

## SENATE—Wednesday, December 2, 1981

(Legislative day of Monday, November 30, 1981)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND)

## PRAYER

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

Let us pray.

Father in Heaven, this Government was conceived as "of the people, by the people and for the people." I pray for the people of these United States, for their blessing and renewal. Help them to understand their responsibility as citizens, to vote, to communicate with their elected officials on a constructive, continuing basis. Help them to understand that that complaining and criticizing do not compensate for duty, that duty calls for their involvement and support and that elections are the provision for change. Give them the wisdom to see that selfish interests are as deadly in the private sector as in the public.

I pray for the people of God, for the churches that they may accept the biblical mandate to pray for their leadership and realize that criticism does not compensate for prayerlessness. Forgive the churches O God, for demanding that Congress legislate a morality that the churches fail to produce among their members. Help them to understand that judging a decision from hindsight is no trick, that hindsight is an exact science. Help them to appreciate the uncertainties in foresight from which decisions must be made. I pray this in the name of Him who loved enough to lay down His life for sinners. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

## COMMENDATION OF THE SENATE CHAPLAIN FOR HIS PRAYERS

Mr. BAKER. Mr. President, I take this opportunity to commend the Chaplain of the Senate, Dr. Halverson, for the series of inspiring and thoughtful prayers he has delivered to the Senate on its opening since he became Chaplain of this body.

## THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

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

## ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I believe there is a special order for the recognition of the distinguished Senator from Arkansas (Mr. BUMPERS) to follow on after the recognition of the two leaders; is that correct?

The PRESIDENT pro tempore. The majority leader is correct.

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders and the execution of the special order, there be a period for the transaction of routine morning business to extend not beyond the hour of 9:40 a.m. this morning in which Senators may be permitted to speak for not more than 2 minutes each.

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

## ORDER OF PROCEDURE

## ROLLCALL VOTES AT 10 A.M. ON HOLLINGS AMENDMENTS

Mr. BAKER. Mr. President, I believe there is an order entered on yesterday to provide that at 9:40 a.m. the Senate will resume consideration of H.R. 4995, the Department of Defense appropriations bill, and that at that time there will be limited debate on two Hollings amendments of 10 minutes each, equally divided, with two rollcall votes to occur thereafter. Have those rollcall votes been ordered?

The PRESIDENT pro tempore. They have not been ordered yet.

Mr. BAKER. But by virtue of the unanimous-consent request on yesterday it would be in order by one showing of seconds to provide for that?

The PRESIDENT pro tempore. The leader is correct.

Mr. BAKER. Mr. President, I ask for the yeas and nays now on both amendments.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, at 10 o'clock then two rollcall votes will occur back-to-back, a 15-minute rollcall on the first Hollings amendment to be followed immediately, without intervening motion, debate, appeal or point of order, by a second vote of 10 minutes duration.

## ROLLCALL VOTE AT 4:20 P.M. ON FOUR TREATIES

Mr. President, also at 4:20 this afternoon under an order previously entered, the Senate will go into executive session to consider four treaties with one vote to count for four. So the Senate will have a very busy day today from the standpoint of rollcall votes. Three votes, including one for four treaties, are provided for in these orders already entered.

No doubt there will be a great number of votes on other amendments. The lead-

ership intends to try to obtain final passage on this bill this evening. Senators should be on notice that that may require a late evening.

I apologize to Senators and, more especially, to their families and friends in that connection. But I am sure all Members will recall that before the Thanksgiving recess the leadership placed Senators on notice that the usual arrangement of confining late hours to Thursdays only would no longer apply until the end of this session.

## ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it to any Senator who wishes it.

In the meantime, Mr. President, I ask unanimous consent that my time remaining under the standing order and the time of the distinguished minority leader be reserved until a later time during this session day.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may use 1 minute of the minority leader's time. I understand that is acceptable.

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

## GENOCIDE CONVENTION NO THREAT TO FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, the first amendment guarantees of free speech and assembly are the underpinnings of the American democratic system. Opponents of the Genocide Convention claim that its ratification will abridge these rights.

Mr. President, that is simply not the case.

Article III of the convention prohibits direct and public incitement to commit genocide. The original draft of the convention made punishable "all forms of public propaganda tending by their systematic and hateful character to provoke genocide \* \* \*." The opposition focuses on this version.

