department, the Defense Department, the CIA, the Defense Intelligence Agency, the National Security Agency and the Surgeon General's Office met regularly to discuss the latest evidence and to compare notes on their own research.

In 1981, breakthroughs started. In March, a CIA medical expert sent to Southeast Asia was able to conduct covert autopsies in Kampuchea of victims of a "yellow rain" attack, which had taken place only 12 to 24 hours earlier. His examination showed severe deterioration of the gut and upper small bowel, from which he deduced that a small molecular-weight toxin must be at work. Vegetation and water samples were collected from the site of the same attack for subsequent laboratory analysis.

Back in Washington, meanwhile, Dr. Sharon Watson, a research specialist in toxicology at the Department of the Army, was also pondering the symptoms reported in the "yellow rain" accounts. She noticed a striking similarity with symptoms produced by trichothecene mycotoxins, rare but especially poisonous toxins produced by a certain strain of fusarium, a common fungus found on moldy grains. The known effects of trichothecenes include nausea, vomiting, dizziness, a burning sensation of the skin, failure of muscle coordination, diarrhea with blood and internal hemorrhaging.

By far the most prominent outbreak of trichothecene poisoning in the medical literature concerned the devastation of 50 counties of the Orenburg district of the Soviet Union in the winter of 1943-44 by an epidemic of a disease then called Alimentary Toxic Aleukia (ATA). The symptoms of this disease were similar to those the H'Mong attributed to "yellow rain," except that the Orenburg peasants did not experience the exceptionally rapid hemorrhaging with massive vomiting of blood. Thirty percent of the population of the district became seriously ill, and over ten percent of the population died.

During the Orenburg epidemic, peasants had been scrounging the winter fields for unharvested wheat and millet. A. Z. Joffee, who worked in the Soviet Union during the epidemic and later emigrated to Israel, identified poisonous fusarium in the wheat samples. The poisonous forms of these molds grow best in cold climates, especially with cycles of freezing and thawing. Three decades after the epidemic, Chester Mirocha of the University of Minnesota identified T-2, a trichothecene mycotoxin, as the active agent in a sample of the wheat provided by the Soviets.[4] Trichothecene poisoning is now believed to have been responsible for the Orenburg epidemic. Trichothecenes fed to animals produce symptoms similar to those at Orenburg, and are recognized in the colder regions of North America as a veterinary problem with moldy feeds. Canada has recently established tolerance levels for trichothecene residues in wheat.

While the symptoms of trichothecene poisoning reported in the medical literature do not include the spectacular hemorrhaging claimed by the H'Mong, it was easy to form speculations to explain the discrepancy. In particular, the Orenburg peasants ingested the toxins, while villagers in Laos generally inhaled the "yellow rain." Subsequently, tests by U.S. Army scientists at Fort Detrick found that inhalation of the toxins does indeed produce pulmonary and gastric hemorrhaging that is both quick and massive; this effect can also be heightened by mixing the toxin with other agents, and by dispensing it with solvents to speed absorption.

Review of the scientific literature revealed that trichothecenes had been the subject of intense Soviet scientific investigation since the 1930s. The physical and chemical properties of the toxins, especially their chemical stability, made them ideal as warfare agents; they could also easily be mass-produced. Indeed, much of the published Soviet literature on the toxins is more concerned with how to produce them in large quantities as opposed to research into prevention or antidotes. In addition, the Soviet research projects of mycotoxins were performed at institutes previously associated with other chemical and biological warfare research.[5]

Dr. Watson conferred with the CIA analyst upon his return to Washington; they discovered that their theories, independently arrived at, matched completely. Samples taken from the site of the attack that killed the autopsied victims were sent for laboratory analysis. The initial tests in government labs failed to detect any evidence of mycotoxins, but some of the "yellow rain" samples, along with negative and positive control samples, were sent to Dr. Mirocha for more sophisticated analysis. In August, his laboratory reported that the sample

taken from the attack site tested positive for trichothecene mycotoxins. Six years after the first "yellow rain" reports, the United States had finally identified at least one of the poisons being used in Southeast Asia—an agent of a kind clearly outlawed by the 1972 Biological Weapons Convention.

IV

It was against this backdrop that Secretary of State Alexander Haig decided to go public with the "yellow rain" charges. Secretary Haig was scheduled to speak in Berlin on "The Democratic Revolution and Its Future" on September 13, 1981.[6] One of his themes was a "double standard" under which democracies were "impugned and criticized" for the slightest questionable behavior, while "a forgiving and accepting eye is turned toward adversaries." He revealed that "We now have physical evidence from Southeast Asia which has been analyzed and found to contain abnormally high levels of three potent mycotoxins—poisonous substances not indigenous to the region and which are highly toxic to man and animals." He added that the use of such weapons in warfare was prohibited by the Geneva Protocol, and that their manufacture or possession violated the Biological Weapons Convention.

The next day the State Department held a press conference in Washington to give further details of the "yellow rain" evidence. Its five-page "fact sheet" said, "Analysis of a leaf and stem sample from Kampuchea has revealed high levels of mycotoxins of the trichothecene group." It continued: "The levels detected were up to twenty times greater than any recorded natural outbreak. Since normal background levels of these toxins are essentially undetectable, the high levels found are considered to be abnormal, and it is highly unlikely that such levels could have occurred in a natural intoxication. In point of fact, these mycotoxins do not occur naturally in Southeast Asia."[7]

The State Department document also included circumstantial evidence of chemical warfare, noting previously published refugee testimony. It reported that the "yellow rain" symptoms matched the known effects of trichothecene poisoning, and related some details of the 1944 Orenburg epidemic. Reporters were told that no large pharmaceutical-type facility existed in Southeast Asia which could produce these toxins, although such facilities do exist in the Soviet Union. However, no attempt was made to systematically outline the history of the discoveries. Reporters were offered an opportunity to question government experts, but the names and positions of the experts were withheld.

The press reacted to these revelations with a withering skepticism. Bob Simon, CBS State Department correspondent, reported after the briefing: "It's viewed here as far from coincidental that this information is being released with such fanfare at a time when the Reagan Administration is anxious to muster support domestically and in Europe for what it perceives as an increasing Soviet threat." When the Public Broadcasting Service's "Inside Story" went back in March 1982 to reexamine this initial coverage, Mr. Simon said: "It just seemed to me like a story that was being planted, and being planted in a rather sloppy way." Don Oberdorfer of The Washington Post said: "In the course of the questioning it came out that they were hanging this thing on one leaf and stem that had been procured from Cambodia, which struck a lot of people as not very strong evidence for a charge made by the Secretary of State in a full dress State Department briefing."[8]

However much blame should go to State's mishandling of the briefing or excessive skepticism by the reporters, clearly little had been done to prepare the ground for such charges. The briefing had been hastily drawn together; Secretary Haig's remarks had been inserted in his speech at the last minute, under pressure of a leak to Time magazine on the mycotoxin findings. State was also concerned about seeming to be behind the news because the book Yellow Rain was about to be released; author Sterling Seagrave had started out to investigate U.S. chemical warfare capabilities and the use of the herbicide Agent Orange, but concluded the real story was that the Soviets were already using chemical warfare on a massive scale. He had picked up the name for his book from the H'Mong, and remarked at the similarity of their symptoms to those of trichothecene poisoning.[9]

Prior to the State Department briefing, however, the "yellow rain" reports had received scanty public attention. There had been scattered reports in the American press, and more numerous ones in Asia. The October 1980 Reader's Digest had run a report by Jane Hamilton-Merritt, a freelance journalist and Asian studies scholar who had devoted herself to studying the H'Mong. Jim Coyne, an editor of Soldier of Fortune magazine, returned from Thailand in May 1981 with a sample of yellow powder. It was ultimately delivered to Representative Jim Leach (R-Iowa), who was vainly trying to stir up some interest in possible violations of the biological weapons treaty.[10] And there had been press reports of an anthrax outbreak at Sverdlovsk in the Soviet Union in April 1979, also suggesting biological weapons activity.

This was not much to prepare the press or public for charges of such magnitude. Then, too, many observers were struck by what seemed an anomaly. If the Administration really believed the Soviets were breaking existing arms control treaties, this would seem to call for major adjustments in its whole arms control policy. Yet the week after making these charges Secretary Haig met with Soviet Foreign Minister Andrei Gromyko to schedule talks on theater nuclear forces. In November, President Reagan made his National Press Club speech proposing new strategic weapons talks under the new acronym, START. The Administration was accusing the Soviets of breaking old treaties and simultaneously proposing to negotiate new ones.

The initial skepticism of the press was fed by the attitude taken by some key scientists knowledgeable about chemical warfare, notably Matthew Meselson, a Harvard University biologist, and Julian Perry Robinson of the University of Sussex's Scientific Policy Research Unit. "In such an important situation, one looks to our government for a very high standard of evidence," Dr. Meselson told The New York Times. "But in some respects, official government statements have contained demonstrable and serious scientific errors which damage our credibility and raise doubts about our case." Dr. Robinson told ABC News: "It's ludicrous in fact to base charges of quite such moment on one sample. No analytical chemist worth his salt would go along with that."

A Mennonite missionary, Frederick Swartzendruber, said in several forums that he had traveled the H'Mong communities in Laos, and had never heard of "yellow rain." Gene Lyons, a freelance journalist who had written previously on chemical warfare, wrote on the op-ed page of The New York Times that "yellow rain" might be a "CIA hoax." The urge to dismiss the gathering evidence reached absurd lengths. In a January 21, 1982 editiorial opposing U.S. development of "binary" chemical weapons, the Times' editors brushed off "yellow rain" with the passing comment, "Reports that the Russians used toxic agents in Afghanistan and Indochina have not been fully confirmed. Besides, they describe small-scale use against unprotected people in remote areas."

Two major news organizations were exceptions to the general reaction. ABC News mounted its own expedition to Southeast Asia, and found its own trichothecene-contaminated sample.[11] And The Wall Street Journal repeatedly returned to the story, running some 50 articles in the 18 months following the Haig speech. But despite the rather extensive, if little circulated, knowledge that preceded the Haig speech, the "not enough evidence" mentality dominated press and presumably public impressions of "yellow rain" for more than a year after the Secretary first took it public.

Throughout 1982, however, wave after wave of accumulating evidence lapped at the shores of skepticism. In late January, the State Department published an analysis of blood samples taken from "yellow rain" victims in Kampuchea, showing the presence of HT-2, a metabolite of T-2 trichothecene toxin, in the blood of two victims.[12] The samples were collected by Dr. Amos Townsend, a retired Air Force physician, who began treating refugees in Thailand in 1980 and became deeply involved in the "yellow rain" issue. In March, Secretary Haig sent a 32-page report to Congress on chemical warfare in Southeast Asia and Afghanistan, providing the most complete and up-to-date information including, for the first time, intelligence reports suggesting direct Soviet involvement—the preparation of Soviet-manufactured chemical items for inspection by Soviet officers, precautions taken in receipt of Soviet crates the Vietnamese said contained "deadly toxin chemicals," and details suggesting heavy chemical contamination in the salvage operation of a ship sunk in the Blank Sea en route to Vietnam in 1975.[13]

Also in March, Representative Stephen Solarz (D-New York) held hearings on the subject in the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs. In the course of the hearings, he remarked, "I suspect that short of being hit on the head by yellow rain, nothing would convince Mr. Swartzendruber that it was going on." The Congressman remarked to a scientific skeptic that while totally controlled experiments are not always possible in the real world, "that does not relieve us of the responsibility of trying to make judgments about whether these things are going on." At the end of the hearings, Congressman Solarz, scarcely a cold warrior, concluded, "I don't see how a reasonable person can argue with the proposition that this is going on and that things are happening here which shouldn't be happening and which are presumably prohibited by treaty."[14]

When the U.N. Special Session on Disarmament opened in June 1982, the U.N. investigative team on biochemical warfare had just completed its first trip to Afghan refugee camps in Pakistan. It was not scheduled to report until the General Assembly

convened in the fall, but The Wall Street Journal obtained and published extracts from a 36-page verbatim transcript of the team's interviews with Afghan refugees.[15] These accounts paralleled reports about "yellow rain" from Southeast Asia, and indicated that other chemical warfare agents were also being used. The Afghans, for instance, spoke of "black smoke" which caused incapacitation and unconsciousness; victims found by Soviet troops were summarily shot. The Soviets also used other gases to kill or drive out people hiding in caves or in underground canals common in Afghanistan. (In its final report on December 1, 1982, the U.N. team concluded that the allegations were not proven, but that "circumstantial evidence" suggested "the possible use of some sort of toxic chemical substance in some instances.")[16]

Many heads of government addressed the summer disarmament session. When President Reagan came to speak on June 17, 1982, he had not made a major public statement on "yellow rain" despite the various State Department reports. At the United Nations, he directly accused the Soviet Union and its allies of violating the Geneva Protocol and the Biological Weapons Convention, as well as customary international law. He said that the evidence was "conclusive." He added, "Evidence of non-compliance with existing arms control agreements underscores the need to approach negotiation of any new agreements with care."

In November 1982, Secretary of State George Shultz sent yet another report to Congress, saying "the world cannot be silent in the face of such human suffering and cynical disregard for international law and agreements."[17] The report included the account of a Soviet soldier who defected to the Afghan resistance and described three chemcial warfare agents. At its press briefing, the State Department was able to display a Soviet gas mask it reported had been taken off a dead Soviet soldier in Afghanistan and which had proved to be contaminated with trichothecenes. This was the first identification of trichothecenes from Afghanistan, as well as being a far more dramatic piece of physical evidence than a leaf and twig sample.

This time the reaction was acceptance. "The administration has proven out the Soviet pattern by a standard that reasonable people would accept."—The Washington Post, December 1, 1982. "There now appears to be sufficient evidence for the world to reach a verdict of guilty."—The St. Louis Post-Dispatch, December 3, 1982. "The evidence now accumulated—blood samples, gas masks, testimony from a Soviet defector, a Laotian pilot, and Afghan refugees—indicated that something is definitely going on, Soviet denials to the contrary."—The Christian Science Monitor, December 1, 1982. And The Boston Globe, December 3, 1982: "The Soviets appear to be on the road to convicting themselves of egregious violations of civilized norms, both the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention."

V

If the facts of "yellow rain" have recently become accepted, its implications have barely begun to be plumbed. What does it mean that the Soviets have supplied gruesome toxin weapons for use in a perhaps-genocidal campaign against the H'Mong? What does it mean that their own troops in Afghanistan use chemical and toxin agents in what seem to be routine military operations? What does it mean that these actions are clear and callous violations of two existing arms agreements?

To take the most obvious implications first, the discovery of "yellow rain" means that Western armed forces need to get deeply serious about defending themselves against chemical and biological weapons. After the notorious gas attacks of World War I, defense planners have of course recognized a chemical threat, and biological warfare has been a staple of science fiction. But such weapons were (perhaps miraculously) never used in World War II, presumably because the combatants felt mutually deterred. Since the Geneva Protocol had been observed even in total war, it became easy to assume it would probably also be observed in future wars. Defense planners naturally gave some prudent attention to a chemical threat, but surely gave it no high priority.

By now it is abundantly clear that the Soviets are not going to be fastidious about the Geneva Protocol. It is equally clear that they do not share our assessment that biological weapons are of "dubious" military value. Obviously they find chemicals and toxins handy in counterinsurgency operations. Nor is it any consolation from a military (let alone moral) standpoint that so far the weapons have only been used "against unprotected people in remote areas"; it can hardly be assumed they would never be used against white Europeans.

Consider, for example, the extracts from a 1977 East German military manual quoted by Richard Burt, then director of the State Department's Bureau of Politico-Military Affairs, in a 1982 speech.[18] The manual expounds on the use of toxins in warfare, remarking in passing that it is now possible "to produce various toxins synthetically." It describes how toxins can be aerosolized, or dispensed with aircraft spray equipment, though "they can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets." It remarks, "When they are used in combat the atmosphere can be contaminated over relatively large areas. We can expect expansion depths of up to 6 kilometers before the toxin concentration drops below lethal concentration 50"—that is, the dosage that will kill half of those exposed will extend over large areas.

What is being described here actually may be what the "neutron bomb" was wrongly imagined to be—a way of killing people and capturing cities, or military installations, intact. Many of the standard Soviet missile systems, including the Frog, the Scud and the Scaleboard and their follow-ons, have not only conventional and nuclear but also chemical capabilities.[19] In a 1981 report for the Institute for Foreign Policy Analysis, Amoretta M. Hoeber, now a Deputy Assistant Secretary of the Army, reports that estimates of the proportion of chemical munitions in the Soviet stockpiles range from a low of 10 to 15 percent to a high of 50 percent.[20]

It bears noting, too, that while we have identified the trichothecenes, we have little idea what other chemical or biological agents we may face. The Afghan reports suggest the use of a wide variety of agents. One seems to cause rapid decomposition of bodies, another apparently induces sleep and incapacitation. Western analysts have little idea what these agents might be. Nor do we understand what mixtures might be used in biological-chemical "cocktails." In congressional testimony, Dr. Watson has said that some of the refugee accounts have included reports of a heavy garlic smell, a notable sign of DMSO (Dimethylsulfoxyd), a chemical known to rapidly penetrate the skin and other body tissues.[21]

Another little-understood aspect of toxin warfare is the possibility of environmental contamination and long-term health effects. Since 1977, H'Mong refugees in the United States have experienced an epidemic of sudden night deaths, in which healthy young males die in their sleep of what appears to be cardiac arrhythmia.[22] Because the medical histories of the dead show no special incidence of exposure to "yellow rain" attacks, investigators at the Centers for Disease Control are disinclined to accept the H'Mong belief that these deaths are associated with "yellow rain." However, there is serious scientific speculation associating trichothecenes with heart symptoms, and apparently the mycotoxins are stored in the body rather than rapidly purged. At least one prominent pathologist, Dr. Bernard Wagner of Columbia University, suggests vigorous investigation of the possibility that the deaths could be caused by long-term effects of otherwise unnoticed exposure to trichothecenes.[23]

We cannot assume, finally, that Soviet preparations for biological warfare are confined to toxins. The Sverdlovsk incident suggests otherwise. Soviet émigrés brought reports of an explosion in April 1979 at Military Compound 19, classified by U.S. intelligence as a site of Soviet biological weapons activity. The explosion reportedly released a cloud that caused an epidemic of anthrax in the region. The Soviets have resisted U.S. démarches for more information on the incident, saying that there was an outbreak of anthrax, but that it was caused by tainted meat. The description of such symptoms as sudden onset of disease and respiratory difficulties, however, suggests much more deadly pulmonary anthrax, caused by inhalation of the spores and previously seen almost exclusively in woolsorting sheds. While the incident has never been fully resolved, it does suggest the possibility of large stores of living bacteriological agents.[24]

Western armies are grossly unprepared for these threats. The best illustration concerns fighting vehicles. After the 1973 Middle East war, U.S. defense officials had an opportunity to examine Warsaw Pact tanks and armored personnel carriers supplied to Egypt and captured by Israel. They found that these vehicles were equipped with integral seals and air filters that provide a "positive atmosphere"—that is, enough air pressure within the vehicle that any leakage is toward the outside.[25] In short, by the early 1970s the Soviets were preparing their equipment to operate in a chemical environment.

It is symptomatic of the inattention that the United States has shown toward chemical and biological warfare that the M-1 tank now coming off the production lines, at a price of $1.8 million per copy, is not equipped with a positive atmosphere (though this capability is now planned as a "block" improvement in 1985). In the new Bradley armored personnel carriers, troops in a chemical environment are expected to wear individual protective suits, though such suits remain in short supply. These are not isolated instances. The Hoeber report cited Pentagon studies of chemical defenses that found them "grossly inadequate." The United States lacked, it concluded, "a protective posture capable of providing for force survival—to say nothing about provid-

ing for continued operations during a war which included chemical use." [26]

Beyond the realm of purely defensive measures lies the problem of deterrence. What capabilities do Western armies need to deter biological and chemical attacks? Should our doctrine be deterrence in kind, and, if so, should we develop toxin weapons? If we are not to deter in kind, should we have a doctrine of responding to chemical-biological attack with nuclear weapons—perhaps under the rubric of the Soviet term "weapons of mass destruction"? Any such doctrine would represent a dangerous lowering of the nuclear threshold, and for this reason would be unlikely to pose an effective deterrent threat.

Probably the least unsatisfactory solution is to maintain a separate chemical deterrent, which could be used in retaliation for either chemical or biological attacks. This in fact is current declaratory doctrine. The U.S. deterrent consists of large stocks of nerve gases produced prior to 1969, when President Nixon renounced biological weapons and ceased production of new chemical weapons. The Pentagon has periodically proposed to develop new "binary" chemical weapons, safer to use and handle than present weapons because lethal nerve gases are not produced until two nonlethal chemicals are mixed during flight. These proposals have been rejected, most recently when Congress turned down a Reagan proposal for their development in 1982. While defensive measures may have an even higher priority for chemical-warfare funding, "yellow rain" surely adds a new salience to the chemical-biological threat, and makes it plausible to believe that a 1960s-era deterrent may need modernizing to preserve a capability that looks usable and therefore presents a credible deterrent.

VI

In time the military problems can be addressed, but "yellow rain" raises even more fundamental questions about the future of arms agreements with the Soviet Union. For the easy use of such barbaric weapons and the cavalier disregard to existing arms agreements says much about the character of the current Soviet elites. Of course, not even the most enthusiastic American proponents of arms control are willing to rely on trusting the Soviets; even the "nuclear freeze" movement insists that a freeze be "verifiable." But, especially in the light of our experience with the Biological Weapons Convention, we have to ask what this word means.

Debates on verification of strategic arms agreements have had a certain sterile quality. American monitors discover that, say, the Soviets have started to encode data transmitted back from new missiles under test. Critics of the Soviets contend this violates the strategic arms pacts, which prohibit interference with "national technical means" of verification. This includes electronic monitoring, they contend, and the test data is essential to understanding the capabilities of their new missiles. Defenders of arms control reply that the agreements don't really quite prohibit what the Soviets are actually doing, and that anyway it's not that important. The argument revolves not around what the Soviets are doing, but around what the agreement means.

"Yellow rain" is different. By now the debate on the quality of evidence is from all appearances closed, at least in American circles. Persuading public opinion among the allies may take more time; a recent report in The Observer suggests this may require repeating all of the hesitations and mistakes that marked development of U.S. opinion.[27] Perhaps there is also still room for legalistic argument, along the lines of the East German hint that the toxins may be made synthetically and are thus merely chemical weapons (whose use, of course, would still violate the Geneva protocol), or along the lines that what is happening in Afghanistan is not technically a war. But there seems little disposition to follow any such line of reasoning, and, among those who have followed the debate, there is no great argument about the facts of what is happening in Southeast Asia and Afghanistan. The reality is that we have here arms control violations that are unambiguous, militarily important and totally cynical.

The record of how these violations were detected is at best an equivocal portent for future arms agreements. The violations involved actual battlefield use of the forbidden weapons, yet were detected and publicized only after many years. Even then, their exposure required heroic efforts by a handful of individuals, many of whom—Dr. Hamilton-Merritt, Dr. Townsend, not to mention the H'Mong—have felt desperately frustrated at being ignored or disbelieved even while people were being killed in most gruesome ways. To make much difference, verification would presumably require that outlawed weapons be detected before they are actually used, and on that the "yellow rain" episode provides cool comfort.

This experience comes atop several other new difficulties for verification. Dependence on signals intelligence, for example, has been called into question by the discovery that Geoffrey Prime, a linguist at the British code-breaking center at Cheltenham, had been a Soviet spy for 14 years. He was in a position to warn the Soviets that their codes were broken, or to help them plant misinformation. His conviction warns against putting too much confidence in our ability to intercept and read Soviet communications signals.

More fundamentally, in the negotiations on strategic and intermediate missiles, the trend of technology is away from large and easily detected fixed missile sites, and toward smaller and more mobile weapons. Many weapons in this new generation will be subject to concealment in a geographically large and socially closed nation. Verification of limits on them will be less like verifying missile silos, and more like trying to detect chemical and biological violations before the weapons were actually used.

Not surprisingly, there has recently been a new burst of talk about on-site inspection of arms agreements. We still have ongoing Soviet-American talks on a chemical weapons treaty, envisioned back in 1972 as accompanying the Biological Weapons Convention. To verify any chemical treaty, U.S. negotiators recently proposed an on-site inspection plan that Under Secretary of State Lawrence Eagleburger called "tough but fair." Mr. Eagleburger added that a treaty would require "a major revision of Soviet military strategy, which accepts use of these weapons."

For their part, the Soviets have recently dropped hints that they may be willing to open some of their nuclear power reactors to inspections by the International Atomic Energy Agency, and this is being seen as a breakthrough for on-site inspection. The IAEA is intended to police the Nuclear Nonproliferation Treaty, and is not an especially happy model for the future of on-site inspection. IAEA inspections, for example, require appointments made well in advance. Albert Wohlstetter has demonstrated that a nation could comply with IAEA requirements and still be within hours of assembling a nuclear weapon.[28] There is plenty of room to doubt that a few inspections on this model would suffice to give us high confidence in detecting the kind of cheating that has taken place with the Biological Weapons Convention. Final judgments will of course depend on what verification arrangements, if any, U.S. and Soviet negotiators can reach. But even on-site inspection is not a panacea.

The warning of the "yellow rain" episode is that the Soviets have the will and the cynicism to engage in determined and calculated programs of cheating on arms agreements. We must now be sure that our verification efforts take this fully into account, and it strains the imagination to come up with provisions that satisfy that need and still might be negotiable with the Soviets. Are they really going to allow us to inspect Military Compound 19 at Sverdlovsk? Will they allow us to inspect other installations where satellite photos show animal pens that for some reason must be enclosed in military-style double fences? What about light industrial buildings that could conceal cruise missiles? Basically, do we expect them to cease to be a closed society? Conceivably there are answers to these questions, but the usual rather bland talk of verification is scarcely adequate to deal with detection problems that arise when the Soviets take quite so cynical an attitude as they have with "yellow rain."

Our experience with the Biological Weapons Convention raises a second aspect of the verification problem that may prove even more acute. We have by now ascertained the facts. Indeed, despite the frustration of those involved from the beginning, in many ways the surprising thing is not how badly the various bureaucracies behaved when faced with possible violations, but how well. The Carter Administration had staked much on arms agreements with which the revelation of "yellow rain" was bound to interfere. Yet a surprising amount was done to collect evidence and even to make it public by creating a U.N. investigation. The United Nations, if you accept its considerable inherent limitations, also made its contribution to bringing the facts to light. We entered the Biological Weapons Convention knowing it to be one of the least verifiable arms proposals around, but in the end we did succeed in verifying it. The Soviets are cheating. But the problem remains, what do we do about it?

The problem "After Detection—What?" was foreseen in a brilliant 1961 article in this journal by, curiously enough, Fred Charles Iklé.[29] He warned that deterrence of arms-pact violations requires not only that a potential violator must suffer the risk of detection, but also that he may lose from the victim's reaction to it. Mr. Iklé added that "Democratic governments might experience serious political difficulties in reacting effectively to a detected evasion."

The difficulties envisioned in the 1961 article read like the history of the "yellow rain" episode. The evidence of the violation may be equivocal, or based on secret intelligence. The government may feel unsure of its ability to persuade public opinion, which in turn may be unwilling to back decisive measure such as large increases in military spending. The government may feel too much publicity on the violation may interfere with other promising policies. Finally,

in an alliance, allies must be persuaded, and will further have all of the same political difficulties with their domestic opinion.

This precisely describes the current stage on "yellow rain." The American government has for over a year repeatedly asserted that the Soviets are violating arms agreements. By now it has persuaded elite opinion in the United States and, almost certainly, allied governments. But it has yet to find a course of action that promises to impose significant costs on the Soviets for these violations, and thus to deter them from equally cynical violations of other present or future arms agreements.

Indeed, for many of the same reasons outlined by Mr. Iklé, the U.S. government seems deterred from any vigorous pursuit of even the most obvious opportunities to at least embarrass the Soviets in a persistent and determined way. The Biological Weapons convention provides procedures for taking compliance issues to the U.N. Security Council. And the United States has the option of suspending its other arms negotiations with the Soviets on the commonsense grounds that you get disputes on old contracts settled before you enter new ones.

Even the Reagan Administration, often criticized as to hawkish on arms control issues, has refrained from such measures. A noisy Security Council debate, concluding with a Soviet veto, has been judged to be too confrontational and propagandistic, too likely to interfere with efforts to keep U.S. and particularly European public opinion on the Administration's side. The Administration recognizes, of course, that to many citizens an agreement on nuclear arms seems an overriding goal, not be postponed for whatever reason. And, of course, President Reagan has been under pressure from the nuclear-freeze movement, from Senators opposing his nominee as the head of the arms control agency, and from European allies to be more, not less, accommodating to the Soviets in the strategic and intermediate-missile talks.

Even some within the Administration who are skeptical about the chances of reaching a sound agreement with the current Soviet leadership feel bound by force of public opinion to pursue the negotiations. A Gallup Poll in September of 1982 found that 49 percent of the pubic felt violations of chemical treaties should not interfere with nuclear arms talks, while 36 percent of the public felt violations were reason to suspend the talks. The Gallup analysis remarked that polls have consistently shown a strong preference for "talks" with the Soviets, and "that less than half would favor continuing talks is indicative of a strong reaction to the 'yellow rain' charges."[30] These percentages might change if "yellow rain" were as well publicized as the nuclear freeze.

Surely the stance that the Soviets are violating existing treaties but that we must negotiate new ones with them presents something of an incongruity, at the very least demanding a justification or explanation not yet offered by either the Administration or the more enthusiastic proponents of arms agreements. It will be interesting and instructive to see how this is resolved or justified over time. Perhaps the "yellow rain" charges will yet simply fade away as did earlier and less-documented reports of Soviet-backed chemical warfare in Yemen in the 1960s. (The Soviets do not seem to be cooperating, however, through any slackening of their biochemical assaults in Afghanistan.) Perhaps the panoply of arms talks will fail to reach agreement on substanive issues like deep cuts in missile numbers, so that the verification issue raised by "yellow rain" will never reach the forefront of negotiation. Perhaps future arms agreements will be reached, but their ratification will be dogged by the record the government has built on "yellow rain." Or perhaps the Reagan Administration will yet seize upon the "yellow rain" issue to rebut domestic and European critics of its arms control posture, protesting that the salient problem in arms negotiation is not American inflexibility but Soviet duplicity.

Arms agreements are not after all the only way of pursuing national security interests; a balance of power to deter aggression can be maintained even without treaties. But nearly all Americans would like to see the balance ratified in formal agreements; our national tendency is to seek the rule of law. While the record of disarmament agreements during the interwar period is not encouraging, and while a case can be made that recent arms agreements have sometimes been destabilizing by encouraging weapons systems like multiple warheads, it is possible to find successful arms agreements in the historical record. The Rush-Bagot agreement of 1817 and the Treaty of Washington of 1871 demilitarized the Great Lakes and the American-Canadian border, and arguably removed real or potential venom from the Canadian-American relationship. Surely all Americans would like to see our relations with the Soviet Union codified in a similar way.

Unhappily, that prospect seems to recede as the "yellow rain" episode is studied. The hopes expressed in Mr. Iklé's 1972 testimony have proved less prescient than the fears expressed in his 1961 article. Indeed, the question is what stance toward the Geneva Protocol and the Biological Weapons Convention is most likely to advance the goal of meaningful arms agreements. As of now, the Soviets have brazenly violated existing arms agreements, and have been called to account only in the most limited way. If that is the lesson they carry away from "yellow rain," it will be no service to the future prospects of arms control.

FOOTNOTES

[1] A standard reference work on the Convention, including its historical background and list of signatories, is Arms Control and Disarmament Agreements, 1980, U.S. Arms Control and Disarmament Agency, Washington: GPO, 1980, pp. 120-131.

[2] Reports of the Use of Chemical Weapons in Afghanistan, Laos and Kampuchea, U.S. State Department, Bureau of Public Affairs, August 1980.

[3] Update to the Compendium on the Reports of the Use of Chemical Weapons, U.S. State Department, Bureau of Public Affairs, March 1981.

[4] See A. Z. Joffee, "Biological Properties of Some Toxic Fungi Isolated from Overwintered Cereals." Mycopathol. Mycol. Applicata, XIV: 1962, pp. 201-221; A. Z. Joffee, "Alimentary Toxic Aleukia," in Microbial Toxins, Vol. 7, ed. S. Kadis, A. Ceigler and S. J. Ajl, New York: Academic Press Inc., 1971, pp. 139-189; and C. J. Mirocha and S. Pathre, "Identification of the Toxic Principle in a Sample of Poaefusarium," Applied Microbiology, Nov. 1973, pp. 719-724.

[5] Sharon Watson, Statement before the Committee on Armed Services, U.S. Senate, 97th Cong., 2nd sess., March 15, 1982, Washington: GPO, 1982.

[6] Alexander M. Haig, Jr., "The Democratic Revolution and Its Future," Current Policy No. 311, U.S. State Department, Bureau of Public Affairs, Sept. 13, 1981.

[7] "Fact Sheet" on chemical warfare, released at U.S. State Department press conference in Washington, D.C., Sept. 14, 1981.

[8] "Poison or Propaganda," Inside Story, Program #207, March 5, 1982, transcript WNET-TV, New York.

[9] Sterling Seagrave, Yellow Rain: A Journey Through the Terror of Chemical Warfare, New York; M. Evans and Co., 1981.

[10] See Yellow Rain, Hearing before the Subcommittee on Arms Control, Oceans, International Operations and Environment of the Committee on Foreign Relations, U.S. Senate, 97th Cong. 1st sess., Nov. 10, 1981, Washington: GPO, 1981.

[11] "Rain of Terror." ABC News Closeup, as broadcast over ABC Television Network, Dec. 21, 1981, transcript ABC News, New York.

[12] "Analysis of Blood Samples from Chemical attack Victims Indicates Probable Trichothecene Exposure," press release, U.S. State Department, Washington, D.C., Jan. 29, 1982.

[13] Chemical Warfare in Southeast Asia and Afghanistan: Report to the Congress from Secretary of State Alexander M. Haig, Jr., March 22, 1982, Special Report No. 98, U.S. State Department, Bureau of Public Affairs. Also see transcript of "On-the-Record Briefing on Chemical Warfare in Southeast Asia and Afghanistan," March 22, 1982, U.S. State Department, Bureau of Public Affairs.

[14] Foreign Policy and Arms Control Implications of Chemical Weapons, Hearings before the Subcommittees on International Security and Scientific Affairs and on Asian and Pacific Affairs, Committee on Foreign Affairs, U.S. House of Representatives, 97th Cong., 2nd sess., March 30 and July 13, 1982, Washington: GPO, 1982.

[15] "Chemical-Biological Warfare in Afghanistan," The Wall Street Journal, June 7, 1982.

[16] Chemical and Bacteriological (Biological) Weapons: Report of the Secretary-General, United Nations, New York, Dec. 1, 1982.

[17] Chemical Warfare in Southeast Asia and Afghanistan: An Update; Report from Secretary of State George P. Shultz, Special Report No. 104, Nov. 1982, U.S. State Department, Bureau of Public Affairs.

[18] Richard Burt, "A New Future for Security and Arms Control," speech delivered at Tutzing Disarmament Conference, Munich, Germany, March 2, 1982, U.S. State Department, Bureau of Public Affairs, pp. 19-20.

[19] Harold Brown, Annual Report to the Congress, Fiscal Year 1981, Washington: GPO, 1981, p. 92.

[20] Amoretta M. Hoeber, The Chemistry of Defeat: Asymmetries in U.S. and Soviet Chemical Warfare Postures, Special Report: December 1981, Cambridge, Mass.: Institute for Foreign Policy Analysis, Inc., p. 43.

[21] Foreign Policy and Arms Control Implications of Chemical Weapons, op. cit., pp. 68-69.

[22] See "Sudden, Unexpected, Nocturnal Deaths among Southeast Asian Refugees," Morbidity and Mortality Weekly Report, Centers for Disease Control, Dec. 4, 1981, Atlanta, Ga., and William Kucewicz, "Asian Refugees: Death in the Night," The Wall Street Journal, March 1, 1982.

[23] Bernard M. Wagner, "A Pathologist's Analysis of Yellow Rain," The Wall Street Journal, June 17, 1982.

[24] See The Sverdlovsk Incident: Soviet Compliance with the Biological Weapons Convention?, Hearing before the Subcommitee on Oversight of the Permanent Select Committee on Intelligence, U.S. House of Representatives, 96th Cong., 2nd sess., May 29, 1980, Washington: GPO, 1980; Soviet Biological Warfare Activities, Report of the Subcommittee on Oversight, Permanent Select Committee on Intelligence, U.S. House of Representative, 96th Cong., 2nd sess., June 1980, Washington: GPO, 1980; and Leslie H. Gelb, "Keeping an Eye on Russia," The New York Times Magazine, Nov. 29, 1981.

[25] Hoeber, op. cit., pp. 37-38.

[26] Ibid., p. ix.

[27] "'Yellow Rain' Evidence Fake, Scientists Say," The Observer (London), March 6, 1983.

[28] Albert Wohlstetter et al., Swords from Plowshares: The Military Potential of Civilian Nuclear Energy, Chicago: University of Chicago Press, 1979, pp. 25-26.

[29] Fred Charles Iklé, "After Detection—What?", Foreign Affairs, January 1961, pp. 208-220.

[30] "Public Perceptions of Yellow Rain: A Wall Street Journal/Gallup Survey," The Wall Street Journal, Sept. 15, 1982.

SUMMARY OF THE NATIONAL NARCOTICS INTELLIGENCE CONSUMERS COMMITTEE RECENT ESTIMATE

● Mr. BIDEN. Mr. President, the National Narcotics Intelligence Consumers Committee is a group of 11 Federal agencies that have jurisdictions over U.S. illicit drug control efforts. Its members include the Drug Enforcement Administration, the FBI, the National Institute on Drug Abuse, Department of State, the Coast Guard, Customs Service, and other agencies.

Since 1978, it has published an annual narcotics intelligence estimate, The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources, which is an agreed upon assessment of the scope and nature of the illicit drug market in the United States. The N.N.I.C.C. recently published its estimate covering the year 1981. The disparity between the dates of coverage and of publication results from the enormous difficulty of assembling and analyzing all the information required to make this wide ranging estimate.

The estimate for 1981, unfortunately, does not indicate that there was any cause for celebration over the availability of or criminality associated with illicit drugs in the United States. The 1981 N.N.I.C.C. estimates that there were 4 metric tons of heroin, 34-45 metric tons of cocaine, 9,600-13,900 metric tons of marijuana, and 200 metric tons of hashish available on the U.S. market in 1981. These figures are approximately the same as those for 1980. The only bright spot on the horizon was the apparent decrease in marihuana use among young Americans.

It is interesting to note that for this 1981 estimate, the N.N.I.C.C. did not continue its familiar attempt to set a dollar figure for the retail value of the U.S. illicit drug market. The N.N.I.C.C. had earlier estimated 1980 retail sales of illicit drugs to amount to $79 billion and 1979 sales to be $65 billion. However, the 1980 N.N.I.C.C. estimate discussed in some depth the difficulty of making such appraisals and calculated how alternate methodologies yielded significantly different dollar values for the illicit drug market. The 1981 estimate says that a special working group is conducting a review of such methodologies. Consequently, the 1981 N.N.I.C.C. reports that there will be no attempt to make a retail value estimate until that review is complete. I call attention to this point because it exemplifies, I think, the difficulty of making precise estimates of many of the social, economic, criminal justice, and public health problems that come in the wake of illicit drug trafficking.

The 1981 N.N.I.C.C. estimate discusses several new developments in the international illicit drug market. The Golden Triangle in Southeast Asia, for example, after 2 years of drought, produced a bumper opium crop of 600 metric tons. Mexican opium production rose from 10 tons in 1979 to 16 tons in 1980 and 1981. In Pakistan, the emergence of the heroin refineries, which are today such a problem, had begun. So that we do not think that illicit drug production is a problem only of foreign countries, the N.N.I.C.C. reminds us that the United States produced 900-1,200 tons of marihuana in 1981.

The N.N.I.C.C. estimate indicates once again the pressing need that not only the United States but all countries afflicted by drug abuse have for attempting to control drugs in the source countries. The narcotics control efforts of the DEA, State Department's Bureau of International Narcotics Matters, and other U.S. agencies in drug source and transit countries need relentless application and intensification.

Drug crop eradication programs offer, in general, the best hope for controlling illicit drug traffic. First voluntary and then, if necessary, involuntary eradication of coca crops in Bolivia, Peru, and Colombia must be pursued. Similarly, eradication of poppy fields must be pressed in Thailand, Burma, and Pakistan and continued in Mexico. Marihuana crop eradication must be achieved in the United States as an example to other countries of U.S. impartiality in these matters. Colombia and Jamaica also contain major marihuana plantings that should not escape eradication.

Beyond crop eradication, drug source and transit countries must be supported in their law enforcement efforts against drug processing laboratories. Pakistan, for example, now reportedly contains dozens of heroin refineries that produce high grade heroin for sale on the streets of American cities. Colombia continues as the producer of approximately 75 percent of the cocaine bought and sold and consumed in the United States. These countries are all signatories of the 1961 Single Convention on Narcotic Drugs which commits them to the strict control of illicit drugs within their national territory. The full range of U.S. resources must be brought to bear to urge and assist these countries to meet their international legal and moral commitments.

Mr. President, I ask that the executive summary of the N.N.I.C.C.'s narcotics intelligence estimate for 1981 be printed in the RECORD.

The summary follows:

THE SUPPLY OF DRUGS TO THE U.S. ILLICIT MARKET FROM FOREIGN AND DOMESTIC SOURCES, 1981

1981 IN PERSPECTIVE

General

During 1981 heroin abuse increased in the New York/Washington, D.C. corridor and on the West Coast. Cocaine abuse continued to expand. Marijuana use peaked among youth in 1979, but may still be rising among older age groups. Abuse of stimulants continued to increase, while a new abuser population that has evolved out of the search for heroin substitutes emerged. (See figure 1.)

FIGURE 1.—*Supply of drugs to the illicit U.S. market, 1981*

Heroin—4.0 metric tons.
Cocaine—34-45 metric tons.
Marijuana—9,600-13,900 metric tons.
Hashish—200 metric tons.
Dangerous Drugs—3,339 million dosage units.

Source: National Narcotics Intelligence Consumers Committee (NNICC).

Heroin

Heroin abuse worsened in 1981, although the deterioration was far from uniform throughout the country. Comparing 1981 with 1977 in terms of heroin-related emergencies, the abuse situation deteriorated in New York City, Washington, D.C., Boston, and Philadelphia. There was no significant change, however, in the number of admissions for treatment of narcotic addiction, and the heroin addict population remained relatively stable at about half a million. The average age of treatment clients has risen steadily since 1975, as has the average age of patients experiencing heroin-related emergency room episodes. Price and purity indicators showed increased availability and a potential for increased heroin abuse on the West Coast.

Imports of heroin into the United States remained unchanged from 1980 to 1981 at four metric tons. Southwest Asian (SWA[1]) heroin accounted for over half of the U.S. heroin supply. The share of Southeast Asian (SEA[2]) heroin in total U.S. imports remained stable at an estimated 10 percent despite increased opium production in the Golden Triangle (Burma-Thailand-Laos) following relief from drought.

Some Mexican heroin of high purity was encountered on the West Coast. SWA heroin dominates the East Coast. Mexican heroin remains predominant in the Midwest except for Detroit, which is a secondary distribution center for SWA heroin. Mexico continues as the major heroin source for the West and Southwest.

Pakistan is the most important supplier of illicit opium for the production of SWA heroin for the international market. An estimated 100 metric tons of opium were harvested in 1981, 20 percent lower than 1980 and considerably lower than the 800 tons produced in 1979. Sales exceeded harvest replenishment, drawing down Pakistan's opium reserve stocks to an estimated 200-250 metric tons at the end of 1981. Enough land was sown to poppy to produce 75-125 tons of opium in 1982, but yields may be well below normal because of cold weather and extremely heavy rains. Large quantities of Afghan opium, amounting to 100 tons or more, were smuggled into Pakistan in 1981.

Iran made little real progress in 1981 in reorganizing its narcotics suppression efforts. The excesses of the antinarcotics cru-

[1] The abbreviation, SWA, will be used in this publication for Southwest Asian heroin. The term, "Southwest Asian heroin," refers to heroin produced from opium poppies grown in Pakistan, Afghanistan and Iran.

[2] The abbreviation, SEA, will be used in this publication for Southeast Asian heroin. The term, "Southeast Asian heroin," refers to heroin produced from opium poppies grown in Burma, Laos and Thailand.

sade were brought to an end with the forced resignation of Sadeq ("Hanging Judge") Khalkhali in December 1980. His draconian methods are apparently to be replaced by a more moderate program, but few details have been disclosed. Large numbers of traffickers have reportedly been arrested, but these are for the most part addicts and small-time dealers. The import-consumption-export equation in Iran is so complex as to preclude an estimate of production within the country's borders.

It is unlikely that opium exports from Afghanistan have been maintained at pre-invasion levels because of unsettled conditions in the countryside. Western observers there speculate that the 1981 opium poppy crop may have been as high as 200-250 tons, but this estimate cannot be verified.

The traffic in SWA heroin is a multi-national operation, crossing the borders of a number of countries and involving the cooperation of diverse ethnic groups in complementary roles. Turks and Pakistanis are the most prominent groups in heroin laboratory production and smuggling vis-a-vis Western Europe. Franco-Italian heroin production was oriented primarily toward the U.S. market. Ethnic Armenians often serve as links between Turkish morphine base suppliers and the European laboratory operators.

The Golden Triangle produced a bumper opium poppy crop of 600 metric tons in the 1980/81 growing season, far surpassing the two previous drought-depressed harvests. Burma accounted for over 80 percent of this output. Through production in its own base area along the border of China's Yunnan Province, purchases from allied insurgent and trafficking groups, and regulation of opium caravans, the Burmese Communist Party exercises control over more than two-thirds of the opium flowing through the Triangle. The Shan United Army (SUA) is responsible for an estimated 70 percent of all production of heroin and heroin intermediates in the Thai-Burma border area. The Thai government issued a warrant for the arrest of Chang Chi-fu, the notorious leader of the SUA. Thai and Burmese authorities seized contraband or eradicated poppy acreage the equivalent of about 30 tons of opium, or less than five percent of the 1980/81 crop.

The People's Republic of China emerged as a heroin transit country in 1981. Couriers have been intercepted in Bangkok as they were about to board flights for Guangzhou (Canton). Chinese authorities have made a number of narcotics arrests in Guangzhou. Evidence indicates that the heroin contraband was destined for Hong Kong.

Although the availability of SEA heroin in the United States has not increased dramatically since the Golden Triangle's bumper harvest. Thai nationals have become more adept at heroin smuggling and distribution. They are active in California and have recruited criminal elements as couriers and street-level pushers. SEA heroin made a modest come-back in Western Europe, particularly in France.

The Mexican government has continued its aggressive eradication program but countermeasures by the opium cultivators, including concealment, smaller plots and the spread of cultivation to new regions, have taxed that effort. As a result, opium production rose from an estimated 10 tons in 1979 to 16 tons in 1980 and 1981. Most of the opium cultivation remains concentrated in Sinaloa, Durango, and Chihuahua, the traditional base area. Eradication operations were carried out in this tri-state area manually by units of the Mexican Army and by herbicide-spraying helicopter units of the Mexican Attorney General's department. Helicopters are used almost exclusively in the Eastern Sierra Madre mountains and other parts of the country where poppy patches are widely dispersed. A few poppy fields were found in Guatemala along the Mexican border in 1981.

Cocaine

Cocaine abuse and trafficking activity continued to rise in 1981, although for the most part at lower rates than in 1980. Cocaine-related emergency room episodes increased seven percent and arrests five percent, while treatment admissions apparently continued a rapid climb. Although nationally the rise in cocaine-related emergencies slowed, it remained high in Denver and Los Angeles. The annual report for 1981 of drug use among graduating high school seniors shows a persistent though not statistically significant increase in cocaine use. This suggests that the conclusion in the previous NNICC estimate that cocaine use was leveling off may be premature.

Dangerous methods of cocaine administration—smoking of freebase (a modified form of cocaine hydrochloride) and "speedballing" (injection of a mixture of cocaine and heroin) have become a more severe problem. These types of ingestion are associated with high-dosage, daily use, increased dependency and overdose death. The proportion of treatment clients who used cocaine intravenously increased more than 20 percent between 1977 and 1981. According to NIDA estimates, about seven percent of the user population fall into the category of heavy use involving higher levels of purity and lower prices per unit associated with the larger quantities used. Cocaine remains the drug most frequently used by heroin addicts as a secondary drug.