Perhaps they are unaware, Mr. President, that the drafters removed this pro-

vision after the United States made it clear that the American legal system prohibits interference with speech unless it creates a "clear and present danger." As the Genocide Convention is now construed, no person in the United States can be apprehended for incitement to commit genocide unless the tests of free speech are met.

Mr. President, there are ample precedents in our judicial history to protect our first amendment guarantees. In the most recent case dealing with free speech, *Brandenburg v. Ohio*, 395 U.S. 444 (1969), the Supreme Court reaffirmed that the State cannot prohibit the advocacy of the use of force or violation of the law unless such advocacy would produce imminent lawless action.

Mr. President, the language of the convention is consistent with this decision. This assessment was reaffirmed in the 1970 testimony by then Assistant Attorney General William Rehnquist who stated that constitutional free speech protections would not and could not be affected in any way by the Convention's terms.

Mr. President, we must put to rest the issue of first amendment rights with regard to the Genocide Convention. The Convention will not abridge our constitutional guarantees. They are secure.

Let us instead address that fundamental human right that the Convention seeks to protect—the right of groups to exist; the right upon which our constitutional freedoms are founded. The Genocide Convention is the international instrument for the protection of those freedoms.

I urge its immediate ratification.

#### RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

#### THE BUDGET-BUSTING TAX BILL

Mr. BUMPERS. Mr. President, during the past year, we have been struggling to balance the budget. The battle has not gone well because Congress passed and the President signed a budget-busting tax bill which will reduce revenues by \$37.7 billion in fiscal year 1982, and by a total of \$242.7 billion in the 2 succeeding years. Those were estimates at the time and will likely be more than \$350 billion in the final analysis.

We reached the ridiculous culmination of that battle, the budget-balancing battle, a week ago when we spent the weekend agreeing to a continuing resolution authorizing appropriations which we thought the President would approve.

This standoff has been brought about by a looming budget deficit which may total \$100 billion in 1982. To avert that possibility, we have again examined all spending programs to determine what is expendable, but we have ignored a new

program which is estimated to cost \$26.9 billion by the end of fiscal year 1986.

It is a subsidy proposed by the administration to bail out unprofitable companies, despite its repeated expressions of support for a laissez-faire economy. Moreover, this subsidy program is tremendously inefficient because it allows profitable corporations additional tax benefits for no discernible purpose.

Even as the Government was being shut down last week, profitable corporations continued to draw their payments, because this subsidy program is a tax subsidy, consisting of the sale of tax breaks through leases which are simply paper transactions between businesses. This completely unjustified subsidy was part of the Economic Recovery Tax Act of 1981.

I cannot believe the President, and certainly I know the Congress, ever had any such intent.

I had intended to introduce a bill today repealing the leaseback provision of the tax bill, but since Senator PELL did so yesterday in introducing S. 1896, I am announcing my support and cosponsorship of Senator PELL's bill and I urge my colleagues to do likewise.

The Economic Recovery Tax Act of 1981 has, in the words of Robert Altman of Lehman Brothers, "virtually phased out the corporate tax in America." This result stems from the conjunction of the act's incredibly generous accelerated cost recovery system (ACRS) and its leasing provisions.

The ACRS offers such enormous deductions for capital expenditures that, along with allowable tax credits, it will drastically reduce and in many cases eliminate the taxable income of corporations, and for companies which have been particularly harmed in the weak economy, it will reduce their tax liability well below zero.

I might say, Mr. President, most corporations that pay income taxes henceforth ought to fire their accountants.

Anticipating this situation, the administration proposed amending the laws determining the tax consequences of sales and lease backs, to allow a corporation with such a tax loss to transfer title to depreciable property to a taxpayer with a large tax liability who in turn leases the property back to be used as if no sale had occurred.

The buyer of the property is thus allowed to take the related depreciation deductions, despite the fact that the seller continues to use the property. Such a "sale" is a pure paper transaction, lacking any independent economic substance, and, in the absence of the special leasing amendments, it would be completely ignored for tax purposes.

Consequently, it is very clear that the leasing provisions of the Economic Recovery Tax Act are nothing more or less than a pure tax subsidy, and recent reports concerning its misuse demonstrate why it should be eliminated. These re-

ports show that some of the actual beneficiaries of these provisions clearly do not fall within the range intended by Congress.