In 1981 an estimated 45 metric tons of cocaine hydrochloride were imported into the United States and 34 metric tons consumed during the year. Colombia supplies upwards to 75 percent of the cocaine smuggled into the United States. Coca cultivation is expanding in Colombia to provide a cheap, reliable source of raw materials for the country's cocaine processing industry but accounted for less than four percent of potential cocaine stocks.

Coca eradication programs in South America made little progress in 1981. The Bolivian government stated its intention to implement such programs, but no eradication was carried out. Peru's program to eliminate illicit coca cultivation in the Upper Huallaga Valley within five years entered into the initial implementation phase as coordinated project agreements were signed in September 1981 with USAID and the State Department's Bureau of International Narcotics Matters. The Colombian National Police and Attorney General's office carried out periodic manual eradication of coca bushes in the Llanos region.

Colombians continue to dominate cocaine distribution. Peruvian and Bolivian traffickers enjoy the natural advantage of location close to the source of coca raw materials. As a result, they can sell cocaine more cheaply than Colombian traffickers. They cannot apparently obtain adequate supplies of essential chemicals (ether and acetone) to sustain large-scale cocaine production, nor do they have the Colombians' access to bulk customers in the United States.

Cannabis

Marijuana use has peaked among youth, and demand for marijuana in that age group is apparently decreasing, in part because of greater awareness of its health hazards. The annual survey of high school seniors showed a continuing decline in regular use and increased peer disapproval of such use. Marijuana use appears to be continuing among that segment of the population who were heavy users in the early 1970s, however. There has been much publicity regarding the popularity of high potency marijuana, but a definite trend in this direction cannot be confirmed from available abuse data.

The level of domestic commercial production of marijuana rose from 700-1,000 metric tons in 1980 to 900-1,200 tons in 1981. High-potency varieties, such as sinsemilla, account for an estimated 30-35 percent of total output. In 1981 major commercial cultivation was detected in ten states (California, Florida, Hawaii, Oklahoma, Kentucky, Mississippi, Missouri, New Mexico, Tennessee, and West Virginia). There is some evidence that common marijuana has been deceptively marketed as specialty varieties. Domestic production is typically situated in remote areas on or adjacent to national forests or other public lands.

Imports of marijuana dropped nine percent in 1981 to an estimated 8,700-12,700 metric tons. Colombia supplied 86 percent of this total. Although recent surveys in Colombian marijuana growing areas confirm that earlier production estimates of 40,000 tons annually were too high, a definitive revised estimate is not yet available. Jamaica raised production of marijuana intended for the U.S. market in 1981 but was unable to increase its shipments because of heavy rains, flooded airstrips and possibly increased competition from Colombian exports. Eradication efforts in Mexico have achieved considerable success.

Multi-ton seizures of hashish along the U.S. East Coast in 1981 indicate a continuing demand for specialty cannabis products in this country. Hashish abuse occurs predominately in the 20-29 year age group. Hashish production in Lebanon was apparently affected by the continued fighting in the Bekaa Valley, falling sharply from 650 metric tons in 1980 to an estimated 90-200 tons in 1981. Production in Pakistan, the second largest producer, was maintained near its 1980 level of 220 tons. Hashish exports from Afghanistan probably move through Pakistan.

Dangerous Drugs

Stimulant abuse, which continued to increase in 1981, accounted for over four-fifths of the total dosage units of dangerous drugs sold. It also requires heavier financial outlays than other types of dangerous drugs to support an abuse habit.

Abuse indicators reflected the emergence of a new narcotics abuser population using pharmaceutical opiates and narcotics analogs. Initially used as heroin substitutes, these substances are drugs of choice preferred to heroin or used in combination with heroin. The drugs most commonly associated with this abuse pattern are pentazocine (street name: "T's and Blues"), codeine-glutethimide (street name: "Fours and Doors") and hydromorphone (Dilaudid). Pentazocine abuse, a pattern particularly prevalent among young black males, has become a severe problem in New Orleans, Chicago, Detroit, St. Louis and other large cities. The uptrend in abuse of the "Fours and Doors" combination is relatively re-

stricted to New York City, northern New Jersey, Philadelphia and Los Angeles. Although Dilaudid abuse remains a less serious problem, it increased substantially from 1979 to 1981, notably in Washington, D.C., Chicago and the southeastern United States. There has been little apparent change in the abuse of LSD.

Clandestine laboratories supply all of the phencyclidine (PCP), nearly all of the methamphetamines and about 80 percent of the amphetamines found in the U.S. illicit market. A total of 195 laboratories were seized in 1981, down 17 percent from the previous year. Methamphetamine and PCP accounted for two-thirds of all seizures in 1981. Some LSD laboratory activity was evident on the U.S. West Coast and in the United Kingdom and The Netherlands. Federal controls on precursors critical to illicit manufacture of drugs had mixed effects in 1981. Controls on piperidine, a PCP precursor, significantly reduced illicit supplies of this drug. But methamphetamine laboratory operators were able to circumvent controls on the precursor Phenyl-2-Propanone (P2P) through imports and illicit manufacture.

Diplomatic initiatives with the governments of foreign methaqualone producers were instrumental in sharply reducing supplies to illicit channels in 1981. Reduced shipments from Europe to questionable consignees led Colombian, U.S. and Canadian traffickers to seek bulk diazepam powder in order to tablet methaqualone counterfeits.

The wholesale vending of "look-alike" drugs has become a nationwide abuse problem. Distributors continue, despite state laws, to make strenuous efforts to peddle these drugs to school children as completely safe, a claim that is patently false.

Drug Smuggling

Drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. SWA heroin continued moving through Europe, generally overland, en route to the United States. SEA heroin continued to enter the United States on a direct route from Thailand to the western states. Mexican heroin, showing some recovery, continued to enter the United States primarily overland, while cocaine, marijuana and counterfeit Quaaludes continued their general trends of movement from Colombia, through the Caribbean area, to the southeastern United States.

Conflict in parts of the Middle East produced some fluctuations in SWA heroin availability but, overall, the traffic continued along routes skirting disrupted areas. The Iraq-Iran war affected mainly the smuggling routes in the immediate area of the fighting at the Persian Gulf. Farther north, smuggling continued unabated across the Kurdish regions of Iran and Iraq into eastern Turkey, although the Turkish Army's public safety operations had an inhibiting effect for a time. Heroin laboratory operations in northern Lebanon were interrupted, and the flow of narcotics through Beirut fell off. Enforcement efforts and seizures in Eastern Europe prompted experiments with alternate routes by the largely Turkish-controlled SWA heroin trade. Greece became notably more active as a transit country, and variations in the routes through Yugoslavia and Bulgaria were noted. Routing through Hungary may also be in the experimental stage. Switzerland increasingly appears as a transit country for shipments destined for both West Germany and Italy. At least in the case of Eastern Europe, considerations of politics, transportation infrastructures and seasonal travel conditions will restrict departures from the principal Turkey-Western Europe route.

SEA heroin smugglers rely largely on commercial air movement. Couriers generally use the most direct flight offered by commercial airlines to their destinations. Variations were used by some smugglers during 1981. Couriers used non-source countries in Southeast Asia as transit points, sometimes changing couriers or staying a few days in order to avoid the courier profile image. A route discovered in 1980 in which the courier transited Mexico was used modestly during 1981. Couriers also entered western Canada and then either drove or flew across the northern U.S. border. Mexican heroin enters the United States primarily overland.

Colombian traffickers supplied up to 75 percent of the cocaine seized in the United States. The favored means of cocaine smuggling was commercial aviation destined for the southeastern United States. During 1981 the Colombian traffickers expanded the effort to establish their own sources of coca products in remote areas of Colombia and nearby Brazilian territory. The seizure of exceptionally large shipments concealed in air cargo suggests some pooling of resources by traffickers and confidence both in the security of such movements and assured consumer demand. Seizure of such high volume shipments can be expected to prompt similar attempts to fulfill commitments.

The principal avenue of approach for marijuana smuggling was a route from Colombia through the Caribbean to the southeastern United States. The U.S. West Coast and the Mexican border were less important avenues of approach. Most of the marijuana entering the United States continued to move by sea in 1981. There were, however, indications of some significant shifts in marijuana smuggling. In 1981, 92 percent of the marijuana vessels seized by the U.S. Coast Guard were under ninety feet in length, pointing to a trend away from large mothership operations within and near U.S. waters. There has been a growing tendency to move large vessel loads to the Bahamas for transshipment to smaller boats or aircraft. There has also been an increase in efforts to jettison marijuana cargoes and refusals to heave to when challenged by the Coast Guard. These and other changes in marijuana smuggling patterns may be responses to increased enforcement efforts in the Caribbean Basin.

Jamaican marijuana continued to appear in vessel cargo smuggling attempts, while Mexican marijuana smuggling shifted slightly in favor of general aviation. General aviation was also a significant means of smuggling Colombian and Jamaican marijuana. There were few changes noted in general aviation smuggling of marijuana; mainly a tendency to fly deeper into Colombian territory for pick-up of cargoes and the appearance of Belize as a refueling stop.

HEROIN

SWA heroin will be readily available in the United States for the foreseeable future. So long as supply remains fairly stable the possibility that a significant number of new (i.e. younger) users will be drawn into heroin abuse cannot be ruled out. Although SWA heroin is not making rapid inroads into the West Coast heroin markets, it will continue to be smuggled into the area and Los Angeles may emerge as a significant distribution center. Mexican heroin is likely to remain dominate in the West and may increase in availability in some distribution centers in the central states. SEA heroin, rarely an aggressive contender, will probably continue to occupy only a minor share of the national market if SWA and Mexican heroin remain generally available.

Notwithstanding uncertainties in estimating the size of the opium stockpile in Pakistan and poppy production in Afghanistan and Iran, it is expected that supplies of opium for Southwest Asia will continue to be abundant. The prospects for effective enforcement action in the region are not hopeful because of a variety of formidable obstacles in these countries. Pakistan will remain the principal source of supply for SWA opiates for the international traffic.

It is unlikely that the government in Iran will regain control over opium production in the near future. Demand for opiates for local consumption appears to be growing, indicating that Iran will continue for sometime to be a net importer depending on Pakistan's and Afghanistan's surplus. Tehran's preoccupation with its war with Iraq, inflation, unemployment, subversion, terrorism and the Kurdish insurgency suggest that the prospects for an effective narcotics control program in the country remain distant at best.

In Afghanistan the overriding concern of Soviet occupation forces will continue to be to deny the Afghan freedom fighters (mujahedin) an economic base to sustain their guerrilla activity. Since opium poppy is the most important cash crop for many of the villages, Soviet attacks will probably remain a major disruptive force on production.

Turkish traffickers are expanding their already considerable role in distribution. They are well situated for this, with a trafficking infrastructure that extends from the Iranian border to the markets of Western Europe and (to a limited extent) onward to the United States. Their chief concern during the next few years may well be to consolidate their position and to limit the inroads of their Pakistani competitors.

A second bumper opium harvest in the Golden Triangle—the 1981/82 crop is expected to reach 600 tons—may well induce greater efforts on the part of the Thai traffickers to penetrate the U.S. market. The bulk of SEA opiates will continue to be consumed by the large addict populations in Southeast Asia. Although SEA heroin's share of the U.S. national market has never been large, at 10 percent it is unusually low for times of relative abundance in opium supplies from that region and may rise in the near future.

The governments of Burma and Thailand have mounted military-police operations against various insurgent groups in the border area but remain unable to eradicate a significant portion of the opium supply at the source. Burma is unlikely to make marked progress in the near future in dislodging the Burmese Communist Party forces, who are solidly entrenched in prime opium-growing areas in the northeastern part of the country. Because of its remote location, its powerful military arm and its control of two-thirds of the region's opium supply, this organization will continue to be a major force in the Golden Triangle's opium trade that will hinder U.S.-supported anti-narcotics programs with the governments of Burma and Thailand.

Mexico's economic distress will tend to induce more people to take high risks to smuggle heroin across the border into the United States and may affect the govern-

ment's support for its opium eradication operations. The continued financial ability of the Mexican government to maintain the operational capability of its herbicide-spraying helicopter fleet is essential to minimizing the expansion of opium growing.

COCAINE

Cocaine abuse is likely to continue to increase, although not as rapidly as in the late 1970s. The health consequences of cocaine abuse will be more severe because of the increased use of dangerous forms of cocaine ingestion ("speedballing" and "freebasing"). Cocaine will remain a popular secondary drug for heroine users.

Although coca production in Colombia has not yet reached significant levels, traffickers there will continue to progress toward eventual self-sufficiency in raw material supply unless a vigorous eradication program is undertaken. Coca cultivation can be controlled in Colombia if the government acts swiftly to eliminate it before it becomes ingrained in the local economy. Peru will accept U.S. assistance for its eradication and crop substitution projects in the Upper Huallaga Valley, but prospects for an effective effort to control coca cultivation in the country are uncertain in view of competing Peruvian government priorities and political resistance to coca control. The new Bolivian government faces serious challenges to efforts to control illicit coca growing from pervasive corruption, as well as the threat of violent resistance from coca growers.

Despite the cocaine traffickers' easier access to coca raw materials in Peru and Bolivia, these countries are not likely to increase their share of the cocaine market at the expense of Colombia. Colombians will continue to dominate cocaine distribution in the United States for the foreseeable future. This and restricted availability of cocaine processing chemicals in Peru and Bolivia are key factors inhibiting the development of competition. It seems possible, however, the Peruvian and Bolivian traffickers may further specialize in dealing with the European market, where the Colombians are not so solidly entrenched as they are in the United States.

CANNABIS

Marijuana use should continue to decline among youth but may remain fairly high among those in the 20-30 year age-bracket for at least several years. Although it is difficult to measure the demand for high-potency marijuana, preference for this type of marijuana is likely to persist and possibly increase among long-time and regular users.

Domestic production of marijuana will continue to spread throughout the country unless it is met with a credible and sustained law enforcement deterrent. Growers apparently intend to expand output in forthcoming harvests. They will continue to emphasize specialty varieties, such as *sinsemilla*, because the profit margin is high enough to compensate them for the sizeable inputs of labor and capital equipment required.

Jamaica is a principal alternative to domestic sources for high-potency cannabis. The Jamaican government faces a broad spectrum of entrenched economic interests dependent on the marijuana trade that will make prospects for effective control measures doubtful in the foreseeable future.

Sustained interdiction efforts on Colombia's North Coast have produced commendable results in seizures, but additional measures will be required to seriously disrupt the marijuana traffic. These efforts have increased the economic losses to the traffickers but probably not to an unacceptable level given the high profit margins that prevail in the trade. Criminal sanctions could have far greater impact, as so far major traffickers have not been immobilized.

Besides an aniticipated production slump caused by unsettled conditions in hashish-producing areas of Lebanon, changes in the distribution pattern should be expected. Political instability will continue to work to the advantage of the hashish traffickers and smugglers. The Israeli military presence in southern Lebanon is likely to deter attempts to move hashish along traditional routes into Egypt, the country's leading hashish customer. Instead, an increasing number of shipments will probably take a northern route to Cyprus or Greece and then to Egypt. Hashish smugglers will have to be more wary of Israeli naval patrols along Lebanon's northern coast. If military activities in Lebanon persist, such temporary evasive measures may become permanent trafficking routes.

DANGEROUS DRUGS

Continued international cooperation should restrict the supply of bulk methaqualone to the illicit market. This shortage will probably result in the continued marketing of diazepam counterfeits as methaqualone. Abuse of the pentazocine and codeine-glutethimide combinations is likely to intensify. Although Dilaudid has also become popular as a drug of choice, it is so much more expensive than pentazocine that it may not become a major abuse pattern. Mexican "mini-bennies" may return to the illicit U.S. market if amphetamine abuse continues to grow and domestic clandestine laboratories are immobilized. LSD does not appear to be poised for a comeback in the immediate future. It is too soon to predict when "look-alike" drugs will be brought under control in view of present legal uncertainties.●

RELATIONSHIPS BETWEEN THE NEW YORK CITY POLICE DEPARTMENT AND THE MINORITY COMMUNITY

● Mr. D'AMATO. Mr. President, on July 18, 1983, hearings were scheduled in New York City by the House Judiciary Committee on relationships between the New York City Police Department and the minority community in the city.

Also on July 18 I entered in the CONGRESSIONAL RECORD the testimony of the mayor of the city of New York and other city officials. On page 19683 of the RECORD reference was made to graphs and charts in the text that were not reprinted.

Mr. President, I ask that these statistics now be printed in the RECORD.

The statistics follow:

Rate of homicide by police

Per 100,000 population:	
Detroit	1.63
Philadelphia	.94
Los Angeles	.89
Chicago	.74
New York	.48
Per 1,000 violent crimes:	
Philadelphia	1.24
Detroit	.84
Chicago	.75
Los Angeles	.70
New York	.27
Per 100 police officers:	
Detroit	.40
Los Angeles	.35
Philadelphia	.21
Chicago	.17
New York	.14

NYPD enforcement activity

Change from 1981-82:	*Percent*
Arrests (increase)	8.6
Summonses (increase)	13.4
Traffic infractions (increase)	19.3
Firearm discharge incident (decrease)	17.4
Violent crime (decrease)	9.3

●

A BACKFIRING WEAPON

● Mr. TSONGAS. Mr. President, I commend to the attention of my colleagues the article in this morning's New York Times, entitled "A Backfiring Weapon." The author, Prof. Kurt Gottfried of Cornell University correctly delineates the dangers associated with an arms race in space. More importantly, Dr. Gottfried points out the fallacy of the administration's position that it is to the advantage of the United States to pursue an arms race in space. Mr. President, I ask that the article by Dr. Gottfried be printed in the RECORD.

The article follows:

A BACKFIRING WEAPON

(By Kurt Gottfried)

ITHACA.—ASAT, yet another acronym, has begun to invade the news columns. One is told that it is an antisatellite—a device that can destroy a satellite. But that still leaves many unanswered questions.

How does an ASAT differ from an antiballistic missile, or ABM, a device that can destroy an intercontinental ballistic missile, or ICBM, in flight? Satellites are much more fragile than ICBM's and stay in orbit for weeks. ICBM's are vulnerable for only a few minutes, so striking a swarm of them is a prodigious problem. Therefore, even an ineffective ABM could be a wonderful ASAT.

Do treaties show ABM's? The 1972 ABM treaty does not permit the field testing of the laser ABM's alluded to by the President in his "Star Wars" speech. To quote the Arms Control Impact Statement the President sent to Congress in April, "The ABM treaty prohibition on development, testing and deployment of space-based ABM systems applies directly to directed-energy technology," that is, to lasers, etc.

Are ASAT's forbidden by treaties? Existing treaties impose no effective restraints on ASAT development or testing, even though there is a relationship between ABM's and ASAT's. Since an ABM system could, in its infancy, already be an effective ASAT, it could masquerade as such to evade the ABM treaty. By the same token, a program to develop only ASAT's could be misperceived as a budding ABM by the other side. ASAT's could therefore trigger enormous buildups of offensive missiles, which is precisely what the ABM treaty was designed to prevent.

What are the attitudes of the superpowers to weapons in space?

The Administration will not resume negotiations on limiting ASAT's. This stance is perfectly consistent with its long-range strategy, as laid down in the Defense Guid-

ance, the Pentagon's five-year master plan. The plan assumes that the United States must be able to "prevail" in nuclear war; therefore, it must be able to "deny the enemy the use of his space systems" and "insure that treaties and agreements do not foreclose opportunities to develop these capabilities."

The White House wants to renegotiate the ABM treaty to allow spacebased ABM's, as it made clear yet again on June 18 in an amicable response to a speech by Foreign Minister Andrei A. Gromyko. Are the superpowers on the same wavelength for once?

They are not. The Kremlin has used every opportunity to suggest an interest in ASAT arms control and opposition to new-fangled ABM's, as exemplified by a remarkable advertisement in The New York Times by leading Soviet scientists attacking spacebased ABM's.

Why do the two Governments take opposite sides on what seems to be only a technical issue? The Administration's motives were spelled out in the Defense Guidance and more recently by the White House: Our technological superiority should be applied to the difficult art of space weaponry to regain and hold strategic superiority. While Soviet motives are hard to assess, they are probably the other side of the same coin: A healthy respect for American technology and a fear that an arms race in space would be terribly expensive and hazardous. Indeed, they must now see that the major accomplishment of their inept 15-year ASAT project has been to justify an American program that is about to produce a much more potent weapon.

Does that not mean that the Administration's policy is best suited to American interests? Speaking first of ASAT, the United States, with its forces spread across the globe and facing a secretive adversary, relies heavily on satellites for communication and intelligence. In contrast, Soviet forces are mainly on or close to the Eurasian landmass and depend primarily on land-based and airborne communications. The United States would therefore be the loser if both sides acquired effective ASAT's.

But will the Soviet Union ever build effective space weapons? The United States has usually been first with sophisticated weapons: nuclear bombs, multiple independently targetable missiles, or MIRV's, submarine-based missiles, etc. The Soviet Union has always followed suit. Often their weapons are blunderbusses compared with American designs, but that does not make them less lethal. And in the case of ABM's, it is far more difficult to build a missile defense than to circumvent and overwhelm it.

In short, the Administration's military space policy rests on the assumption that, for the first time, the Soviet Union will not be able to respond effectively to a major threat to its security. Whether or not this conjecture is correct is not essential. If right, we can look forward to desperate Soviet reactions at least as dangerous as the Cuba missile crisis; if wrong, we can look forward to a standoff at a drastically reduced margin of safety.●

THE IMF REVISITED

● Mr. HELMS. Mr. President, an editorial in this morning's Wall Street Journal deserves more than a passing glance by every Member of Congress. Entitled "The IMF Cliffhanger," the article drives home the point that increasing the U.S. contribution to the International Monetary Fund by $8.4 billion is absolute folly.

During the recent Senate debate on the IMF bill, I vigorously opposed pumping additional billions of tax dollars into the fund. Hard-working Americans already contribute more than $14 billion to the IMF each year. The effort to increase that amount is little more than a bailout of some big U.S. banks that have made bad loans to foreign countries. I simply do not believe the taxpayers of this Nation should be asked to pick up the tab for banks which should not have made the loans in the first place.

Unfortunately, the Senate approved the additional funding for the IMF, with only about one-third of us voting against an increase in the U.S. contribution. Now the House has an opportunity to consider the bill. I hope Members of that body will exercise prudence and limit U.S. participation at the current level. Then we can get on with reducing our contribution.

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

[Editorial from the Wall Street Journal, July 21, 1983]

THE IMF CLIFFHANGER

The proposal for an $8.4 billion increase in the U.S. contribution to the International Monetary Fund is having trouble in Congress. For one thing, the sense of crisis about the international "debt bomb" is abating. For another, there is worry that adding more liquidity to the world financial system risks touching off a new bout of global inflation.

A vote in the House may come soon, possibly today or tomorrow, and most observers say it's too close to call. President Reagan has taken to the telephones to rally support, but he would be wiser to send his advisers back to the drawing boards. In addition to the other objections to bailing out the IMF, the cost will be far more than the $8.4 billion advertised.

The IMF already has been beating the bushes for extra billions to overcome a supposedly temporary "shortfall" of hard currencies before the new quotas can be put into place. There also is talk about allowing the IMF to borrow hard currencies directly, without first having to gain approval from member nations. And against its better principles, the Reagan administration seems to be leaning toward allowing the IMF to issue vast new quantities of Special Drawing Rights, a sort of funny money that we would be obligated to redeem for dollars—as much as $15 billion or so—at the whim of the IMF's bureaucrats.

There are heavy indirect costs as well. A few weeks ago, the congressional "steel caucus" forced the administration to accept higher tariffs and quotas on steel as a condition for its support of the IMF appropriation. This protectionist outburst will result in higher prices on a broad range of products for the American consumer and encourage retaliation by other countries.

Moreover, numerous congressional sources say House Banking Committee Chairman Fernand St Germain (D., R.I) has been pushing his pet bill, a $15.6 billion budget-buster for housing, as the price for his crucial support of the IMF bill. The housing bill is at least $10 billion—*$10 billion*—over the administration's 1984 request at a time when everybody is wailing about deficits.