For example, Occidental Petroleum "sold" \$95 million in excess tax credits. Assuredly, oil companies, which received their own enormous tax breaks in the tax bill, were not intended to qualify for the leasing subsidy as well. On the contrary, they are enjoying the high prices and profits which are a source of the economic problems burdening other companies.

At the same time, some of the intended beneficiaries of the leasing provisions have had difficulty qualifying. Chrysler is a good example. The IRS initially promulgated regulations which cast a cloud over tax losses sold by companies threatened with insolvency. Consequently, Chrysler experienced difficulties selling its losses until the IRS reversed itself. It is very likely that this uncertainty weakened Chrysler's negotiating position and reduced the benefit it received from the leasing transaction eventually consummated.

This experience illustrates a second problem with this tax subsidy. It is an extremely inefficient means of delivering money to the intended beneficiaries. Because the transactions lack economic substance aside from the tax consequences, they necessarily require the parties to split the tax advantages.

Furthermore, it stands to reason that the companies needing help most would be in the weakest bargaining position and, in all likelihood, they would have to give the greater portion of their tax benefits to the "buyer" in order to arrange the transaction. Similarly, by definition, the only buyers in such transactions must be profitable enterprises.

In addition, these leasing transactions are fairly complicated, so they require the services of intermediaries, who naturally receive compensation. Solomon Bros., for example, earned about \$5 million in fees this fall from this one provision of law. Therefore, only a small portion of each leasing transaction actually benefits the "seller."

The flaws in this back-door subsidy result from congressional inattention. It was proposed by the administration and became part of the Conable-Hance amendment, which the House substituted for the tax bill reported by the Ways and Means Committee. It had not been considered by that committee, and it was ignored in the House debate on the broader issues of the tax policy embodied in the tax cut bill. The Finance Committee in the Senate gave it such brief scrutiny that its report on the tax bill did not even distinguish between the estimated revenue loss arising from the leasing subsidy and that arising from ACRS. Perhaps as a consequence of that silent treatment, the full Senate never debated the issue at all.

Certainly, Senators would have been interested to discover that the 6-year loss



was estimated at \$26.9 billion, broken down as follows:

Fiscal year:	(In billions)
1981	\$0.4
1982	2.6
1983	3.6
1984	5.1
1985	6.7
1986	8.5

The presidents of the corporations I have talked to now report that the number and size of leasing transactions which have already occurred indicate that the first-year estimates are too conservative by half.

The magnitude of this subsidy should be compared to the Chrysler bailout legislation, which guaranteed loans up to \$1.43 billion, and which Congress agonized over for weeks—agonized over \$1.43 billion in loan guarantees to Chrysler. Since such loan guarantees are generally accounted for in the budget at one-third the face amount, the budget impact of the Chrysler legislation would be \$477 million. Thus, the leasing provisions have an anticipated budget impact which is 56 times greater than the Chrysler bailout, but they received about one-thousandth the attention of that well-publicized legislation.

The only attention which this unprecedented subsidy has received is ex post facto, and it consists of news reports, with headlines such as these from the Wall Street Journal: "Leasing Accords Involve Billions In Gear as Initial Rounds of Tax Credit Sales Ends"; "Firms Battling Uncertainties, Midnight Deadline In Drive for Tax Gains on Leasing Arrangements"; "Chrysler Renews Push To Sell Tax Credits: 'Paper Lease' Could Net Firm \$30 Million"; and "IBM Buys \$100 Million CSX Tax Credits, Its Second Such Purchase Within a Week."

Consider the Washington Post reports: "Profitable Firm Capitalizes On Tax Law"; "Losses from Tax Breaks May Top 1982 Estimates"; "General Electric Buys \$26 Million Worth of Chrysler Tax Breaks"; and "Value of New Lease System Questioned." Business Week referred to the leasing system as a "Tax Credit Bonanza."

Mr. President, Congress never intended the results which these articles report. No adequate justification has ever been offered for this subsidy, and it should be ended. It may be possible that a justification can be found, and, if so, the leasing subsidy, or a similar provision with appropriate safeguards, can be enacted.

Mr. President, I urge my colleagues to join in cosponsoring Senator PELL's bill, S. 1896.

Mr. President, I ask unanimous consent that Senators HART, NUNN, EXON, METZENBAUM, BURDICK, and PRYOR also be added as cosponsors to the Pell bill.