The list of free riders seems likely to grow. By the latest count, there are 35 amendments waiting to be tacked on to the bill when it finally reaches the House floor.

There might once have been an argument for pitching a few more bucks the IMF's day. When Mexico and Brazil seemed in danger of going belly up last summer, it was thought there was some potential for panic in the financial markets. But by now the markets have absorbed and discounted the initial rush of bad news, and the machinery for working out the debt problems of individual nations is in place.

None of the debtor countries is truly bankrupt. Most have the resources to pay their debts eventually; think of Brazil's fabulous mineral riches or Mexico's enormous oil reserves. The problem is not financial but political. What is needed most in such countries is the courage to adopt policies that will encourage equity investment, both foreign and domestic, and economic growth. This means less government intervention in the economy, less direct and indirect taxation, lower trade and investment barriers, and sound money.

A number of congressional conservatives, such as Sen. William Armstrong (R., Colo.) and Reps. Jack Kemp (R., N.Y.) and Jerry Lewis (R., Calif.), long ago mounted a lonely campaign to derail the IMF bill or at least keep taxpayer exposure to a minimum. Rep. Stephen L. Neal (D., N.C.) has been sounding the alarm against the danger of a new burst of liquidity and inflation that would be triggered by the IMF plan for a big increase in SDR allocations. (Amazingly, Fed Chairman Paul Volcker, sounding like a Keynesian of the old school, defended the SDR scheme as a tool to "forestall a global contraction of aggregate demand.")

Their efforts now seem to be paying off. Congressional Republicans are split down the middle on the IMF bill, and substantial numbers of Democrats see no reason to pull President Reagan's chestnuts out of the fire. Foreign-aid bills have never been very popular back home in most constituencies, and the IMF bill among other things includes billions more for other international development banks.

By pulling out all the stops, the administration still might be able to ram the IMF bill through. But it would be the better part of valor to back off. The price of the IMF bill was too high at the outset; today, taxpayers are facing a major heist.●

ELIMINATING TAX SHELTERS

● Mr. BIDEN. Mr. President, it has become common practice in government today to claim great benefits that will flow from some particular policy change. However, too often the results do not justify the claims.

So, when I saw an article in the New York Times on July 19, 1983, on the growth of tax shelters in recent years, I was reminded of the many claims in 1981 that the tax reductions adopted then would actually reduce the use of tax shelters. As Secretary of the Treasury Regan put it in a Senate Budget Committee hearing on February 20, 1981, the reduction in the top

marginal rate of taxation from 70 percent to 50 percent "* * * will substantially discourage the use of tax shelters. * * *"

The July 19 article, entitled "The Boom in Tax Shelters" by Robert D. Hershey, Jr., clearly demonstrates that this objective of the 1981 tax cuts was not achieved. In fact, as the title indicates, tax shelter devices are a booming business today. According to the New York Times article, in March 1983 the public sale of investments registered as limited partnerships—the form of most tax shelters—hit an all-time monthly high of $994 million. Total investments in tax shelters in 1983, the article indicates, may well be $12 billion, up from about $8 billion in 1982.

Why is the use of tax shelters rising? There are probably many reasons. But clearly the most important is that nothing has really been done to reduce the availability or attractiveness of tax shelters. In fact, there are more opportunities today than there were in 1981. Instead of eliminating shelters, we have been adding to them. Merely reducing the value of the shelters to the most wealthy will not eliminate them. In fact, the article notes a recent phenomenon, that the use of shelters is spreading from the wealthy to the middle income person, some with no more than $5,000 to invest.

That does not surprise me. Middle income people are discovering how the tax laws are stacked against them. Our tax laws are rife with opportunities to shelter income from taxation. Increasingly, the use of shelters has dumped the burden of financing government on the middle income family. The only way for such a person to avoid the crushing burden of taxes is to join the shelter game. The result is that more and more people must take unusual risks and devote great time and effort to shelter income and reduce taxes to reasonable levels.

In the final analysis, though, I predict that such efforts to hold taxes down will not work so long as we keep our present tax system. Tax shelters are not designed for use by middle income families. They are generally designed for use by special interests. And in the long run, special interests will win the race to avoid taxes and the burden of paying for government will remain where it is today, on middle income people.

Mr. President, that is why, in 1972, I was calling for a modified gross income tax to reduce both the need and the opportunity to use tax shelters. That is why, this year, I am a cosponsor of Senator BRADLEY's proposed Fair Tax Act. That bill would reduce the maximum tax rate for 80 percent of taxpayers to 14 percent. Only those individuals with an adjusted gross income over $25,000, or couples with adjusted gross income over $40,000, would pay 26 percent or 30 percent, depending on income. Most of the tax deductions, credits, and exclusions which form the basis for tax shelters would be repealed. Only those generally available to most taxpayers, like the home mortgage interest deduction, would remain. I confidently predict that when we pass the Fair Tax Act, the use of tax shelters will this time truly be a thing of the past and our tax system will treat taxpayers in an equitable fashion.

Mr. President, as the Senate proceeds to consider the Fair Tax Act, it will be helpful to have available the kind of information about tax shelters contained in this New York Times article. So I ask that the article, along with a short summary of the Fair Tax Act, be printed in the RECORD for use by my colleagues.

The material follows:

THE BOOM IN TAX SHELTERS

(By Robert D. Hershey, Jr.)

WASHINGTON.—Tax shelters—investment devices desiged to shelter income from taxation, usually for a period of years—appear to be on the rise, despite widespread predictions that lower tax rates would reduce their use.

Furthermore, experts say the shelters are increasingly spreading from the investment portfolios of the rich to those of the middle class, some with no more than $5,000 to invest.

And although certain kinds of tax shelters, such as those dealing with oil and gas, appear to have lost some of their allure during the recent recession, others, such as those in real estate, seem to hold more attraction than ever.

"There's been tremendous activity in the past few months," said Douglas W. Banks, a real estate specialist in the Washington Office of Touche, Ross & Company, a major accounting firm.

LIMITED PARTNERSHIPS

Measuring tax shelter activity is difficult. In fact there is no formal definition of just which of a vast array of tax-favored activities should be regarded as shelters. But at least one measure, the public sale of investments registered as limited partnerships, which is how most tax shelters are sold, shows enormous growth.

In March, sales totaled $994 million, the biggest monthly volume on record, according to Robert A. Stanger & Company, a New Jersey firm that tracks the shelter industry. The first-quarter total of $1.75 billion was 53 percent higher than the comparable 1982 period.

Mr. Stanger, who publishes two industry newsletters, predicts that Americans will put $12 billion into shelters this year, up from about $8 billion last year.

Generally, a shelter is an investment vehicle designed to produce tax deductions that offset, or shelter, income form other sources. Usually, the shelter is good for a period of years. And when one shelter matures, an investor is likely to look for another. Some common kinds of shelters involve oil and gas exploration, cattle and horse breeding, sports teams, orange groves and various kinds of real estate.

A typical shelter works this way: An investment adviser gathers together a group, say, of 20 doctors to buy a small office building for $1 million. Each puts up $10,000; the $800,000 balance is borrowed. The property, excluding the $100,000 value of the land, is depreciated over 15 years, thereby generating an annual $60,000 deduction, or $3,000 for each doctor.

At the end of the 15 years, the building is sold, perhaps for $1.5 million. The doctors then get their investment back, the $800,000 mortgage (assuming there has been no amortization) is paid off and the remaining $500,000 split evenly between the doctors and the investment adviser, or general partner, who put the deal together. The doctors thus each get $55,000 worth of deductions for their $10,000 investment, plus a $12,500 share of the profit.

"ABUSIVE" SHELTERS

Incentives for many kinds of shelters were purposely created by the Government to encourage certain activities, such as real estate construction and the development of oil and gas supplies. But as shelter activity mushroomed, the feeling also grew that the use of shelters had gotten out of hand—that some investment advisers were pushing the concept beyond the point intended by Congress.

The main concerns were that the Treasury was losing tax revenues and that investment money was being siphoned off into "abusive" tax shelters rather than into constructive investments that would help the economy.

The Reagan Administration asserted that one of the major benefits of its tax-cutting program would be to reduce the use of shelters, thus paring the money going into less productive areas of the economy and increasing the efficiency of capital investment. The reasoning was that if taxes were reduced, there would be less incentive for taxpayers to seek out their own ways to cut their taxes. The two key Reagan tax cuts for wealthy individuals were the reduction in the maximum income tax rate to 50 percent from 70 percent and the reduction in the top rate on capital gains to 20 percent from 28 percent.

Although economists and tax specialists say the Administration is on solid theoretical ground, the results so far do not bear out the theory.

"WASN'T ENOUGH" FOR SOME

"For some people, it clearly wasn't enough," said Emil M. Sunley, a tax analyst at the accounting firm of Deloitte, Haskins & Sells and a former Treasury official.

Specialists list additional reasons for the continued growth of the tax shelter business:

Many years of rising taxes have made people increasingly conscious of their tax burden. Once involved with shelters, people have tended to stay involved. "Once you've learned, you many decide to stay in" even if the benefit is somewhat diminished, said J. Gregory Ballentine, Deputy Assistant Secretary of the Treasury for Tax Analysis.

A large network of financial entrepreneurs, promoters, advisers and salesmen has gradually developed. That network is constantly creating new products and trying to sell them to a tax-conscious and sometimes gullible public. "It's an enormous industry now," said Mr. Banks of Touche, Ross.

Unlike the rate cuts, some provisions of the 1981 tax act made some shelters more attractive. These included accelerated depreciation and, perhaps more important, the near certainty that the depreciation periods chosen by the taxpayer no longer would be challenged by the I.R.S.

Tax shelters have achieved wide social acceptability. They are proudly mentioned in cocktail-party conversation by status-seeking investors, leading others to become interested. Even financial institutions that previously avoided the business are joining in. "Brokerage houses and insurance companies have openly embraced this product area, and even the staunchest old-line institutions are weakening," said a recent issue of Registered Representative, a securities industry publication.

SALARY INCOME CITED

One taxpayer who says his outlook has not changed is George M. Keller, chairman of the Standard Oil Company of California. In response to an inquiry, Mr. Keller noted that he did not benefit from the reduction to 50 percent from 70 percent because his income consists mainly of salary, which had already been cut to 50 percent. He said he was staying with the real estate shelters he has held.

But while shelters in general have continued to expand, experts say that an Internal Revenue Service crackdown has reduced activity in dubious shelters.

"Gems have dried up for now," said Ralph A. Muolo, a partner in the law firm of Caplin & Dyrsdale.

The I.R.S. has identified such things as lithographs, gemstones, master recordings, manuscripts and even Bibles of vehicles likely to be "abusive," where fraud has become common. In these shelters, promoters frequently advertise first-year tax deductions four times as large as the required investment, or even greater.

According to the I.R.S., the number of tax returns under investigation for abusive shelters was 325,000 as of May 31. This compares with 285,000 for last September and 193,933 for the 1980 fiscal year. This, in large part, reflects intensified efforts to crack down on fraudulent shelters. The 1982 tax measure gave the Government new powers to police shelters and to exact stiffer penalties for underpayments.

THE 'AUDIT LOTTERY'

Even with the crackdown, however there is still a good chance that many in abusive shelters will go unpunished. The I.R.S. audits less than 2 percent of tax returns each year, which prompts many to play what Commissioner Roscoe L. Egger Jr. and others call the "audit lottery."

Some experts predict that Congress may make further changes in the tax shelter industry. Suggestions have been made, for example, that Congress curb the big jump in real estate shelters.

Congress is already considering action on other tax abuses. The House Government and Transportation Subcommittee for example, will hold a hearing on Aug. 4 into abuses of the individual income tax deduction for gifts of art work to museums and other cultural institutions. The hearing will also examine pending legislation that deals with charitable contributions.

But to some experts, there has already been a change for the better. As Lee J. Seidler, a professor of accounting at New York University, put it recently, "We have a much more healthy environment today from the point of view of tax equity than we did seven or eight years ago."

FAIR TAX ACT OF 1983

This legislation will make the federal income tax system simpler and fairer and the economy more efficient. It will reduce tax rates and eliminate most existing deductions, credits and exclusions. It also will raise revenues approximately equal to those collected under existing law without changing the tax burden for any income group.

SUMMARY OF KEY POSITIONS

For individuals:

A simple, progressive tax with three rates: 14%, 26% and 30%.

About 80% of all taxpayers will pay only the 14% rate. The 26% rate will apply only to individuals with adjusted gross incomes exceeding $25,000 and to couples with adjusted gross incomes exceeding $40,000. The top rate of 30% will apply only to individuals with adjusted gross incomes over $37,500 and couples with adjusted gross incomes over $65,000.

An increase of the personal exemption from $1,000 to $1,600 for taxpayers and spouses ($1,800 for a single head of household) and an increase in the standard deduction from $2,300 to $3,000 for single returns and from $3,400 to $6,000 for joint returns. A family of four could earn up to $11,200 before receiving their first dollar of taxable income.

Repeal of most itemized deductions, credits and exclusions except those generally available to most taxpayers. Retained will be the $1,000 exemptions for dependents, the elderly and the blind; deductions for home mortgage interest, charitable contributions, state and local income and real property taxes, payments to IRAs and Keogh plans and employee business expenses; exclusion of veterans benefits, Social Security benefits for low and moderate income persons and interest on general obligation bonds. The personal exemptions and itemized deductions will apply only against the 14% rate.

For corporations:

A tax rate of 30%.

Repeal of most existing tax deductions, credits and exemptions that distort investment decisions.

A new depreciation system that does not favor one type of asset over another.●

EXPORT-IMPORT BANK SMALL BUSINESS AMENDMENT

● Mr. BOSCHWITZ. Mr. President, I am pleased to announce that my amendment to S. 869, the Export-Import Bank amendments, is gaining much support. To date it enjoys the bipartism support of 19 Senators, along with that of the U.S. Chamber of Commerce, the National Federation of Independent Business, Small Business United, the National Small Business Association, and the National Governors Association.

This amendment is sorely needed. With our Nation experiencing record trade deficits, we in Government can no longer sit idly by. We must act now to reduce those trade deficits. One way to reduce those deficits is to help small businesses become better able to export their products.

According to the Commerce Department, at least 20,000 businesses in the United States could export but do not. In fact, only 1 percent of American manufacturers account for 80 percent of American exports. There is great potential in the untapped area of small business exports. This amendment would help small business expand into the export market.

My amendment would require Exim to actively finance small business exports. By providing small business with the access to export financing that is needed during the next 6 years and beyond, we should be able to lower these large trade deficits.

I urge my colleagues to study this amendment and to join with us in supporting it when the Export-Import Bank bill is considered by the Senate. I also ask that the letters from the organizations referred to earlier be printed in the RECORD.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ, U.S. SENATE, WASHINGTON, D.C.

DEAR SENATOR BOSCHWITZ: The National Small Business Association (NSB) strongly supports your proposed amendment to the Ex-Im bank reauthorization, calling for a definite set-aside of their appropriated funds for small business.

We supported similar legislation on the House side and feel very strongly that only by a forthright commitment of funds, as provided for in your amendment can we hope to increase small business participation in the export market.

We are unalterably opposed to any effort to provide a "trigger mechanism" to your set-aside amendment, such a trigger would emasculate the set-aside and provide a disincentive for early commitment of funds to small business.

If we are truly interested in utilizing the vast capabilities of this country's small business community in attempting to reverse our imbalance of trade, we must take honest and sincere steps to assisting small business participation. Your proposed amendment does just that and we congratulate you on this effort.

Sincerely,

JEROME R. GULAN,
Vice President, Government Affairs.

SMALL BUSINESS UNITED,
Waltham, Mass., July 14, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR BOSCHWITZ: Small Business United, a coalition of 16 regional, state and metropolitan trade associations, representing more than 60,000 small businesses nationwide, enthusiastically supports your amendment to the Ex-Im Bank Authorization bill creating a small business set-aside.

We support the use of a set-aside only when it is clear that there is no other practical, monitorable means of assuring small business access to the financing programs available to other businesses. We believe this to be the case with respect to Ex-Im Bank financing programs.

Your amendment, which includes requirements that the Bank actively market the set-aside program, provides a fair, equitable way for small to have access to much needed export financing.

Sincerely,

G. THOMAS CATOR,
Washington Counsel.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR RUDY: NFIB is pleased to note your intention to amend S. 869, the Export-Import Bank Reauthorization, so that small businesses could become more involved in exporting. You and your Senate colleagues are to be commended for taking the lead in this area.

We share your conviction that small firms can and should participate more in efforts to improve our country's balance of trade through increased exporting. The Department of Commerce estimates that there are 20,000 small manufacturers with the capability to export, that don't. In addition, with the increased effort to encourage exporting in the service industries, small firms would be able to make a significant contribution to that endeavor. Without some encouragement and assistance, their potential and the jobs they can create will never be realized. Over the years, NFIB has been disappointed that the Eximbank has made little effort to realize small business' export potential.

For these reasons, NFIB is particularly glad to see your own work in this area. While we were interested by the Banking Committee's acceptance of two amendments aimed at directing the Eximbank to address the needs of small business, we think the time to actively deal with the real financing needs of small firms is long overdue. The set aside figures proposed in your amendment are well within the export capabilities of small business without jeopardizing access to the Bank by large, multinational corporations. They are already doing all the business they can overseas and do not have much potential for increasing their present activity. Smaller businesses *must* be encouraged to export on their own and not simply participate as suppliers and subcontractors for industrial giants.

We know you and your colleagues Senators Mattingly, Sasser, D'Amato, Dixon and Glenn have put a great deal of effort into preparing your amendment. NFIB feels that this is an important first step in encouraging more small businesses to export. We look forward to working with you to get Senate acceptance of your amendment.

Sincerely,

JAMES D. "MIKE" MCKEVITT,
Director of Federal Legislation.

THE COUNCIL OF SMALL BUSINESS,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOSCHWITZ: The U.S. Chamber supports renewal of the charter of the Export-Import Bank with amendments that will strengthen the Bank and make it a cornerstone of a forward-looking trade policy for the United States.

Among such amendments there should be changes in the way the Bank deals with smaller exporters so as to assure small business access to Eximbank programs.

In particular, the Chamber supports four concepts:

(1) A mandate that not less than six percent of the dollar amount of the Bank's loans guarantees be made to small business concerns in FY '84, and 10 percent in FY '85.

(2) A goal of 10 percent in FY '84 and 20 percent in FY '85 for small business loans and guarantees.

(3) A yearly, detailed report to Congress on Eximbank's plans to implement small business requirements for the following year, and its record of small business lending for the past year.

(4) A requirement to expand Eximbank's relationship with commercial banks to include regional and local banks in its discretionary lending program.

While the U.S. Chamber has strong reservations about the concept of set-asides in general, it recognizes the importance of providing a tangible way to measure the Bank's progress in opening its programs to small business exporters.

These provisions are essential to the successful integration of smaller exporters into Eximbank's loan and guarantee programs. Any effort to weaken these provisions (i.e. adding a "trigger mechanism" to return unused funds that have been set aside for small business to general loan and guarantee programs) would threaten small business access, and therefore would be opposed by the Chamber.

These concepts are embodied almost totally in the amendments you have proposed.

We appreciate the leadership you are providing small business in this important legislative debate, and we are ready to work with you and your staff to assure that the needs of small exporters will be met in a rechartered Export-Import Bank.

Cordially,

IVAN C. ELMER,
Manager,
Small Business Center.

GOVERNORS BACK BOSCHWITZ SMALL BUSINESS AMENDMENT

The National Governor's Association today endorsed Senator Rudy Boschwitz's small business exports amendment to the Export-Import Bank bill.

Thompson joins a bipartisan group of 17 Senators, the United States Chamber of Commerce, the National Federation of Independent Business, Small Business United and the National Small Business Association in supporting this amendment. Governor Jim Thompson (R-Illinois), incoming Chairman of the National Governor's Association, will visit Boschwitz on July 19 to discuss the amendment.

The Boschwitz amendment would:

Require the ExIm Bank to use at least 10 percent of its funding to finance small business exports;

Provide guarantees or lines-of-credit to small and medium-sized financial institutions so that they may bank together to finance small business exports;

Promote small business exports and its small business exports programs in order to let small businesses become aware of the help available to them; and

Report its efforts annually to Congress.

"We are all aware of the contributions small business makes to the economy in terms of jobs and innovative technology. Small business can also be the leading contributor in U.S. exports if competitive export financing is available," Boschwitz said.

According to Boschwitz, "The Commerce Department estimates that at least 20,000 businesses in our country could export, but do not. In fact, only 1 percent of American manufacturers account for 80 percent of the exports. As we face record trade deficits, it is imperative that small businesses become more active exporters. Because ExIm is the primary federal export finance agency, small businesses must be allowed adequate, effective participation in its programs."

Action on this amendment could come up as early as this month.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, D.C. July 20, 1983.

Hon. RUDOLPH E. BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR BOSCHWITZ: I commend you on the excellent legislation you have sponsored to expand the Export-Import Bank's financing assistance for small businesses.

As Chairman of the International Trade and Foreign Relations Committee of the National Governors' Association, I can tell you the Governors are convinced there is great potential for expanding the export of U.S. produced goods and services, particularly with our smaller businesses. The U.S. Commerce Department estimates that 20,000 small businesses, who are not presently exporting, could profitably export their products and services and thereby create a significant number of new jobs here in the United States.

The National Governors' Association endorsed and worked for three years on export trading company legislation because of the new export opportunities it presented, particularly for smaller and new-to-export businesses. The Governors have also been enthusiastic supporters of the Export-Import Bank, and have actively opposed efforts over the past two years to reduce the Bank's lending authority. We have also taken the position that the Bank's program for small businesses need to be expanded and procedures simplified.

After an extensive study of numerous impediments to exporting, the National Governors' Association came to the following conclusions about Eximbank and small businesses:

While these (Eximbank) programs have proved quite helpful to many exporters, there remains a need for procedural simplification and targeted aid to smaller businesses.

States are particularly sensitive to the special needs of smaller businesses, which often find the "tooling-up" costs associated with export activity prohibitive. At a state level, such businesses may constitute a significant percentage of potential new exporters. * * *

To the extent possible, credit should be extended automatically to small businesses, provided there is endorsement by the businesses' local credit institution.

(The National Governors' Association Policy Positions 1982-1983.)

The small business amendments to the Ex-Im bill, including the set-aside for small business, simplified procedures, representation on the Ex-Im Advisory Committee for small business, a mandate for Ex-Im to work with more local and regional banking institutions, and a mandate for Ex-Im to promote its small business programs should result in the creation of many new jobs here in the United States.

If the other Governors or I can be of any assistance on this important issue, please let me know.

With warm regards,

GOV. BOB GRAHAM,
Chairman, International Trade and Foreign Relations Committee.●

EQUITY AND JOBS FOR THE FISHING INDUSTRY

● Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues in cosponsoring two bills, S. 254 and S. 790, that will promote fisheries development and benefit the U.S. economy as a whole. These bills represent a positive step toward fulfilling the Federal Government's commitment to optimal utilization of our Nation's fishery resources. I am proud to be a part of this effort.

The fishing industry generally consists of small- and medium-sized firms, which because of the risky nature of their business, often find it difficult to raise capital. In 1970, fishing vessel owners and operators became eligible for the capital construction fund program (CCF), which allows them to defer taxes on profits that they put into an account for the purchase of new vessels. This is not a subsidy program, because these taxes are then paid to the Government in full through a reduction in the depreciation allowance on ships purchased with CCF funds. The CCF program wrought great changes in the domestic fishing fleet, and has already generated $360 million in investment in new ships.

Now, however, harvesting capacity in the United States has outstripped processing capability. As a result, the U.S. competitive position internationally has suffered. S. 254 would address this problem by extending capital construction funds to shoreside processing facilities. A 1980 GAO report, in recommending this approach, cited the shortage of such facilities as a major impediment to the development of underutilized fisheries. According to a Commerce Department report, optimal development of only eight of these underutilized fisheries could, by 1990, raise domestic fisheries landings by 2.5 million metric tons per year and increase vessel revenues by $782 million annually. Moreover, this could add $1.2 billion to GNP, reduce the trade deficit by $1.7 billion a year, and create 43,000 jobs. Atlantic mackerel, whiting, and squid, three of these underutilized fisheries, offer tremendous growth opportunities to the New Jersey fishing industry.

In New Jersey, Mr. President, we have been buffeted by the same high unemployment which has struck our Nation as a whole. It is, therefore, necessary that we make every effort to create permanent jobs. The fishing industry in my State has witnessed strong growth in recent years, and has tremendous potential for further expansion. Already one of the leaders in harvesting and processing in the Mid-Atlantic region, New Jersey can benefit from its location, resources, and outstanding fishing fleet to diversify and grow. The dramatic development in the Cape May squid fishery in the last 2 years is indicative of the potential of New Jersey's fishing industry. Passage of S. 254 would be a significant step toward fostering growth and providing viable employment opportunities for New Jersey citizens.

By channeling fishing companies' earnings into further investment in the industry, S. 254 will promote productivity and innovation. This will make the United States more competitive internationally, and will reduce our fisheries deficit, which was nearly $3 billion in 1982. A reduction in the U.S. balance of payments deficit would benefit the Nation as a whole.

The second bill I am cosponsoring will enable the industry to enter hitherto underdeveloped export markets. S. 790 places fish and fish products within the meaning of agricultural products for the purposes of the export payment guarantee programs administered by the Agriculture Department. This bill is only fair. Fish is the only kind of basic food not now covered by the payment guarantee program. This is inequitable to States like New Jersey, which have the potential to increase fishing exports dramatically. There are many types of fish available for harvest within U.S. waters for which little or no demand exists domestically. The market for these fish is often in politically unstable countries, with which the small and midsized firms in the fishing industry cannot risk doing business. As a result, government-subsidized foreign fleets catch these fish, often within U.S. waters, and dominate in markets where the American firms should be able to compete.

Under the export payment guarantee program, the U.S. Government would assume the risk posed by nonpayment in the event of political or economic turmoil. The Commodity Credit Corporation [CCC], the financial arm of the Agriculture Department, contracts with a bank agreed upon by the country buying the American product. This bank guarantees payment to the U.S. fishing firm doing the exporting, and the CCC in turn assures the bank that it will be reimbursed. In the event that payment is delayed, the fishing company receives its money on schedule, allowing it to continue and expand its operations. In well over 99 percent of these cases, the CCC, which can afford to wait longer than a small business can, has been able to make suitable payment arrangements with the country that owes it money. The result is that the United States is able to insure accessibility to a very large market at minimal cost.

In these times of economic difficulty, we cannot afford to deny equity to the fishing industry, which enjoys such tremendous potential for export growth. The United States is the world's leader in clam production, and could increase its sales further if the markets of the Third World were more accessible. New Jersey, in the center of the vast Mid-Atlantic clam fishery, could benefit substantially from this increased market access. Squid harvesting in the Mid-Atlantic region could be increased tenfold without depleting reserves. Underdeveloped countries, especially in Africa, have the demand needed to spark this increase; this bill is an effective instrument for converting this demand into actual sales of American products. Increased exports mean increased employment, and a reduced trade deficit.

Mr. President, the two bills I am cosponsoring complement each other. Together they will encourage more optimal development of underutilized American fisheries. S. 254 is a logical on-shore extension of the capital construction fund program that has already done so much good for our fishing fleet. It will improve the U.S. fishing industry's competitiveness internationally, and allow for greater utilization of the resources with which our Nation is blessed. S. 790, in addition to giving the fishing industry the equitable treatment it deserves would aid U.S. companies to capitalize on export opportunities that currently exist. Neither bill parcels out subsidies, and neither bill imposes a great cost on the Federal Government. Both will bring in much-needed revenues, encourage investment, and create permanent jobs for Americans.

Mr. President, I urge my colleagues to support these two important measures.●

GRANNY EDGE ELECTED TO CITY COUNCIL OF NICEVILLE, FLA.

● Mr. CHILES. Mr. President, Jesse Alma Edge was just elected to the city council of Niceville, Fla.

Born in Alabama, Jesse Edge has lived most all her life in Niceville. Although she never held what she herself calls a paying job, she raised seven children while making Niceville even nicer through a host of civic and neighborly contributions to the community.

Jesse Edge bubbles with vitality and is one of Florida's most active volunteers. A lifelong member of the Pentacostal Church of Niceville, she has converted the admonitions of the pulpit into the fact of Christian living. Jesse served two full terms in Florida's pioneering silver haired legislature and represented Florida as an alternate to the White House Conference on Aging. She has been a member of the Nutrition Project Advisory Council for Okaloosa County, a member of the advisory board of the area agency on aging, and has never stopped giving her time on behalf of the senior citi-

zens in other endeavors. Always ready with a strong shoulder or a kind word, she has been the gentle strength for many older Floridians in need.

A short time back, the Niceville Hospital, a division of the Hospital Corporation of America, shut down. Jesse Edge never hesitated. She got out on the stump, raising money, cutting red-tape, banishing apathy to convert the hospital building into a home for the aged. Now that it is open as a home for the aged, she is one of their most frequent volunteer workers.

You may say that this is all nice, but lots of people run for city council and get elected, so what? "Granny" Edge as she prefers to be called is 83 years old and this is her first try at political office. That may be a record. Although one of her opponents tried to make age an issue, Granny Edge made ability the determining issue, and won more votes than both of her opponents combined.

Granny is trying to tell us something, and we would be wise to listen. Competence comes in many packages, some small, others large; some brand-new, and some seasoned in the school of achievement. Granny Edge comes from the latter. She does not feel like she has won anything. She sees the next 4 years as a broader opportunity to serve Niceville and its people. Whether she admits it or not, Granny is a winner, and so are we all.

Jesse Edge has given 83 years to her town, and that many years of inspiration to each of us. She will do Niceville proud, proud enough I am sure; come 1987, the folks of Niceville will be chanting "4 more years."●

USTTA A FIRST STEP

● Mr. SASSER. Mr. President, I am sure that my colleagues agree that a strong, comprehensive, national policy on travel and tourism makes sound economic sense. Indicative of this attitude was our passage by unanimous voice vote on May 25 of S. 212, the legislation authorizing funds for the U.S. Travel and Tourism Administration (USTTA).

Remarks made on the floor at the time reflected two basic convictions: First, that a national policy on travel and tourism, manifested in the person of USTTA, made economic sense for all Americans because an improved travel and tourism industry will mean an instant influx of dollars into our economy, as well as the source of considerable tax revenues for Federal, State, and local levels of government and the creation of industry-related jobs; and second, the United States clearly lags behind other developed and even developing nations in the level of investment it makes in attracting foreign visitors and in promoting travel and tourism overseas.

I indicated at the time that the USTTA legislation was a sound first step. As a founder and cochairman of the Senate Tourism Caucus along with my distinguished colleague from Virginia, Senator WARNER, I want to reemphasize that today. And both of us want to do so by bringing attention to today's issue of Travel Agent, a travel industry news publication. In a forceful analysis of pending issues affecting the travel and tourism industry, Cord D. Hansen-Sturm argues, among other points, that a U.S. Travel and Tourism Administration is only a first step, a part of a larger effort on behalf of a healthy travel and tourism industry.

On behalf of the Senate Tourism Caucus, Senator WARNER and I commend the article to our colleagues; I ask that it be printed in the RECORD.

The article follows:

[From the Travel Agent, July 21, 1983]

OUR BATTLE AGAINST TRAVEL BARRIERS BEGINS AT HOME

(By Cord D. Hansen-Sturm)

The travel and tourism industry in the U.S. is at a fork in the river. Its energies will either steer it into the main stream or dissipate into lesser channels and thus relegate it to the backwaters of international economic history.

A lot depends on the policy decisions the Reagan Administration is making. What are they? How can the tourism industry influence them?

The overriding issue facing the industry today is not domestic deregulation. Rather it is how large a slice America can cut itself of the expanding world tourism pie.

All other issues pale by comparison, regardless of how any segment of the trade feels about any particular one.

Closely tied in with the international issue is the critical question of whether a strong United States Travel and Tourism Administration (USTTA)—within the proposed Department of International Trade and Industry—can help keep America competitive.

Since 1960, the U.S. share of international tourism receipts has decreased from 13 to 11 percent.

As a nation we are losing ground in the ever-stronger international competition for the tourism dollar—or one might say deutsche mark or yen.

Even the Communist countries are increasing their foreign tourism revenues in the '80s faster than we are; the world's most richly endowed tourism destination still runs a travel deficit in its international account.

The nation has grown soft—lulled into complacency by the convenience of a large cohesive internal travel market while the real action was abroad where our share amounts to barely a tenth.

The complexities of international tourism aren't well understood, to say the least. Few Americans manage to climb high enough to see the whole forest instead of just the trees—those comparatively small firms struggling to compete over there.

Tourism associations, travel editors, educators, corporate leaders, congressmen and federal bureaucrats all see the forest differently and their suggestions on policy show it.

Those who make and shape foreign policy here have been mostly blind to tourism. The U.S. trade representative along with the departments of State, Treasury and Commerce concern themselves largely with the exchange of commodities and currencies. Even in theory, foreign trade counts goods crossing borders, and ignores people. But this is changing, spurred by a revolution in thinking and new data about services sector trade.

Washington's public policy is to exploit the nation's comparative advantage in international trade by facilitating high technology and its services sector exports.

If this were rationally followed, a bright future for American tourism would be assured. The sale of tourism services to foreign travelers already is our third largest export category (agriculture is first). It's number one as the largest services sector export and has the greatest potential for immediate expansion.

Because foreign policy machinery virtually ignored, if it wasn't outright hostile to, tourism, industry leaders turned to Congress in the '60s and '70s to establish a self-contained tourism department. The result was the United States Travel Service (USTS)—ostracized throughout its existence by the other agencies who feared it would elbow its way to a deservedly large tourism seat at the policy table.

Presidents have made it easy for the old guard agencies to preserve the status quo by appointing mostly weak leaders to the USTS and its successor, the USTTA, and starving them financially.

Right now the budget for administering tourism is dwarfed by Jamaica's. Worse yet, the White House reportedly is considering wasting the undersecretary post once again as a political payoff to an inexperienced constituent.

To further illustrate the traditional bias of the federal government against tourism and the USTTA, just take a look at the 26th annual foreign trade report of the President and the recent Preface to Trade "published by the Executive Office of the President to provide the private sector with a brief overview of the evolution of the United States international trade policy and the policy-making process." USTTA and the National Tourism policy Council are not even listed n the extensive glossaries.

Preface to Trade does at least contain an organization chart of the Commerce Dept. which includes a box labeled "USTTA." But there is no explanation of what the agency does or why it is listed.

There are two main approaches the government can take to help an industry compete abroad. They are the same basic strategies used for pushing grain and computers, and should be applied to tourism.

First, there's marketing strategy. Governments can accept the international market as they find it and help their industries compete by providing information, a policy forum and other marketing assistance.

EXAMPLES

Foreign governments offer outright subsidies—especially to their flag carriers.

The "I Love New York" tourism campaign is a successful example of state government involvement in the internal U.S. market. The "Friendly Jamaica" campaign is a good international example.

U.S. agricultural commodities are consistently the strongest U.S. export sector, partly because the Foreign Agricultural Service of the Agricultural Dept. is marketing U.S. grain hand in glove with the large grain companies.

Second, Negotiating strategy. Governments can alter the international environment instead of setting up national marketing strategies against trade barriers.

The Organization for Economic Cooperation and Development (OECD) and the General Agreement for Tariffs and Trade (GATT) are monuments to the foresight and power of the postwar American statesmanship.

They are guardians of free trade. The main thrust of U.S. foreign trade policy is to preserve and enhance an international system as close as possible to our own market economy. However, tourism, like banking, insurance and other service sector industries is highly regulated by government, especially abroad. Higher levels of regulation, in trade policy jargon, means there are more trade barriers against foreign tourism than against goods.

The creative thrust of current U.S. foreign trade policy involves persuading other governments to dismantle barriers to free trade in services. An excellent White House policy paper on international tourism is the cutting edge of a new strategy to reduce foreign barriers to American tourism companies.

In the past year, the Administration has launched studies in the OECD and GATT preparatory to a negotiating offensive to improve conditions abroad for promoting tourism to these shores.

A third strategy is combining the first two. Here lies the challenge, finding a way to take advantage of both marketing and negotiations—to flow around the obstacles, and, at the same time, dissolve others through agreement. This is precisely where our foreign trade policy institutions fail tourism.

The private sector and Congress advocate a marketing approach internationally. The Tourism Industry Association of America's (TIA) Pow Wow and the USTTA Marketing Plan are high on the list. However, the foreign trade bureaucracy and the White House acting through the Office of Management and Budget, regularly condemn proposed USTTA marketing budgets as unnatural subsidies.

At the same time, Congress and industry leaders fail to perceive the value of the breakthrough and great promise in Reagan Administration thinking about promoting trade in services by reducing barriers to tourism in multilateral trade institutions.

Congressional tourism leaders committed solely to a marketing strategy have restrained USTTA from developing a staff capable of representing the tourism industry in foreign trade policy circles.

For example, person for person, the policy unit at USTTA is the best in the government, but there are only two people and, without active congressional support internationally, they have been overwhelmed and mostly neutralized by other agencies.

The USTTA, as a result of this confusion, is less than the sum of its parts and lives in the worst of all possible worlds. Its budget is too tiny to effectively market the U.S. tourism destination abroad or to permit it to be a player, much less a leader, in the government's fledgling services trade policy initiative in the OECD and the GATT.

Because of the severe limitations imposed on USTTA by congressional and executive bias, the nation is not utilizing its most potent leverage—trading bilateral foreign access to the large and relatively free U.S. tourism market for equivalent U.S. access to smaller and less free foreign tourism markets. Only a strong undersecretary for Tourism backed up by an industry/congressional consensus, can speak to foreign bastions of economic nationalism in language they can understand.

Thirty years ago, in a simpler era when aviation stood for tourism, the U.S. government managed in its bilateral civil air agreements to at least balance access for airlines. Now, with unilateral U.S. air deregulation, many weak American carriers must fight subsidized foreign airlines for dominance of American as well as international skies. Once at the cutting edge of tourism policy, U.S. airlines may soon become its Achilles' heel.

A strong tourism voice in a mainstream U.S. foreign trade policy institution is mandatory. Not only companies, but nation states are players in the international arena.

That is why it is essential for the tourism industry and the tourism caucuses in Congress to insist that the Reagan Administration not only include the USTTA in the new Trade and Industry Dept., but also give it a mandate with enough money to come up with and run a comprehensive foreign tourism strategy.

We in the industry have the leverage to demand this because the Administration cannot muster enough congressional votes for the superdepartment without help from tourism caucuses in both houses.

An international trade department with a strong Undersecretary for Tourism would place this industry for the first time in a position of real foreign policy power to promote U.S. tourism interests abroad.

The initiative must come from trade association and congressional tourism leaders, and the first step must be to demand that the President appoint a competent undersecretary. Should a weak political hack receive the appointment, a humiliated industry is likely once again to retreat from the objective of achieving a coordinated national tourism policy. Also, no matter how competent the staff, if an agency head is weak, that agency and its industry constituency can expect to be snubbed by foreign trade policy leaders.

An early indication of tourism power came last month when an industry group was promised that the potential for jobs and income from tourism sales abroad would be included in the presidential kit outlining the new agency. The promise was made by an assistant secretary of commerce in the International Trade Administration.

When the President begins to justify his campaign for the new trade department also on the basis of USTTA earning power for the nation, the tourism industry advances a step toward sharing real power over trade policy.

Now is the time, while the blueprints for the new department are still being drawn, for Congress and industry to form a task force to insist on strengthening the international negotiation, marketing and data functions of the USTTA.

A budget of $10 to $15 million is laughable; $50 million in seed money will produce more tourism sales to foreigners and more tourism jobs than any other trade promotion program.

Take a look at agriculture. Foreign service sales and expenses alone have a 1984 budget of $84 million. Add $4 billion in direct support outlays.

Raw political power focused by a unified industry vision of a comprehensive tourism strategy is the key. The industry, like the American farm community, must recognize that other countries play hard ball, and only the well-managed team will win.

The tourism industry should use its influence to help give the Administration its new department in return for a strong USTTA.●

ROBBING PETER TO PAY PAUL: THE SELF-INFLICTED COSTS OF FAILING TO NEGOTIATE A TEXTILES AGREEMENT

● Mr. DOLE. Mr. President, yesterday I wrote President Reagan regarding the upcoming United States-Chinese talks designed to settle the terms of U.S. imports of Chinese textile and apparel products. The discussions in Geneva next week will be the seventh round of such negotiations. Because these talks have dragged on far too long and are costing our farmers dearly, I urged the President to seek the earliest equitable resolution of the textile quota issue consistent with our overall trade interests and with our commitment to maximizing agricultural exports.

Two decades ago the Congress wisely created the Office of the Special Trade Representative, now the U.S. Trade Representative (USTR), to insure that trade policy was divorced from the dangers of having U.S. initiatives dictated by a few powerful special interest voices. The most difficult job of the Trade Representative is the balancing of the multiple—and often conflicting—interests of the constituent segments comprising the diverse American economy. Our Trade Representatives in general have successfully found ways to meet the concerns and interests of both our importers and exporters, and to resolve differences within their respective groups.

I have supported this broker's role for the USTR because it has served well to provide an ear to one group often ignored historically in U.S. trade policy circles—farmers. U.S. history is replete with examples of how farmers have been made to bear the brunt of protectionist policies that served principally to protect inefficient manufacturers at others' expense. Fifty years ago we fortunately saw the folly of this one-sided approach, after the disastrous experience with the Smoot-Hawley Tariff Act. Since then, under the auspices of the reciprocal trade agreements program and through the leadership of the USTR, the United States has successfully balanced our domestic interests in liberalizing trade to spur economic growth. Both the manufacturing and agricultural sectors have benefited from trade expansion, and millions of jobs are now dependent on exports.

Mr. President, I wrote the President yesterday because it appears that the principles of balance and coordination are in danger of collapsing regarding

textiles trade, with a severe price to be paid by our farmers. Specifically, the continued delays in concluding a new textile accord with China costs the United States millions of dollars in exports of agricultural and other products. Our farmers have been enormously patient with this situation, and are sympathetic with the concerns of the textiles industry. But the time has come to stop robbing Peter to pay Paul—the figures clearly demonstrate what a losing proposition we have, in part, inflicted on ourselves.

The following tables show overall United States-China trade data since relations between our countries were reestablished in 1973; recent United States-China textiles trade data; and Chinese grain imports.

TABLE 1.—UNITED STATES TRADE WITH CHINA

[In millions of dollars]

Period	Exports			Imports		
	Ag.	Non-ag.	Total	Ag.	Non-ag.	Total
Year:						
1973	575	114	689	23	41	64
1974	653	154	807	30	85	115
1975	78	226	304	29	129	158
1976	0	135	135	56	145	201
1977	64	107	171	61	142	203
1978	573	245	818	74	250	324
1979	990	726	1,716	80	512	592
1980	2,209	1,540	3,749	119	939	1,058
1981	1,956	1,653	3,609	338	1,559	1,897
1982	1,498	1,439	2,937	177	2,109	2,286
Jan.–May:						
1982	778	635	1,413	75	779	854
1983	314	551	865	70	142	842

TABLE 2.—CHINA: GRAIN IMPORTS BY COUNTRY [1]

[In thousand metric tons]

Item	Calendar year—			
	1980	1981	1982	1983
Total grain	13,620	13,403	15,225	11,946
Argentina	665	126	249	3,550
Australia	2,018	1,285	2,210	230
Canada	2,627	3,142	3,526	4,425
EEC	133	622	684	985
Thailand	141	143	95	150
United States	8,036	8,085	8,461	2,606
Wheat	11,792	12,691	13,258	9,691
Argentina	665	126	94	3,000
Australia	1,998	1,261	2,102	230
Canada	2,627	3,065	3,526	4,400
EEC	133	622	666	835
United States	6,369	7,617	6,870	1,226
Coarse grain	1,828	712	1,967	2,105
Argentina	0	0	155	550
Australia	20	24	108	0
Canada	0	77	0	25
EEC	0	0	18	0
Thailand	141	143	95	150
United States	1,667	468	1,591	1,380

[1] 1980–82 data are shipments to China; 1983 data are known sales by exporting countries to China through mid-June, most of which will be shipped in 1983.

TABLE 3.—UNITED STATES-CHINESE TRADE IN TEXTILES AND APPAREL, 1978–82

Item	1978	1979	1980	1981	1982
Exports:					
Raw cotton	157.3	351.0	701.3	464.0	177.8
Manmade fibers and yarns	47.8	90.0	260.3	531.3	217.2
Textile mill products	1.9	6.0	66.9	79.2	5.8
Apparel		.4	.1	.4	.1
Total	207.0	453.5	1,028.7	1,074.8	400.9

TABLE 3.—UNITED STATES-CHINESE TRADE IN TEXTILES AND APPAREL, 1978–82—Continued

Item	1978	1979	1980	1981	1982
Imports:					
Textiles and products	65.0	59.0	134.7	232.9	233.2
Apparel	64.7	136.2	265.6	417.2	614.6
Total	129.7	195.2	400.3	650.1	847.8
Trade balance (−)	77.2	258.3	628.4	424.7	(−446.9)

Mr. President, Table 1 shows that U.S. exports to China fell approximately 30 percent the first 5 months of 1983 on an annualized basis compared to 1982 exports. The losses involve hundreds of millions of dollars, and the brunt is being borne by farmers. U.S. agricultural exports were down by more than 60 percent the first 5 months of the year, compared to the same period in 1982. The difference in dollar terms was $464 million. Table 2 shows that the Chinese have shifted to alternative suppliers, particularly Argentina, Canada, and the EEC. Table 3 shows that until last year, the United States enjoyed a trade surplus in textiles, apparel, and raw cotton trade.

The Chinese have enjoyed better harvests this year and U.S. prices occasionally have been high. But overall Chinese demand for wheat is not expected to diminish in 1983, and even where U.S. bid prices have been below other countries' offers, the Chinese have selected from the alternative sellers. Their purchases plainly are tied to our willingness to allow trade to be a two-way street. Because China must be able to sell to us if they are to buy from us, and because the United States has enjoyed a very favorable bilateral trade surplus in recent years—thanks to agricultural exports—it is understandable why the Chinese are retaliating against our imposition of higher textile quotas, even if the U.S. position is perfectly justifiable.

World textiles trade generally is covered by the multifiber agreement, and U.S. imports of textiles and apparel products are controlled through bilateral quota agreements. Tariff rates for textiles products remain among the highest of all product categories. There is hardly any other industry that approaches the textiles industry in its degree of import protection.

I do not quarrel with the need for some level of such protective measures. The textiles industry and its workers certainly would have difficulty surviving in the face of unfettered competition with the low-wage exporters. I further do not want to credit the Chinese negotiators with any particular degree of understanding, either of the terms under which an agreement must be negotiated, or of the plight of the U.S. domestic industry. Both sides must be forthcoming if an agreement is to be reached.

What I strongly object to, however, is the unwarranted delay in the negotiating process. The ever-increasing amount of lost sales due to delay is an unwarranted penalty on our farmers and other exporters. Further, there is no guarantee that these export markets, once lost, will ever be regained. Finally, a continued low level of exports threatens the U.S.-China grain agreement, and may cause much higher expense for the PIK program.

Mr. President, it is one thing to seek to attain specific negotiating goals; it is another to refuse to negotiate. This is the reason I urged President Reagan to go forward with these talks. We must balance all of our interests if our trade policy is to be successful.

VISIT OF PRESIDENT AMIN GEMAYEL

● Mr. SPECTER. Mr. President, in September of 1982, I had the opportunity of meeting with the late President-elect of Lebanon, Mr. Bashir Gemayel. As we spoke, the young President conveyed his determination to realize the dream of his forefathers: to establish peace in a nation which for so long has suffered from the pains of civil strife. Bashir Gemayel spoke with clarity and candor when he told me:

> If the Government of Lebanon fails now to reunify and reunite the country, economic progress will not suffice. Without a national consensus among all Lebanese, everything will be destroyed.

Three days later, Bashir Gemayel was assassinated in a brutal act of terrorism, underscoring the need for all concerned parties to negotiate a peaceful settlement to the conflicts in the Middle East region.

Today, Mr. Bashir Gemayel's brother, Mr. Amin Gemayel, the new President of Lebanon, is here in America explaining how he is carrying on his brother's quest for peace. Mr. President, allow me to speak on behalf of the American people in welcoming this brave, courageous leader to our country.

President Amin Gemayel, in signing a peace treaty with Israel has acknowledged that the most effective avenue for pursuing peace is negotiation. With President Gemayel's heroic leadership, Lebanon has set an example for other Arab nations to follow—namely, recognizing Israel's right to exist. What Mr. Gemayel has come to realize, is that only through securing Israel's borders, can a just and lasting peace be established. I am hopeful that foreign troop withdrawals from Lebanon will proceed with all due speed, allowing President Gemayel to establish sovereign control over this democratic nation.

In connection with America's lifelong friendship with Lebanon, I am proud to announce that members of the Senate-House Appropriations Conference Committee are meeting this week to discuss the supplemental appropriations for fiscal year 1983. Fore-

most in their minds is how the U.S. can assist Lebanon in building a nation of strength. The extension of this material support reflects the confidence that the U.S. Congress and the American people have in President Gemayel and his ability to govern a free Lebanon.

I had the pleasure of having lunch with President Gemayel together with many of my fellow Senators. I was pleased to meet, greet, and discuss with President Gemayel problems of mutual concern. I am confident that together, as men of good will, we can make progress in solving our mutual problems.●

TIME TO GET TOUGH ON AGRICULTURE TRADE ISSUES

● Mr. HELMS. Mr. President, the United States recently ended 6 months of intensive negotiations with the European Community regarding agricultural trade problems with absolutely no satisfactory settlement. After 6 long months of discussion, the United States and the EEC could only agree to form a working group to continue negotiations. I see little chance of a successful resolution of the trade dispute through this process, given the Community's intransigence on the use of agricultural export subsidies.

This latest failure to settle our trading differences follows last November's GATT Ministerial in Geneva where the EEC was successful in blocking a concerted effort on the part of a number of nations to resolve the issue of agricultural export subsidies.

The United States and the EEC have been discussing this issue for years without successful resolution. As far back as 1971, then Secretary of Agriculture Clifford Hardin, in a letter to the Vice President of the Commission of the European Communities, detailed current and potential problems with the Community's pricing policies. The letter is remarkable in the accuracy of its predictions.

Dr. Hardin was a successful educator and administrator before he became Secretary of Agriculture. In this letter, Secretary Hardin cited a Michigan State University study which projected that the EEC subsidies would cause the EEC to become a net exporter of crops.

Secretary Hardin was exactly right. In 1981, the EEC changed from a net importer to a net exporter of grain, due to their unrealistic support prices and predatory export subsidies. The United States has been protesting these practices for 12 years now, and it's time our farmers had some relief. I ask that the text of Secretary Hardin's letter be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 8, 1971.

Dr. SICCO L. MANSHOLT,
Vice President of the Commission of the European Communities, 24 Avenue de la Joyeuse Entres, Brussels, Belgium.

DEAR DR. MANSHOLT: I greatly appreciate receiving your letter of July 12 outlining the background and your views on the price increases proposed for various agricultural products in the Community. I regret the delay in replying to this letter, but you will appreciate that much has been going on here in the United States in recent weeks and I have been preoccupied with the agricultural aspects of the new economic policy.

You point out that the dominant factor in the Community's economy at present is the continuing inflation. Certainly inflation is our problem also. For some time our farmers have had to cope with the problem of having prices for the goods they use to produce increase more rapidly than the prices for their output. This is why the farmers are supporting the President's new program. We do not believe the solution to the problem of inflation lies in price increases, even if they are small ones.

As regards the Common Agricultural Policy, your letter points out that you need a price increase of 2-3 percent to bring the level of income for the 20 percent of your farmers which you characterize as the best farmers on the good farms, to the level of the rest of the economy. You indicate that you do not expect these price increases to give a further stimulus to production. Our quarrel with you on this, I think, is that we believe your prices on grain are already too high in respect of these best farmers. Let me illustrate this problem with two commodities—grain and dairy products.

On grains, between 1961 and 1971 the total production of grains in the Community has increased from 49.6 million metric tons to 74.1 million metric tons. Between 1961 and 1969, intra-EC trade increased sharply, imports outside increased for a time, then trended downward. EC exports expanded and net imports from third countries dropped from 13.3 million metric tons to about 2.6 million metric tons—a decrease of about 80 percent. In the 1970/71 crop year this situation improved considerably from our point of view, but only because of Europe's adverse weather, depleted EC stocks, and the expansion in EC pig production. EC net imports returned to about 10 million metric tons.

This present crop year, with the resumption of decent weather in Europe, the outlook is for net imports of only 5-7 million tons. We now have fairly complete estimates of 1971/72 EC grain production and these indicate a record crop of about 74 million tons. With this large crop, you have two alternatives: to stock, which we strongly urge you to do, or to move your crop onto world markets under heavy subsidy. Whichever alternative you choose, of course, will cause problems for other grain producers, who also have had good crops, but stocking is by far the best alternative of the two.

Moreover, an independent study conducted by Michigan State University indicates that unless Community prices are reduced, this trend of constantly increasing production will continue and by 1980 the Community will be a net exporter. As I have indicated on the several occasions we have discussed this serious problem, we believe the answer is to reduce prices in the Community—we have suggested a figure of $15 per metric ton—and to deal with the income problem of the 80 percent of your farmers through some form of income payments.

On dairy, in the past year we have seen a remarkable change in the international dairy situation. World prices, I am told, have increased by 50 percent in recent months. Our analysts say this is partly in response to adverse weather, but that the principal factor underlying this price change is the withdrawal of the European Community from the international market. The market is now left to the traditional suppliers. If this analysis is correct, it is striking what an impact your subsidized dairy exports have had on world market prices. What will happen when your production recovers from its present slump, as we expect it to do under Community prices at their present levels?

These problems are illustrative of the many for which we must find solutions. So far those solutions are not in sight. To arrive at them it will be necessary, I am sure, for us to do considerably more than "sit down together and provide justification" for our policies, as you put it. It will be necessary for us to sit down and provide solutions.

I have just learned that you will be coming to Washington with the EC team on the 21st and 22nd of this month. I look forward to your visit and to further a discussion of these critical issues.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

Mr. HELMS. Mr. President, while I remain committed to the negotiating process and believe we should continue to discuss these issues, I think it is becoming increasingly evident that discussion alone will not produce results. The EEC has shown its unwillingness to revise its predatory trading practices. And unless this country takes further steps to demonstrate to the Community our commitment to restoring equity in the international marketplace, the Community will continue to unfairly capture a larger and larger share of world markets.

So we have taken several important actions to demonstrate our resolve, but additional measures are clearly needed. Last year, during the Senate Agriculture Committee's consideration of agricultural programs in the budget reconciliation process, I offered an amendment directing that $175 to $190 million of Commodity Credit Corporation (CCC) funds be used in each of fiscal years 1983 through 1985 to counter the price and credit subsidies of other countries. That amendment was adopted by the committee and approved by the full Senate. In conference with the House of Representatives, this language was revised to provide the $175 to $190 million for export activities of the CCC in general. President Reagan signed the Omnibus Budget Reconciliation Act of 1982 on September 8, 1982. Approximately $100 million of this money has been used in the highly successful, new "blended credit" program. Under this program, interest-free direct credits are blended with CCC credit guaran-

tees of private lender financing at market interest rates. The total package provides interest rates at levels competitive with subsidizing countries so as to encourage potential purchasers to buy U.S. products.

In addition, as part of the agricultural appropriations act for fiscal year 1983, Congress directed that not more than $500 million be used for CCC direct export credits.

Mr. President, to counter the unfair competition from subsidized French wheat flour sales to Egypt, the U.S. Department of Agriculture agreed in January of this year to provide enough CCC owned, surplus wheat to U.S. suppliers to enable them to sell and deliver 1 million metric tons of wheat flour to Egypt at a price agreed upon by the Governments of the United States and Egypt of $155 per metric ton. Credit guarantees were also to be used.

And just within the last month, the Senate Committee on Agriculture, Nutrition, and Forestry reported legislation adjusting price support levels for several agricultural commodities. Not only will this action help improve the domestic agricultural economy by sending a more accurate price signal to farmers as well as by reducing Federal outlays by several billion dollars, it will also help the United States in our efforts to negotiate freer world trade for agricultural commodities. Unlike our counterparts in the EEC, the U.S. Congress has made and is making serious efforts to revise our agricultural support programs. Our efforts in this area certainly weaken the Community's position that such hard choices and actions are impossible. I think moving in this direction is equally difficult for both the United States and the EEC. Our country is making a difficult, but correct, choice. The EEC, however, refuses to revise its agricultural policies and programs.

This legislation also provides additional funds for export initiatives by allocating a portion of the budget savings from the target price adjustment into export promotion. The legislation provides the Secretary of Agriculture with maximum discretion to determine the most effective use of the savings to promote export sales. However, the legislation requires that repayments of any credit extended from these savings be used to fund the Agricultural Export Credit Revolving Fund, authorized by the Agriculture and Food Act of 1981. In addition, any repayments of credit extended under the Helms amendment in fiscal years 1984 and 1985 must also be used for the fund. Floor action on this legislation is expected shortly. I believe its passage is vital to the economic health of American farmers.

As part of the agricultural appropriations package, the full Senate also approved earmarking $5 million of CCC funds to be used to counter the use of unfair subsidies of other nations.

I would mention further, Mr. President, that the Senate Committee on Agriculture, Nutrition, and Forestry has also reported legislation that is designed to restore equity to the international trade of agricultural commodities and to maintain and enhance foreign markets for U.S. agricultural exports. S. 822—the Agricultural Export Equity and Market Expansion Act of 1983—authorizes the Secretary of Agriculture to take a number of actions which will convey to the EEC and certain exporting nations the seriousness with which this Nation regards their predatory trading practices. I believe enactment of the legislation will be a positive step in persuading the Community to come to the bargaining table to begin serious efforts to reduce, and ultimately eliminate, export subsidies.

Action on this legislation is vital. For every year that goes by while the EEC and others capture markets through predatory export subsidies, this country suffers from lost exports. At recent hearings on agricultural trade before the Joint Economic Committee, Under Secretary of Agriculture for International Affairs and Commodity Programs Daniel Amstutz testified that "subsidies of the EEC alone have cost the United States $5 and $6 billion a year in exports since 1980. If conditions don't change, the loss could be up to $8 billion by 1987."

Unless this country takes stronger actions, we most certainly will be faced with higher market losses because of the EEC's predatory trading practices. We cannot afford these lost markets. Lost export markets cause declines in farm income, growing agricultural surpluses, higher taxpayer costs and fewer jobs. Lost sales also have a negative impact on the U.S. balance of payments and contribute to our trade deficit. Export declines also result in a general slowdown of U.S. business activity since every dollar received from farm exports is more than doubled in the economy. The estimated annual $6 billion loss of U.S. export markets since 1980 because of EEC export subsidies represents a loss of over $48 billion in total U.S. business activity through the end of this year.

There is a growing consensus that the United States must continue to be tough and to act forcefully to defend itself against unfair trading practices of others. This was the sentiment voiced by officials from the U.S. Department of Agriculture and the U.S. Trade Representative at the recent Joint Economic Committee hearings. These officials also expressed disappointment in the lack of workable rules in international trade. I share their disappointment. Deputy U.S. Trade Representative Robert Lighthizer stated that the U.S. efforts to achieve fair trade through the GATT process "have not been very successful" and that, although this country is committed to the process itself, we should be prepared to take unilateral action because certain countries have been effective in stalling the entire process.

I entirely agree with Ambassador Lighthizer. We must continue to discuss trade problems with the European Community and other countries employing predatory trading policies. But we must also take immediate steps to protect U.S. markets and U.S. farmers in the face of heavy and unfair competition in the international market. There are certain commodities that can be clearly identified as being grievously affected by other countries' unfair trade practices. Poultry and eggs are two such commodities. In a further effort to help this Nation regain and retain its competitive edge in world agricultural markets, several Senators including myself have sent a letter to the President urging him to authorize the Secretary of Agriculture to implement an export promotion program to assist egg producers. I ask that the texts of both this letter and a letter which I sent separately be printed in the RECORD.

The letters follow:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., July 1, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Under separate cover you received a letter from a number of other Senators and me urging the implementation of an export promotion program for United States eggs. I want to emphasize again that this and other export actions are vital to the health of American agriculture, and these actions are especially timely.

It is time for the United States to take stronger steps to help American farmers counter the unfair trade practices of foreign countries. Last week, we ended 6 months of intensive bilateral negotiations with the European Economic Community on agricultural trade problems, which produced no satisfactory settlement. Similarly, consultations with Brazil have not resulted in the needed solutions. If negotiations do not produce satisfactory results, then the United States has no choice but to take stronger unilateral action to help our farmers by persuading other nations that predatory trading practices must stop.

As an indication of the sentiment in Congress, the Senate this week adopted an amendment offered by Senator Mattingly to the Agriculture Appropriations bill which requires that a minimum of $5 million in funds or commodities be used to counter the unfair trading practices of other countries. The amendment was adopted without objection.

Of course, there are already tools which the Administration can use to assist American farmers in the face of heavy and unfair competition in the international market. I hope these tools will be used in the manner

suggested in the earlier letter, and I understand that Senator Mattingly has met with Secretary Block and outlined several proposals for facilitating the sale of shell eggs to Iraq. I greatly appreciate your support in this and other export efforts.

Sincerely,

JESSE HELMS,
Chairman.

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., July 1, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We urge you to immediately authorize the Secretary of Agriculture to implement an export promotion program to assist United States egg producers in filling an order for eggs from the government of Iraq.

Despite the efforts of United States negotiators to find an acceptable solution to unfair trade practices used by other nations in exporting their agricultural products, the problem still exists. The European Economic Community and Brazil are the major countries employing these practices; they are continuing to take markets away from United States farmers. The United States egg industry, in particular, has been devastated by these practices and there is no chance in the foreseeable future of our regaining an equitable share of overseas markets in the absence of Government assistance.

In 1981, after four years of developing a coordinated, cooperative export program, United States egg producers were a dependable, reliable supplier of shell eggs to Middle Eastern markets, primarily Iraq. In 1981, nearly three million cases of shell eggs were exported at fair market prices by United States producers, representing two percent of the total production. In 1982, because of practices employed by the European Community, egg exports were cut in half, and exports of shell eggs this year are virtually at a standstill. This has caused a severe price depression in the industry, since eggs are extremely price sensitive to supply and demand. The situation continues to worsen because of increased feed grain prices, placing United States producers in a desperate situation. In fact, substantial numbers of producers are no longer in business, and even more are on the verge of bankruptcy.

In the last year and a half, egg producers have patiently waited for some type of relief. They waited for the GATT decision on the section 301 wheat flour petition, which was not helpful to the United States position. They waited until after the GATT ministerial meeting last November, again with no positive result. Follow-up meetings in Geneva also gave no hope of a resolution. More recently, egg producers waited for the Williamsburg summit in the hopes of progress in agricultural trade. However, the vague statement in the Williamsburg declaration on economic recovery to halt protectionism and dismantle trade barriers said nothing about agriculture.

Congress has endeavored to improve agricultural exports by including language in the Omnibus Budget Reconciliation Act of 1982 to require the Secretary of Agriculture to spend $175 million to $190 million for export assistance during each of the fiscal years 1983, 1984, and 1985. Also, the agriculture appropriations Act for fiscal year 1983 authorized an additional $500 million. Some of that money has been used for blended credit programs. However, in the case of egg exports, blended credit programs have not been attractive enough to allow United States producers to compete with the subsidized product being provided by France and the Netherlands.

An order to Iraq was lost earlier this year because the blended credit program amounted to a price advantage of only $1.60 per case, although the price disparity between the United States and the EEC subsidized product was closer to $7.00 per case. However, another order for Iraq is again available for United States producers to fill; but there is still a price differential of about $3.50 per case.

Over $75 million is still available for fiscal year 1983 from the funds mandated to be spent by the Omnibus Budget Reconciliation Act of 1982. We respectfully urge you to see that part of these funds are used for United States eggs to make the price competitive and allow our producers renewed access to overseas markets. The use of the funds is such a manner would be consistent with the provisions of S. 822, the Agricultural Export Equity and Market Expansion Act of 1983. That bill has been reported by the Agriculture Committee and is pending on the Senate calendar.

The Department of Agriculture is aware of the problems facing the Nation's egg producers, and is capable of implementing immediately such an export promotion program for eggs. Since the Iraqi tender will be open only a short time, it is imperative that a decision be made by you as soon as possible to facilitate the economic recovery of the Nation's egg producers.

Sincerely,

Walter D. Huddleston, Thad Cochran, Roger W. Jepsen, John Melcher, Rudy Boschwitz, Paula Hawkins, Jesse Helms, David H. Pryor, Howell Heflin, David L. Boren, Mack Mattingly.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Mr. Tom Gallagher, of the staff of Senator GEORGE J. MITCHELL, to participate in a program sponsored by the Chinese Cultural University in Taiwan, from August 16 through August 26, 1983.

The committee has determined that participation by Mr. Gallagher in the program in Taiwan, at the expense of the Chinese Cultural University, to meet with government officials and those from the business and academic sectors, is in the interest of the Senate and the United States.●

PROGRAM

Mr. CHAFEE. Mr. President, did the majority leader outline the schedule for tomorrow?

Mr. BAKER. Mr. President, there is an order for the Senate to convene tomorrow at 10 a.m. It is my hope that negotiations that have gone on for a number of hours today will produce a unanimous-consent request tomorrow, the first thing, that will not be objected to. If that is the case, I would anticipate that the unanimous-consent request will include the vitiation of the cloture motion and certain other arrangements that will lead us to a time certain for final passage of this measure.

I repeat, that is not yet done. Those negotiations are still under way. But the Senate will convene at 10 a.m. and I expect to have a further announcement shortly.

Mr. CHAFEE. May I ask the majority leader, if these negotiations were successful and the order for the cloture motion were vitiated, what would he then anticipate would follow?

Mr. BAKER. Mr. President, it is not absolutely clear now what would follow in that happy event. My guess is that if the cloture vote were vitiated, we would spend a part of the day tomorrow dealing with non-MX related amendments. I do not think there are very many. Unless some develop overnight, my guess is we could dispose of them before the day is very old.

Mr. TOWER. Will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. TOWER. There is only one that can possibly be disposed of without resort to an amendment. That is regarding intelligence. That will be fully protected.

Mr. CHAFEE. If that is what I am thinking of, that has been withdrawn.

Mr. TOWER. It is my understanding that it has been withdrawn. I believe it is going to be disposed of without an amendment.

Mr. CHAFEE. That would not involve a rollcall vote at any time?

Mr. TOWER. No.

Mr. CHAFEE. What I am trying to get from the majority leader is an expression, if he could—the order now is to come in at 10 a.m. There would be negotiations, time for routine morning business and the majority and minority leaders to have their time and so forth. But if all were to work out and the order were vitiated, then the majority leader was saying he anticipated that we would dispose of these matters, non-MX matters. Then would something occur on Monday, for example, or tomorrow, on the MX matter?

Mr. BAKER. Mr. President, yes, I am really going further now than I should. What I hope is that we get rid

of all the non-MX amendments during the day tomorrow. I really hope we can do that fairly soon tomorrow and it is my hope it can be done without rollcalls. Senators should not assume there will be no rollcalls, but that is a possibility, I hope we can do that by midafternoon at the latest and that we go over then until Monday.

We would come in, I propose—we do not have an order yet—at 11 a.m. on Monday. We would spend Monday and Tuesday, I trust, on the MX amendments and specify the unanimous-consent agreement which will be proposed and then have a time certain for the vote on Tuesday.

Mr. CHAFEE. May I ask another question, and I know we are advancing at our own peril here, because the majority leader cannot guarantee anything beyond what he has outlined, or even what he has outlined. The time for the vote on the cloture motion—is there a time certain set for that now?

Mr. BAKER. Yes, Mr. President, that will occur 1 hour after the Senate convenes and after a quorum is established. At 11 a.m. there would be a live quorum call and as soon as we got that quorum, there would be a vote. I anticipate that could be at 11:50.

I understand the Senator's problem, Mr. President. All I can say is we gave serious thought to trying to bring the Senate in at 9 o'clock or even earlier and ran into complications—too many to list at this time.

Mr. CHAFEE. I understand these matters are fraught with peril. I thank the majority leader.

Mr. BAKER. I thank the Senator from Rhode Island.

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

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. 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. BAKER. Mr. President, on tomorrow when the Senate reconvenes, it will do so at 10 a.m., under the order previously entered. It is anticipated that after the two leaders are recognized under the standing order, there will be a brief period for the transaction of routine morning business.

As matters now stand, a vote on cloture will occur against further debate on the substitute 1 hour after we convene and after a quorum is established, pursuant to the provisions of rule XXII.

I reiterate, Mr. President, that negotiations are underway which may result in a vitiation of that vote—that has not now been done, but it is a distinct possibility—and good progress is being made toward that end, as well as the time certain for final passage of the bill itself.

Mr. President, I cannot say with certainty whether there will be votes on Friday or not. However, I cannot assure Senators that there will not be.

I do not expect that Friday will be a late day. Barring unforeseen circumstances, I suspect that we should be able to adjourn over until Monday at a reasonably early hour in the afternoon.

I do not anticipate the need for a Saturday session at this time. I believe that when the package is finally put together tomorrow, as I hope it will be, it will provide for a convening hour of 11 a.m. or thereabouts on Monday next.

I will have a further announcement to make shortly after the Senate convenes on Monday.

Mr. President, I know of no other Senator now seeking recognition.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I move in accordance with the order previously entered that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 9:40 p.m., recessed until Friday, July 22, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1983:

THE JUDICIARY

Morton R. Galane, of Nevada, to be U.S. district judge for the district of Nevada vice Roger D. Foley, retired.

John F. Keenan, of New York, to be U.S. district judge for the southern district of New York vice Lloyd F. MacMahon, retired.

DEPARTMENT OF JUSTICE

James B. Roche, III, of Massachusetts, to be U.S. Marshal for the district of Massachusetts for the term of 4 years vice James I. Hartigan, retired.

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the eastern district of Pennsylvania for the term of 4 years vice Edward D. Schaeffer, term expired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Lynwood E. Clark, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Bruce K. Brown, [redacted] FR, U.S. Air Force.

IN THE NAVY

The following-named lieutenants of the line of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

To be lieutenant commander

Abbott, Gerald Paul
Abel, Robert John
Abernathy, John Matthews, III
Adams, Christopher Timothy
Adamson, Robert Edward, III
Aishman, Jackie David
Albert, Paul William, Jr.
Alexander, Robert Cyril
Allbee, Gary Thomas
Allen, Charles Ted
Alvarez, Michael Patrick
Ambrose, Steven Philip
Amelon, Richard Rowland
Ames, Christopher Conlan
Anamosa, John Patrick
Andersen, Terry Lynn
Anderson, Charles
Anderson, Scott Pierce
Andrews, Vincent John
Annis, James Brent
Archer, Paul Lawrence
Areizaga, Charles
Arildsen, Jesse Arnold
Army, Denis Vincent
Arnold, Richard Ray
Arnold, Stephen Gerard
Arrowood, Roger Alan
Atkins, Tommy Harold
Augustine, Marilyn Jane
Baar, Eric Cameron
Babbitt, Homer Almon
Bader, Carolos Samuel
Baivier, Anita Gail
Baker, Francis Edmond
Baker, James Michael
Baker, Jeffery Ward
Baker, Joe Franklin
Baker, Michael Newman
Baldwin, Thomas Michael
Bange, Jeffrey Donald
Barbieri, Anthony Andrew
Barkdoll, David Owen
Barnett, George Allen
Barns, William Flemming
Barrie, Robert William
Bartsch, Rodney Otto
Bary, Charlene Granger
Basin, Mark Stephen
Bass, Luncford Lewis
Bauer, Geoffrey Lee
Bauer, Russell Arno, Jr.
Bayer, Michael Joseph
Bazemore, Paul Rudolph, Jr.
Beatty, Florence Elizabeth
Beatty, Thomas Patrick
Beck, Charles Edward
Beck, David Willis
Beck, Reece Nelson
Beckman, Brian Alfred
Beda, Thomas John
Bednash, Charles Francis
Begley, Grant Allan, Jr.
Belcher, Charles G.
Belcher, Frank Lee
Bell, Fredrick Arthur
Benavidez, Ralph Lester, Jr.
Benigno, John Christian
Benkert, Francis Michael
Berberich, Larry Russell
Bernhard, David Lee
Bernier, Brett Boulter
Bernier, Carroll Dennis
Bernstein, Lou
Berry, Douglas James
Berry, Edmund William
Berry, Judith Ann Miller
Berthrong, William Edwards

Bertsch Fred Stanley, III
Bertsche, Mark Steven
Beth, Daniel Richard
Bettinson, David Oneil
Biedermann, Steven Donald
Bielewicz, Paul Anthony
Billingsly, David Eugene
Black, Bruce M.
Black, Margaret Anne
Blake, John Terence
Blakely, Robert Graham, Jr.
Blankenship, David Delton
Blauser, David Jacob
Bledsoe, Robert M.
Bleeker Hans Jacobus
Bloss, Walter Jay
Bloxom, Elliott Lawrence
Bobb, Kenneth Allen
Boehm, Lee Irvin
Bohn, John Lloyd, II
Bois, John Joseph O., Jr.
Bolger, Randall Craig
Bolyard, John Wesley
Bonanno, Samuel Joseph
Bond, Margaret House
Bookert, Reubin Bernard
Borries, Robert Bruce
Boschert, Gregory Herbert
Boucon, Daniel Lee
Bourne, Carlton Mitchell
Bowling, Raymond Bruce
Boyce, Robert Lee
Bozin, Stanley Daniel
Bradley, David Glenn
Brainerd, Jeffery Howard
Brannon, Robert Burl
Brasel, Thomas Mitchell
Brattin, Kenneth Robert
Braunbeck, Michael C.
Breen, Michael Patrick
Brehm, Barbara Laurie
Brennan, Ainslie Sheridan
Brewer, Robert George, Jr.
Briscoe, Philip, Jr.
Brock, Donald Fred
Brody, Robert Arthur
Bronkema, Roberta North
Brooks, Forrest Hall
Brooks, Thomas Roy, II
Broughton, George Clifford, II
Broughton, Robert Lee, II
Brown, Chalker Whitner, III
Brown, Gerald Robert
Brown, Jerry Joe
Brown, Kevin Michael
Brown, Leslie John
Brown, Nancy Elizabeth
Browne, Robert Sloman, IV
Bruce, Richard Vincent
Brjeckbajer, Roger Irvin, II
Bruno, Paul Nicholas
Bryce, James Homer
Bryson, George Yates
Bullock, Robert Alan
Bultemeier, Craig William
Bulwicz, Steven
Bundy, William Francis
Burd, James Edward
Burgess, Richard Robert
Burgess, Stella Boggess
Burklund, Jo Anne
Burks, Donald Morris
Burlingame, Neil Colby
Burtis, Thomas Cline
Burton, Eugene Ralph
Bush, John Richard
Bush, Richard Albert
Bush, Richard Leroy
Bushong, Anne Louise
Bushong, Gregory Brent
Bustamante, Robert Peter
Butcher, Marvin E., Jr.
Butler, John Dale
Butts, Jeffrey Morgan
Buzby, Robert Elsworth
Byrne, John William, IV
Cabrian, Stephen Lloyd
Caddell, Marvin Ross
Cady, David Wayne
Cain, Dannie Lee
Calhoun, John Delane
Callahan, John Kevin
Callaway, Scott Edward
Camden, William Lowell, Jr.
Carey, Leslie Frank
Carl, Keith Pennington
Carlson, Carl Glynn
Carlson, David Richard
Carpenter, Edward John
Carpenter, William Arthur
Carr, James Charles
Carter, Claude Ray
Carter, James Charles
Carver, Mary Virginia
Casey, Kevin Donald
Casey, Patrick Joseph
Casey, Robert Jeffrey
Cassani, Paul C.
Cassias, Jeffrey Brian
Cattolico, Michael Anthony
Cavanaugh, Thomas Aloysius I.
Centeid, Anthony Fernades, Jr.
Centner, James Leo, Jr.
Cerino, Michael Norman
Cheesbrough, Kevin R.
Cheeseman, Edward William, Jr.
Chesson, Roy Willis
Chilton, Michael Anderson
Choley, Theodore John
Church, Richard Carl
Cihlar, Thomas James
Ciola, Joseph Paul
Cirulli, Lucio N.
Clark, Frank Neil
Clark, John Timothy
Clark, Richard Noble
Clary, Michael Dennis
Clajsen, Scott Allan
Clement, Robert H.
Coady, Jerry Jay
Coldiron, Larry Dale
Cole, Stephen David
Cole, Tyler Martin
Colegate, Gregory Allen
Collier, James Richard, Jr.
Collins, Robert Theodore
Collins, Steven Edward
Collis, Jerry Carroll
Comi, Patrick Michael
Conley, Jeffrey Martin
Conn, Stephen Alan
Conrad, Lawrence James
Conrad, Robert Daniel
Conte, Donald Vincent
Cook, Frederick Cornelius
Cooper, James Duncan
Corley Robert David
Corrigan, Dennis Michael
Costa, Joseph Russell
Coston, Phillip Wayne
Covington, Benjamin Bryan
Cox, Carson D.
Cox, David Corydon
Cox, Robert Justin
Cox, Vincent Henry
Cox, William E., Jr.
Coy, John Howard
Craft, William Patrick
Cramer, Michael Lee
Crawford, Billie Elizabeth
Crawford, Geoffrey E.
Crawford, Johnny Cody
Crews, Jeffrey Joseph
Crisp, Donna Lynn
Crissinger, Michael Aloysius
Critz, Michael Richard
Crooks, John Scott
Crosby, John Joseph, Jr.
Crow, David Lyle
Cunningham, Robert Louis, Jr.
Cupp, Richard Terrell
Curry, Patrick Francis David
Curtis, John Thomas
Curtis, Lebbeus
Curtis, Susan Eliason
Daley, William Henry, III
Dalton, Jerry Wayne
Daly, Terrence Francis
Dames, Anthony Edward
Dandeneaj, Allen Henry
Daugherty, David William
Davidson, Lyal Barclay
Davilli, Thomas Bernard
Davis, Albert Randall
Davis, Lee R.
Davis, Lee Stuart
Davis, Robert Eugene
Davis, William Thomas, Jr.
Dearth, Randolph Scott
Deas, Roseman Louis
Decker, Franklin Eugene
Defrank, Deborah Ella
Delery, Thomas Arnold
Delpino, Joseph Michael
Deming, Christopher Lee
Dempsey, James Robert
Denham, Thomas Edwin
Denis, David Arthur
Dennis, Samuel Edward
Derrick, Michael Bolton
Destefand, Robert
Detisch, John Charles
Deveaux, Charles M., III
Dewey, Brian Edward
Dick, Richard
Dickason, Clarence Wilson, Jr.
Dillon, Steven Frederick
Dixon, Deirdre Elise
Doehnert, Mark Paul
Doherty, John Thomas, Jr.
Dolan, Thomas Philip
Dolat, Stephen William
Donigan, Michael John
Donnelly, John Jay
Donovan, Thomas Joseph
Dorman, Robert Alexander
Doughty, Michael Henry
Douglas, Christopher Allen
Douglass, Stanley Wayne
Dowell, Jon Christian
Downing, Harry Eugene, III
Downing, Julie Ann
Drennan, Bruce Curtis
Drislane, Patricia Ann
Droddy, James Edward
Ducharme, James Edgar
Duffie, David Angereau
Dunaway, William Arnold
Duncan, Marshall Bruce
Dunlap, James Charles
Dunn, June Emerson
Dupajl, Gilbert Allen
Durkin, John James, Jr.
Durnan, Jaymie Alan
Durr, Richard Dale
Duym, Wade Douglas
Dyson, James Joseph
Eason, Virginia Louise
Eaton, Albert Linwood, Jr.
Eckelberry, John R.
Edgar, Leslie Irvine
Edman, Gregory Alan
Egbert, Jean Lorraine
Eichelberger, Robert Macneil
Ellis, Gary Joe
Emery, James Wallace, Jr.
Emley, James Edward
Enlow, George Wayne
Erickson, Richard Royce
Estes, Steven Craig
Ewing, Ronald John
Faber, Gerald William

Fackrell, Michael Allan
Fahrner, Gregory Charles
Fair, Christopher Kenneth
Falby, John Stephen
Falzetta, Ottavid Antonio
Fandey, Dennis Fayze
Faris, John Mark
Farley, John Peter
Farley, Michael Francis
Farrell, Paul Francis
Feeley, Stephen Lewis
Feinberg, Roy H.
Ferguson, Julian Albert, II
Ferris, William Frederick
Fichte, Susan Darlene
Fickling , Philip Johnson
Firmatura, Melodie Kathryn B.
Fischbach, Daniel Paul
Fischbeck Paul Stelling
Fischer, Wayne Douglas
Fitzmorris, Lawrence Joseph
Fitzsimons, John Vernon
Flammang, Harold Joseph, Jr.
Flannery, Brian Edward
Fletcher, James Howard
Flippin, Walter Norwood, II
Flores, Errol Jonothan
Floyd, Charles Alan
Foerster, Bernd Alwin
Foerster, John Craig
Foley, Luther Bernard, Jr.
Folly, Frank Edward
Fonnesbeck, Robert William
Ford, Richard Kent
Ford, William Alfred
Foreman, David Earl
Foster, Leslie
Foster, William Larry
Foureman, Ariadna Roy
Fowler, John D. Marcom
Fox, Leonard Anthony
Franke, Onedia H.
Freeny, Charles Louis, Jr.
French, Gerald Sylvanus
Frye, Wilson Edward
Fuchs, Kelly Wayne
Fugate, Andrew Thomas
Fuloa, Michael Joseph
Fulham, Marcia Limper
Fuller, James Thomas
Funk, Dan Richard
Fuqua, Michael Thomas
Fursman, Thomas Michael
Gabor, James Raymond
Gabriele, John
Gadzala, Thomas John
Gagliardi, Michael Joseph
Gagner, Brenda Marie
Galidki, Dennis Michael
Galinger, Kathy Ann
Gallagher, Kathleen Larson
Galle, John Lewis, Jr.
Galloway, Robert Lawrence
Gallup, Shelley Paul, Jr.
Gambin, Wayne Peter
Gardner, Stephen Gregory
Garrett, Carl Eugene, Jr.
Garrett, Gene William
Garrett, William Lee
Garrison, Robert Lee
Gates, Gregory Francis
Gerding, Gregory Scott
Geyer, Charles Edward, Jr.
Geyer, James Alan
Gheseesling, Joe Bert, Jr.
Gibson, James Harold
Gibson, Robert Douglas
Gilchrist, Lorri Page
Gilliam, Brent Garland
Glendinning, Robert Emery
Glenn, Theodore Leboutillier
Glenn, William Judson
Godbold, William Frank
Goepfert, Douglas Allen
Goldstein, Kathleen Marie
Gomez, Norma Elaine
Goodman, James Brainerd
Goodwin, John William
Goodley, William Patrick
Gordon, Royal Polk, III
Gordon, Vernard Glentress
Gore, William Preston, III
Gorski, Terence P.
Gothard, David Lee
Goughan, Laurence Douglas
Gould, Thomas Edmund
Gove, David Andrew
Graham, Randall Lee
Grahlman, Richard B.
Grant, Patrick William
Grause, Jerome Edward, Jr.
Gray, Clifford Charles
Gray, David Patrick
Greenawalt, Stanton Charles
Greenberg, Allen Joel
Greenleaf, George Anthony
Gregory, Paul Gregory
Griggs, Michael Stephen
Groothousen, Michael Robert
Guernsey, Charles Lee
Gummer, Steven G.
Gustafson, Victor George
Guth, James Donald
Haas, James E.
Haas, Jon Marlin
Hac, Zenon
Haefner, Alan Monroe
Haffey, George Francis
Hall, Douglas Allen
Hall, George Bryon
Hall, Steven Clark
Hall, William Arrington
Hallmark, Richard Gary
Halter, Stanley Frank
Hamel, David Anthony
Hamer, Dennis William
Hamilton, Douglas M.
Hamilton, George Kendall, Jr.
Hamilton, Randall Ward
Hammitt, Frank Dee
Hammond, Carl William, Jr.
Hammond, Jane Pettit
Hammond, Richard Strevig
Hancock, Dennis Duane
Hancock, Frederick John, Jr.
Hankins, Henry Douglas
Hanna, James Samuel
Hansen, Wilhelm Adolf, Jr.
Hardeman, Edward Lee
Hardie, Bradley Stephen
Harding, Warren Anthony
Hargrave, Bobby P.
Harmon, Steven Alva
Harper, Mark Joseph
Harrell, James Michael
Harrington, James Thomas
Harris, Andrew Van Vleet, Jr.
Hart, John Beresford
Hart, Kenneth Roy
Harvey, Kenneth Dale
Hasslinger Karl Michael
Hawks, Lee Alan
Hazel, Milton Ellsworth, II
Healy, John Francis
Heath, Lane Brown
Heath, Ronald Young
Heath, Timothy James
Heely, Timothy Louis
Heffley, John Michael
Heim, Ronald John
Heine, David Gleason
Heisler, David Earl
Helm, Jim Edward
Hemmer, John Paul
Hempel, James Peter
Hencken, James Edward
Henderson, James Ward
Henderson, Thomas Jeffrey
Henderson, William Joseph
Herbein, David Samuel
Herbert, Maurice Michael
Hertz, Charles Laurence
Hess, Richard Warren
Hetze, Gary Paul
Hewitt, Allan Blyth
Hiatt, Thomas Warren
Hicks, William Michie
Hill, John David
Hill, Stephen Alphonsus
Hill, Thomas Burcham
Hillery, Robert Charles
Himel, Craig Anthony
Hines, Bradley Robert
Hirabayashi, Donna Marie
Hire, Claude William
Hirsch, Thomas John
Hixenbaugh, Milady Blaha
Hixson, Ralph Scott
Hlywiak, Michael Grove
Hobday, John Douglas
Hoefer, Ronald Kenneth
Hoffman, Gregory William
Hoffman, Richard Gurney, Jr.
Holland, Edmund Daniel, Jr.
Hollinger, Patricia Ann
Holston, Thomas Houck
Holzbaur, Paul Barry
Honda, Frances Terumi
Honey, Nancy Eileen
Hood, Robin Lee
Hoppock, Ronald Eugene
Horley, Susan Lynn
Horsman, John Philip, Jr.
Hoskins, Thomas J., Jr.
Houck, Rebecca Eugenia
Houston, Carolyn Nabors
Hoverson, Jerry K.
Howard, Andrew James
Howard, Dana Alan
Howard, Karroll Lynn
Howard, Keith Charles
Howe, William Smith, III
Howell, James Robert
Huebner, William Earl
Huebscher, Mary
Huffine, Charles Henry
Hughes, Stephen Michael
Hugo, Robert John
Huie, John Eddie, Jr.
Hulsey, Joseph Fargo
Hunsucker, Charles R., Jr.
Hunt, Geoffrey Craig
Hunt, Patrick W.
Hunter, Jennifer Lind
Hunton, Lynn Meredith
Huska, Richard Charles
Hutcheson, Chester Jackson I.
Hutton, Linda Vaught
Hyde, Mild Wilt, III
Illig, Christina Fredricka
Ingles, Gregory D.
Ingram, Richard Cameron
Ives, Christopher Lloyd
Ivins, Kent Lamar
Jablonski, Edward Ronald
Jackson, Andrew Edwin
Jackson, James Talmadge, Jr.
Jackson, Michael Wayne
Jackson, Patrick Norwood
Jacob, Jodee Catlin
Jagger, Sandra Jean
Jagoe, Donald Alan
Jahnke, Larry Dale
Jamieson, Margaret Day
Janning, Michael Martin
Jarecki, John Francis, Jr.
Jaskot, Richard Dale
Jaynes, Donn Edwin, Jr.
Jenkins, Charles Conaz
Jennings, Paul Francis
Jernigan, Lawrence W., Jr.
Jeschke, Francis Norbert

Jewell, Edwin David
Johnson, Aaron Bruce
Johnson, Kirk Edwin
Johnson, Michael David
Johnson, Scott Thomas
Johnson, Warren Herbert
Johnson, William Vincent, III
Johnstone, Claudette Germain
Joller, Walter Carl, Jr.
Jonas, Jon Barnett
Jones, Albert M.
Jones, Edgar Joseph
Jones, Gary Rayfield
Jones, John Clifford
Jones, Richard Lee
Jones, Rita
Jonkers, Cornelis L.
Jordan, Edgar Alvin
Jordan, Will Henry
Jori, Carol Diane
Joyce, Maurice Stephen
Judd, Curtis Daryl
Jurewicz, Thomas Anthony
Kaeser, Dana Stephen
Kamlin, Steven Carl
Kane, Michael Bruce
Kangalos, Angelo John
Karnesky, David A.
Karstens, Michael George
Kaser, Robert Dale, Jr.
Kasky, Philip Carl
Kasten, George Dewey, III
Kearney, Francis Joseph, Jr.
Kedney, Robert Oscar, Jr.
Keeler, Donald Lowe, Jr.
Keesling, Julie Anne
Keifrider, William Frederick
Keith, Andrew MacDonald
Kelley, Thomas Carroll
Kelly, Scott Harrison
Kelm, Ronald Steven
Kennard, Charles William, Jr.
Kepferle, Michael Roy
Kern, Ludwig August, III
Kersch, Kurt William
Kersey, John Kerry Jay
Kieselbach, Kent Robert
King, William Henry, IV
Kinney, Christopher Albert
Kircher, Hartmann Joseph, IV
Kirk, Richard Roy
Kite, Milton D.
Klaren, Charles Willis, Jr.
Klauss, Mark Fredrick
Kleiser, Theodore Earnest, II
Klepper, James Melvin, Jr.
Klett, Mark Neil
Knapp, David Albert
Knight, James Todd
Knight, John Richard
Knott, Phillip Curtis
Knouse, Craig Richard
Kobelski, John Henry
Kochanik, Randall William
Koenig, Brian Edward
Kooken, Daniel Grant
Korney, James Michael
Kosloske, Douglas Lloyd
Krafft, Betty Lou
Krech, Kenneth George
Kriegel, David Alan
Krull, Rodger Pratt
Kruse, Marcia Ann
Kuehnle, Donald W.
Kupovits, Terry Michael
Kuppers, Robert Harlow, Jr.
Kusuda, Robert Alan
Laabs, Steven Richard
Lagasa, Bruce Jack
Laine, Patrick Charles
Lake, James Robert
Lamb, Larry Steven
Lamboni, Mark Wallace
Landmann, Michael Allen
Langdell, Jeanne Musil
Langdell, John Mark
Langley, Frank Michael
Lanzer, Glenn Alan, Jr.
Laska, William David
Lathrop, Johnathan Eugene
Latshaw, Todd Edward
Law, Donald Robert
Leach, Brian Steven
Learner, Robert Burton
Leblanc, Albert Paul
Leblanc, Michael
Lecky, Richard Louis
Leder, Kris Ann
Ledford, Lawrence David
Lee, James Edward, Jr.
Lee, Jeffery Scott
Lefever, Michael Angelo
Leghart, Martin James, Sr.
Leighty, Melinda J.
Leininger, Matthew J.
Lemak, Bala Francis
Lenci, Mark Richard
Lenhardt, Bruce Gale
Lennon, Gary Richard
Leopold, Gary R.
Lesher, Clifford Alan
Leslie, David Robert
Lester, Timothy Warren
Letscher, James William, Jr.
Levin, Canice Kelly
Lewis, John Richard
Lewis, Michael Keller
Libjtti, Jean M.
Licata, Lee A.
Lilly, Norvell Lee
Lindsay, Richard Howard
Lindsey, Mark Ray
Lindsey, Thomas Watson
Linscott, Jeffery Dean
Lipari, Michael Sidney
Lippert, Rollin George
Lipsmeyer, William M.
Liss, Stanley Martin
Little, Timothy Vincent
Littrell, James Ross
Lloyd, John William
Lohoski, Edward Frank, Jr.
Long, Linda Dolores
Lopez, David Raymond
Lorhammer, Donn Norman
Louzek, David Michael
Loving, Jeffrey S.
Lowell, Richard William
Lowery, Charles Daniel, III
Luck, Charles W.
Luebke, William Howard
Lueker, Randal Eugene
Luke, Richard Theodore
Lundell, Glenn William
Lupinos, Gerald
Luti, William Joseph
Lyle, Dale Edward
Lynch, John
Lynch, Johnny Ray
Lyons, William Michael, Jr.
Lytle, Richard Albert
MacConkey, Donald F.
Machala, Robert Paul
MacIntyre, John Malcolm
MacLeod, Scott Cleveland
Maclin, James Stewart
Madeen, Ronald Edward
Madison, Roger James
Madson, Richard Oscar, Jr.
Magill, David S.
Magnant, Michael Francis
Maguire, Joseph
Maloney, John Kevin
Mandigo, Alan Michael
Mann, Charles Herman, Jr.
Manthei, Jerry Lynn
Marcotte, Donald Patrick
Mardik, Walter E.
Markley, David Ray, Jr.
Marks, Harry Ernest
Marquis, Jarrett Timothy
Marsh, James Philip, Jr.
Marsh, William Edward, III
Martin, David Brownson, Jr.
Martin, Edwin Harry, Jr.
Martin, Frederick Herbert, Jr.
Martin, Richard Leroy, Jr.
Martin, Vaughn Kenneth
Mashner, Melvin Arden
Masley, Michael Camielle, Jr.
Mason, Owen Patrick, Jr.
Massicotte, Thomas Emile, Jr.
Maston, Michael Joseph
Mathews, Michael John
Mathison, Robert Craig
Matthews, Timothy Lee
Mauer, Thomas Alfred, Jr.
Mauney, Carl Vandiver
Maurer, Richard Henry, II
Mauthe, John Martin
Mawhinney, David Alan
Maybaumwisniewski, Susan C.
Mayer, George Edward
Maynard, John Phillip
Mayoral, Leopoldo Mancilla
McAlexander, Robert Kirtlin
McAnally, Nancy Dawn
McAuliffe, Wayne Keith
McCall, David Michael
McCannel, Gregory John
McCarthy, William John
McCauley, Karen Lee
McCorkle, Jack Woodward, Jr.
McCoy, Sheila Kathleen
McCrillis, Richard Thomas
McDermott, Michael John
McDonash, Daniel
McDonough, Martin Bryan
McDonough, Robert James
McDonough, William
McGloon, James William, Jr.
McHarg, Richard O.
McInnis, Marcus Alan
McInnale, Thomas Randall
McIsaac, William Anthony
McKannon, Thomas Martin
McKee, William Lee
McKelvey, Catherine Elizabeth
McKenzie, Colleen Jay
McKnight, John Hearn, III
McLaughlin, Don Owen
McLeod, Ronald Cannady
McMahan, Gerald Thomas
McMahon, Robert Joseph
McMillan, Charles Allan
McNally, Michael Thomas
McNamara, Christopher P.
McSwain, Donald William
McTighe, John Anthony, II
Mears, David William
Meissner, Robert Michael
Melnychenko, George Alexander
Merrill, Jeffrey Paige
Merrill, Roy Ashton, III
Messick, Charles Michael
Meyers, Michael James
Meyers, Timothy Walter
Miles, Paul Edward
Miller, Albert Anthony
Miller, Bruce Edward
Miller, Cathleen Ann
Miller, Frank Blake
Miller, James Pinkney, Jr.
Miller, James Russell
Miller, James Russell
Miller, Robert Kevin
Miller, Robert Lon
Mills, James Gilbert
Mills, Mark Allen
Minges, William Thomas, III
Mingle, Leo Lester
Misch, Gary Leland

Moffatt, Michael Minton
Monaco, John Duncan
Moody, Martin Louis
Moore, Charles W., II
Moore, William Eutis
Moore, William Fenton
Moran, John Francis
Morgan, James Milton
Morgan, John Steven
Morrell, Kenneth Arnold, Jr.
Morrison, Charles Ernest
Mosley, Lanny Edward
Moss, William Lester, Jr.
Mott, Robert Delmar
Moyseowicz, Thaddeus Joseph
Mozick, Donald Raymond
Mueller, Leonard, IV
Mullins, Richard Eugene
Murken, Walter C.
Murphy, Daniel Robert
Murphy, Leo Francis
Myers, Lawrence Edward
Myers, Linda Mary
Nagel, Kenneth George
Nakazawa, Shin
Nall, Steven Forrest
Naple, Timothy Michael
Nash, Robert James
Nash, Ronald James
Natale, Joseph John
Nawrocki, John Thaddeus
Neal, Laurence William
Neel, Electra Victoria
Nehring, Daniel Fredric
Nelson, Cynthia Ann
Nelson, Daniel Alan
Neshiem, Paulette Rae
Newberry, Garry Dean
Nichols, Dorothy Kendall
Nicholson, Scott Leslie
Niedermaier, David Gerard
Northam, Donald Richard, Jr.
Norton, Carleton Porter
Nortz, Joseph Edward
Nott, William Michael
Nowakowski, Michael Peter
Oakleaf, Ann Sheryl
O'Brien, David Richmond
O'Brien, Sherman Louis
O'Brien, Stephen Alan
O'Bryant, Milton Harris, Jr.
O'Connor, Thomas Joseph, Jr.
O'Day, Dale Kathleen
O'Krepkie, William Stephen
Olsovich, George Edward
O'Leary, James J.
Oliver, Michael Rolland
Oliver, Randall George
Oliveria, David Kenneth
Olson, Carl Dawson
O'Neill, Gary Sean
O'Rourke, James Joseph
O'Rourke, John Tower
Orr, John C.
Ostanock, Stephan, Jr.
Outlaw, Bert Gable
Overhauser, Judy Ann
Overturf, Richard Wayne
Owen, Richard P.
Owen, William Garrett
Owens, Christopher David
Owens, John Robert
Owens, Philip Allan
Owsley, Robert Clark
Page, Marshall Tyler
Paha, Edmund Joseph
Pair, Annie Lee
Parico, Robert Francis
Parish, David Clark
Park, Stephen James
Parker, Desley Sant
Patterson, Robert Frederick
Pattoon, Daniel Charles
Paulis, Jospeh John
Pearson, Vicki Sue
Pech, David Joseph
Pels, Bruce John
Pelz, Gerald Carlyle
Perkins, Richard Charles
Perry, John Alan
Petersen, Paul Daniel
Peterson, Gary Algot
Peterson, Wayne
Petross, Donnie Gene
Pfieffer, Jimmy Russell
Philipp, Douglas Tyler
Phillips, Daniel Eugene
Phillips, Duane John
Phillips, Joy Lynn
Phillips, Stephen William
Phillips, Thomas Frank
Piedmont, Otto Michael
Pierce, Burt Willard
Pierson, William, Edward
Pinney, Thomas E.
Place, Dana Alexander
Place, William David
Plato, Gayle Jean
Polley, David Prescott
Pollock, Louis William
Polo, Rafael Lazaro
Potopsingh, Flavius Constant
Potter, Don Hollis, Jr.
Potter, Richard Lee
Powell, Thomas David
Powers, Martin Byron
Pratt, David Lawrence
Pratt, Robert Wilson, II
Proffitt, Donald Wayne, Sr.
Pruitt, Ted E.
Pursell, Marc Lionel
Purdy, Mary Cathryn Hamilton
Quinn, Christopher Duncan
Quinn, Timothy Patrick
Quirk, Edward James
Rachko, Katherine
Radel, Timothy Lee
Ragsdale, Robert Giles, Jr.
Ramirez, Michael Thomas
Rankin, Craig Alexander
Ray, David Clark
Razalan, Patrick George
Reade, Anthony Raymond
Reed, Robert Allen
Reilly, Robert Dunham, Jr.
Reilly, Thomas James
Reily, Patricia Joanne
Reish, Robert Allen
Reitz, Edward Harris
Reynolds, Rondel Gene
Reynolds, William Wayland
Riche, Robert Sheldon
Rickenbach, Mark Douglas
Rider, Maradee
Ridley, John Dennis
Rieger, Richard Albert
Rikard, Ralph Miller, Jr.
Ringler, Thomas Jay
Rios, Patricia Barrow
Roadifer, Rodney Lewis
Roberts, Alvin Napoleon, Jr.
Roberts, Keith Alan
Robins, Sally Scott
Robinson, Decatur Maynard
Robinson, Harold Alonzo, Jr.
Robinson, Michael Ward
Robison, Russell Herman
Rocheleau, Karen Diane
Roesler, Gordon Merriam, Jr.
Rogers, Edward Joseph, III
Rogers, Walter Leo
Rohling, Henry John
Rolfe, Richard Bruce
Rollins, Richard Lee
Romano, Steven
Ronacher, Andrew Joseph, Jr.
Rose, Jimmy Van, Jr.
Rosenthal, Ellen Sue
Rosynek, Dennis James
Rothchild, Randall Lee
Roumaya, Louis Thaddeus
Rouse, Alfred Carr
Rubinkowski, Adrienne Lee
Rudd, Dee Ann Raaz
Rudti, Anthony Joseph, Jr.
Rush, Richard Crittendon
Russell, Bruce Rae
Russell, Darrell Anthony
Ryan, David Michael
Ryan, Lester Eugene
Sabol, Alexander John
Sagen, Michael Eric
Salley, Robert James
Salter, Larry Gene
Sanders, Janis Sue
Santowski, Richard Daniel
Saunders, Charles Conrad
Schaffer, Harold Frederick
Schenzel, William Paul
Scherer, Robert John, Jr.
Schiele, Elaine Overall
Schires, Brian Gerald
Schlaefer, Douglas Charles
Schmitz, Francis Joseph, Jr.
Schoenbauer, Martin Joseph
Scholes, Michael Lynn
Schonberger, Rose Ann
Schoultz, Robert Parker
Schrader, Kerry David
Scheneman, Frederick William
Schultz, Dale Edward
Schultz, John James, Jr.
Schumaker, Carl William
Schutzenhofer, Robert R.
Schwarzrock, Gary Logan
Schweiger, Jeffrey Mark
Scott, Dale Randolph
Scott, Gloria Jean Cummins
Sechrist, John Dow
Sennes, Paul Robert
Sestak, Timothy Allen
Sgro, David C.
Shannon, William Edgar, III
Sharp, Jane Kathryn
Sharp, Michael Alan
Sharrett, Patrick James
Shea, Betty June
Shegrud, Stevens Keller
Shelton, James Milton
Shepard, John August
Shippee, Randall Craig
Shughart, Robert Clifton
Shuster, Charles Patrick
Siedband, Marc Aaron
Silvast, Stevan Donald
Simmons, Larry Richard
Sisterhen, George William
Skurla, Dale George
Slack, Randall J.
Slaughter, Charles Jay
Sloss, Daniel David
Smart, Scott William
Smart, William Alan
Smith, Billie Lee
Smith, Byron Vosler, III
Smith, David Harrison
Smith, Gary Philip
Smith, John William
Smith, Luanne Joy
Smith, Mark Gregory
Smith, Peter Greig
Smith, Raymond Lawrence
Smith, Richard Lowell
Smith, Robert Dearing, II
Smith, Steven Samuel
Smith, William Benson H.
Smothers, Ernest Randolph
Sneed, Brandon Mark
Snyder, James Sidney
Snyder, Richard Lynn
Sokolowski, John Anthony
Solem, Craig Robert

Souder, Charles Curtis
Soules, Stephen Michael
Spadaro, Angelo Joseph
Spencer, Douglas Garland
Spilman, Theodore Louis, III
Spoto, Russell Anthony
Spurr, Joseph James
Squicciarini, Peter Dante
Squires, William David, Jr.
Stafford, Joe N.
Stagl, Frank Peter, Jr.
Stair, Gerald Kent, Jr.
Stakem, Anne Batchelder
Stanley, Paul Stephen
Stanton, Paul Eugene
Stark, James King, Jr.
Starzy, Virginia Lynn
Stavaridis, James
Steen, Allen Robert
Steger, James Michael
Steinbaugh, Michael Lee
Stell, Donald Earl
Stephenson, Donna Kay
Stephenson, George Martin
Stephenson, Michael Paul
Stevens, Richard Everett, Jr.
Steward, Thomas Flint
Stichter, Michael Charles
Stirling, Bruce Robert
Stoddard, Harry Charles
Straight, George W., Jr.
Strance, Kristopher Leigh
Strandquist, John Herbert, II
Strott, John Burnett
Strouse, Margaret Marie
Strjl, Gary Robin
Stufflebeem, John Dickson
Sjdhoff, Gary Michael
Sudweeks, Verl Blake
Sullivan, Christopher Paul
Sullivan, Daniel David
Sullivan, Mark David
Sullivan, Martin D.
Sullivan, Terry Hunter
Surbridge, Thomas Bond
Sutton, Donald R.
Swanton, Michael Timothy
Sweeney, Joseph Woods, III
Sweeney, Kevin John
Sweeney, Randal Clay
Sweeney, Robert Louis, III
Sweet, Robert Bruce, Jr.
Swiontek, Richard Leo, Jr.
Taggart, David Byron
Tant, Lawrence Edward
Taylor, Alfred Wayne
Taylor, David Churchill
Tenga, Richard
Tennison, Steven Leslie
Terry, Robert James
Thomas, David Lyle
Thomas, Jestine
Thompson, Anne Kountze
Thompson, Chris Allen
Thompson, David Dutasta
Thompson, Thomas Petree
Thorn, David James
Thornburg, Donald Wendell
Thorne, Stephen Douglas
Thorne, William Robert
Timm, Rodney Deayne
Timms, Donald Robert
Tindall, John Martin
Tomazic, Rocco Guy
Tomkins, Philip Austin
Tooley, Norman Edwin, Jr.
Torsney, George Patrick
Towner, Richard Louis
Townsley, Robert Hughlett
Tracy, Michael Charles
Tracy, Robert E. Jr.
Trejde, Jeffrey Woodward
Trimble, Rosalind
Tritt, Gregory Eugene
Trupp, James Charles
Tucker, Jack Wayland
Tunstall, Thomas Nelson
Tuohy, Matthew William
Tuten, Harold Redding
Tyson, David Sheldon
Udicious, Richard Anthony
Ulrich, Margaret Ann K.
Urban, Clement Dwayne
Vagts, Wayne Franz
Vandoren, Wayne Richard
Vanosdol, Donald Wayne
Vaughn, Gregory Martin
Vaughan, Thomas Veal
Vehslage, Louis Mobane
Veiga, Anthony Albert, Jr.
Velasquez, David Michael
Verdolini, Vincent James, III
Vereb, Guy Leslie
Verhofstadt, Francis Albert
Vermilyea, Sharon Lee
Vernier, William Allan
Vernon, Robert John
Veynar, Vance Yaroslav
Vibert, Joseph John
Vickers, Jimmy Ray
Vilotti, Daniel Thomas
Viscovich, Paul William, Jr.
Vollendorf, Guy Carl
Vonchristierson, Steven
Wagner, Charles Gilbert
Wagner, Wayne Avers
Walker, Farley Lee
Walker, Lambert Roger, III
Wallace, David Bruce
Wallace, Justin Lew
Wallace, Philip Bruce
Walpole, Archie Fred, Jr.
Walsh, John Joseph
Walsh, Stephen Wilson
Walters, Clyde Thatcher
Walters, John Michael
Walthall, William S.
Ward, David Thomas
Warmbrunn, Robert John
Warner, John Raymond
Warren, Darrell Wayne
Warren, Gordon Howard
Wasenius, George Thomas
Washington, Leroy Louis, Jr.
Waters, Neil Robert, Jr.
Watkins, Harry, III
Watson, John Anthony
Watson, Larry James
Watson, Michael Grant
Watt, Thomas Robb
Weaver, Brian Russell
Webber, Charles Ferguson
Weber, Bruce Allan
Weber, Frederick William
Wegner, Brian John
Wehle, John Kent
Weinhardt, Stephen Allen
Weinstein, Frank David
Wellock, Stephen Mark
Wentzel, Bruce Morris
Weronko, William Allen
Wessel, Kirk D.
Wessling, John Joseph
West, Carol
West, David Dudley, Jr.
Halen, Harold Gibbs
White, James Frederick, III
White, Scott Randall
White, Stephen Robert
White, William Richard
Whitehead, Cornelia De Grodt
Whitmer, Lynden Duane
Whitney, Peter Bradford
Whitten, Kenneth Lee
Wicks, James Henry, Jr.
Wigfall, Agistine Lenora
Wildemann, Leonard Walter, II
Wildong, Daniel John
Wilkerson, Lonnie Otto, III
Williams, Charles Eura, II
Williams, Charles Mains
Williams, Kirk Gregory
Williams, Leroy George
Williams, Richard Barry
Williams, Russell Thomas
Williams, Thomas Darius, IV
Willis, Carl Jerome
Willis, Joseph Walter, Jr.
Willis, Montogmery Paul
Willson, John Lane
Wilson, Cynthia Barth
Windsor, George Burton
Winston, Jeffrey Newell
Wittenberg, Charles Frederic
Wolff, William Steven
Wood, David William
Woodard, Trygve Mylo
Woolley, James Robin
Wooten, Hubbard Smith, III
Work, Edward Philip
Wotham, Willie Lawrence
Wren, William Christopher
Wright, William Fred
Wrona, Kenneth Walter
Wurzel, Donald Joseph
Wyatt, Charles Albert
Yankle, Robert Palmer, II
Yantis, Kathleen Mary
Yardsh, Mark Brian
Yasment, Frank Paul
Yates, John Madison, Jr.
Yost, Charles Paul
Young, Gregory Denton
Young, Robert Joseph
Young, Robert Vance
Yojree, Linda Margaret
Zambrand, Steven Paul
Zapolski, Edward Stanley
Zazworsky, Daniel Stanley
Zeller, Randel Leonard

ENGINEERING DUTY OFFICER (14XX)

To be lieutenant commander

Allen, Daryl Curtis
Anthes, Ernest Steven
Armstrong, David Thomas, Jr.
Becker, John J.
Bender, Gregory Louis
Bieseleisen, Louis King
Bloomer, James Wayne, II
Bourgeois, Neil Charles
Brooks, Jeffrey Allen
Brown, Gary Leroy
Brown, William Harold
Brunson, Fred Wendell, Jr.
Bush, Gary Lew
Cadwell, Charles Arthur, Jr.
Cecere, Michael Lewis, III
Cetel, Alan Jeffrey
Clark, David Richard
Cole, Walter Bacon
Connell, Roger John, Jr.
Coulter, Stephanie Lynne
Dilmore, William Douglas, Jr.
Dively, Rogest William, II
Ducan, Ralph Ernest
Eyman, Roy Lance
Fitzpatrick, Ulysses
Gamble, Davis Rudolph, Jr.
Graham, Jerry Lee
Hammer, David Allen
Hanrahan, John Martin, Jr.
Hedelund, Richard Donald
Hoover, Todd Jeffrey
Hundley, Ronnie
Johns, Eric Refsin
Johnson, Ralph Brian
Johnsrud, Roger Francis
Jones, Steven Allen
King, Richard Norwood
Knock, Rick Herman
Kruschke, Dale Elwood

Langan, John Richard
Langford, Leonardo Demitrius
Larson, Keith Robert, Jr.
Lockwood, Alan William
Louie, Chuck Long
Mardney, Randall Keith
Marsh, Bert
Matoushek, Ronald John
McCauley, Jeffrey Francis
McClellan, Gene Edward
Minton, Michael Olan
Morgan, Edward Benjamin
Mulholland, David Joseph
Nishimura, Rodney
Noftz, Paul Jeffrey
Nollie, Thomas Clyde, Jr.
Oslund, Lawrence E.
Parker, Frederick Hobbs
Pritchard, Nolie Delton, Jr.
Redmon, Danny Ray
Reskusich, John
Ries, Daniel Edward
Roberts, Roger William
Sander, Wayne Henry
Schonberger, James Robert
Schultz, Clarence Walters
Schwarting, Richard Alvin
Shaw, Richard Stewart
Steinberg, Robert Lee
Todd, Gregory Bran
Tritchler, Wayne Kurt
Tufte, Duane Monroe
Vasquez, Harry Wayne
Violette, Thomas F.
Vollmer, Leo William, Jr.
Walter, Ainslie Bruce
Wasson, Warren James
Webb, Kenneth Ray
Whyms, Michael Lee
Wilhoit, George Zachary
Wilken, Dennis Ray

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

To be lieutenant commander

Johnson, Johnny Lee
Schrinar, Samuel Reinhold

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE) (152X)

To be lieutenant commander

Bayma, Benjamin Arthur, Jr.
Blind, Edward William, Jr.
Callinan, Maurice Michael
Cameron, Wallace Reid, Jr.
Clawiter, James Henry
Clements, Michael Ray
Connal, Edson Nelson, Jr.
Diekman, Diane Jean
Dobbs, Dennis Keller
Ezzard, Henry Speer, Jr.
Fitzgerald, Cheryl Ann
Gibson, Steven Bradley
Lanini, Ernest Dale
Livingston, Craig Bruce
Lynch, Anne
Mariani, Steve James
Marks, Kenneth Allen
Moorhead, Donald Frederick
Morgan, Ralph Alvin
Oker, William Robert
Patterson, Louis Warren
Phillipson, Richard William
Scalia, August
Vannatter, Richard P.
Vansickle, John Davis
Weakley, Randy Glenn
Wells, William Allen
Willford, James Edward

SPECIAL DUTY OFFICER (CRYPTOLOGY) (151X)

To be lieutenant commander

Bailey, Everett Daniel, III
Bateman, Dale Dewayne
Beersdorf, Jerry Wayne
Bernas, Barry Lee
Boyd, Lloyd Russell, Jr.
Burke, Theodora Lee
Carpenter, Stephen Elige
Davis, John Sigfrid, III
Dempsey, John Mains, II
Ditewig, William Thomas
Evans, Richard Lee
Kearns, John Raymond
Kemhus, Jeffrey Wayne
Kurdys, Martin Paul
Lane, Monroe Arthur
Leonard, Ellis Arvin
Loucks, Michael Joseph
Marsh, Robert Wilson
McDonald, Melvyn Kenneth
Muller, Pamela Carey
Myers, Charles Newton
Newman, James Stilson
Nixon, Ray Byron
Nothom, Charles Theodore
Peyronel, Sharon Anne
Rapin, Jerome P.
Ray, Philip Daniel
Rousseaugeraldos, Marcel C.
Scagnelli, Michael Louis
Sipe, Alan Major

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

To be lieutenant commander

Abbott, Edwin Dale
Abbott, Thomas Ralph
Ambler, Jay C.
Askins, Larry Edward
Baptista, Armand Louis, Jr.
Barnes, Gary Clyde
Beajvais, Douglas James
Black, Michael Thomas
Brandon, Harry Marcus
Brown, Elena Weickardt
Burkhart, Grey Emery
Chow, Edward Yuen Hoy
Cook, Charles C., III
Corner, Stephen Jeffrey
Curfs, Thomas Philip
Dove, Thomas Edward
Green, Norman Kenneth, Jr.
Gutierrez, Julio Jesus
Hansen, Cindy Anne
Hubbard, Stephen Dean
Huber, David Bruce
Irwin, William Lovejoy
Kee, Scott Crawford
Keroz, Richard James
Keydash, John Melvin, Jr.
Laakso, William Leonard
Lawrence, Mark Stephen
Levi, Joseph Canan
Maughan, Richard Vernon
McCollum, Edward Manning
Merritt, Cyrus Mark
Mott, Charles Phillips
Mureett, Robert Brendan
Myers, Eric M.
Neal, Harold Lord, III
Northup, Donn Robert
Obrien, John Francis, Jr.
Ozouf, Wesley Alan
Patton, Pamela Johnston
Pearson, Robert Anthony
Peters, Jeffrey Robert
Poole, Alfred Haywood
Renner, Carol Jean
Richason, Steve Kane
Roberts, Charles Kendall
Rocker, Fredrick
Smouse, William Morton
Sorek, Eddy Louise
Strohmeyer, Donald Francis
Tate, John Caswell
Vaughn, Holly Anne
Viner, Kimberly Douglas
Weidman, Robert Paul
Weissman, Ronald Peter
Williams, Robert Gary

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

To be lieutenant commander

Barron, William Davis
Dodge, Ryland T., III
Graham, Sheila Ann
Honda, Stephen NMN
Kudla, James Matthew
Morse, Ronal Bruce
Noonan, Ruth Shirley
Pritchard, Robert Scott
Zebrowski, Christine Anne

SPECIAL DUTY OFFICER (GEOPHYSICS) (IBOX)

To be lieutenant commander

Burger, Rolf John
Burgess, Leslie Ann
Calland, Wynn Edward
Clark, Robert Louis
Cummings, Timothy Kean
Donaldson, Thomas Quinton
Hall, Christopher James
Harrod, Robert Leslie
Hopkins, Charles Kenneth
Houtman, Bauke H.
Howell, Terry Alan
Jarramillo, Bernardino Jose
Karl, Michael Leroy
Larsen, Dennis Glenn
McMurdy, Ronald Edwin
Mundy, James Frederick
Ranelli, Peter Henry
Sellers, Charles Edgar
Stringer, Gary Lee
Tarbet, Gary L.
Warrenfeltz, Larry Lee
Williams, Dock David, Jr.
Wooster, Michael Harrison

LIMITED DUTY OFFICER (LINE) (61XX/62XX/63XX/64XX)

To be lieutenant commander

Adams, Orland I.
Addison, Leroy Elbert, II
Alston, Moses Donald
Atwood, Jack David
Austell, Theodore, Jr.
Bailey, Dallam
Barger, Edward Blanchard, Jr.
Beavers, James Edgar
Berner, Mark Donald
Best, Thomas Henry, Sr.
Bigelow, Jerry B.
Blackmore, Thomas Orlin
Blair, Richard
Blausey, Arthur Ernest
Bocchino, Alfred John
Bond, David Leon
Bonnette, John Eric
Bottorff, Jerry L.
Boyle, Robert Joseph
Breland, Don
Brink, John Heath
Brinkley, George William
Brissette, Richard James, Jr.
Bryce, Francis Peter
Budway, Edward James
Cage, Benjamin Leroy
Callaway, James Ray
Caramello, Joseph John
Cart, Harold Edward
Cassoutt, James M.
Clayborne, Earl Kenneth
Cochran, William Lee
Cope, James Oren
Cordray, David Ralph
Cornwell, William James
Crouch, William Ersel
Culberson, Arthur Lee
Curtis, Harold Roger
Dalrymple, John Edward
Davidson, James Edward
Davis, Billy Gene
Davis, Clayton Robert

Doyle, David Michael
Elliott, Boyce Wise
Ephraim, Richard
Evans, Thomas Ladd
Farr, Craig Lynn
Fitzsimmons, William Michael
Foley, Lee Michael
Fuller, William James
Gascho, Gerald Galen
Gates, Franklin Charles
Good, Steve Harold
Gosselin, Charles Louis, Jr.
Green, Robert Louie
Guidry, Dell Joseph, Jr.
Hale, Dudley Ross
Hallman, Lyston Laneda
Hampton, Gary
Harris, Robert R.
Hariman, Thomas Terry
Hedgpeth, Lewis Floyd, Jr.
Holkum, John V.
Houghton, Frank Barnwell, Jr.
Hunt, Roy L.
Iles, Douglas Merwin
Isaacson, Leroy Dean
Jacks, James Harold
Johnson, William S.
Johnston, Sydney Lee
Jolly, Edward G.
Klinehoffer, Larry Bruce
Komzelman, Edward Eubank
Lane, Benjamin C.
Leasure, Rodger Milton
Licciardi, Dominick, Jr.
Llewellyn, Ronald Alexander
Mason, Leo
McCarstle, Richard Wayne
McConville, Brian Sean
Meaker, Michael Jerome
Miller, Charles Raymond
Moore, Paul Andrew, Jr.
Morrison, Ronald Gene
Morton, George Washington
Oberst, Alan Pearce
Onken, Charles Robert
Owens, Raymond Patrick
Pearson, Richard Andrew
Peitzmeyer, Kenneth Dale
Perriman, Ronald Otis
Pesses, Thomas Michael
Petska, Lyle Raymond
Pudssey, William Edgar
Rea, Jerry Ford
Ross, Steven Scott
Rundgren, Conrad Leonard
Scarbough, Travis Earle
Shutters, William D., II
Singer, Larry
Smith, Malcolm Edward
Speer, William Wayne
Sperlich, James L.
Stiles, Kenneth R.
St. John, Charles Wayne
Sturm, John Robert
Swartz, Melvin C., Jr.
Thedbald, Robert Lewis
Irimmer, Thomas Arthur
Ursery, Ronald Maurice
Vanhook, Keith C
Walker, John Mont
Weckerle Richard Steven
Weidetz Alvin Leslie, Jr.
Whitted, George Walter
Wildey Gary Raymond
Williams, Nathanile, Jr.
Woodward Curtis Beets
Wrightson, David J.
Young, John H.
Zakrajsek, Michael J.