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

#### ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction

of routine morning business not to extend beyond 9:40 a.m., in which Senators may speak for up to 2 minutes each.

#### NEW CUTS REPORTED FOR CITIES, HOUSING

Mr. DODD. Mr. President, I wish to bring to the attention of my colleagues a most disturbing report contained in an article in today's Washington Post by Spencer Rich and Herbert H. Denton entitled "New Cuts Reported for Cities, Housing." This article outlines possible recommendations for fiscal year 1983 by the Office of Management and Budget with respect to the major programs administered by the Department of Housing and Urban Development.

It is speculated that the administration intends to virtually eliminate all further Federal assistance designed to address the housing needs of this Nation's lower income families and senior citizens and to phase out the largest and most effective means of Federal support for the problems confronting our cities and rural areas.

If these actions are translated into actual recommendations, this administration will be continuing on a course of action designed to both dismantle the Department of Housing and Urban Development and this Nation's historic commitment to the recognized goals of decent, adequate shelter and community development and revitalization.

While I recognize that some will argue that the reports in this article only address ongoing administration negotiations and not final policy pronouncements, it is difficult to be assured by the prospects for a reversal of this situation given the magnitude and severity of these recommendations and the dominance which the Office of Management and Budget has held to date in budget negotiations with domestic agencies.

In addition, even if some accommodation should be reached in terms of the budget actually transmitted to the Congress in January, these reports highlight very serious trends in administration policies for the future, which run counter to the goals enunciated and reaffirmed by the Congress and various administrations over the past 50 years.

This article reports that the administration is considering either the total elimination of future Federal assistance for addressing the housing needs of the poor or the replacement of the current array of Federal housing programs with a new and limited program of vouchers "worth small amounts of money which could apply against their rents."

If anyone believes that these reports are unrealistic, I would direct their attention to the administration's recommendations for subsidized housing in the current fiscal year. The proposal by the prior administration for 260,000 new assisted housing unit reservations was reduced initially by the Reagan administration to a level of 175,000 units and then further to less than 150,000 units. This is occurring at a time of continuing, unprecedented need among the poor for

decent housing opportunities at affordable levels and the worst total housing depression in this country since statistics have been kept.

In my State of Connecticut alone, 175,000 households are in need of housing assistance due to either the quality of their current housing or their current, excessive rent burdens.

It has been estimated, further, that in New York City, approximately 30,000 individuals are homeless. For those who believe that vouchers may be an appropriate alternative to failed Federal housing policies, I refer them to recent quoted statements by HUD Secretary Pierce which talked of vouchers as a means to eventually phase out any Federal involvement in addressing the housing needs of the poor.

This article goes on to discuss proposals under consideration to eliminate the HUD community development block grant and urban development action grant programs over the next 2 years. These programs have not only been immensely successful, but have also been the major forms of Federal support for the development and revitalization of our urban, suburban, and rural communities. It is ironic that the same administration which just several months ago argued to terminate a variety of categorical grants and consolidate these functions within the community development block grant program, would now come forward to terminate this block grant effort.

How are we to react to other administration recommendations to consolidate programs into block grants when the most successful effort to date in this regard is targeted for extinction? How are we to react to an administration which espouses the need to look to private sector solutions, when the UDAG program which encompasses this principle of Federal leveraging of substantial private investment is now being questioned?

Mr. President, the Congress must send a signal that it does not intend to even consider these draconian and counterproductive policies. We must not allow the panic associated with failed economic policies to reverse this Nation's commitment to the poor and our distressed urban and rural areas. The despair which will result from these recommendations more than offsets the benefits of any negotiating posture.

I ask unanimous consent that this article from the Washington Post be printed in the RECORD.

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

#### SUBSIDIES FOR POOR A TARGET: NEW CUTS REPORTED FOR CITIES, HOUSING (By Spencer Rich and Herbert H. Denton)

The Office of Management and Budget is seeking to kill the government's largest aid program for cities and drastically cut back the third-largest and now fastest-growing federal welfare program, subsidized housing for the poor, sources in and out of government said yesterday.

The housing program might be supplanted in part by a new and smaller system of housing vouchers, sources said.

The contemplated cuts are certain further to aggravate city and state officials upset by the cuts in aid the Reagan administration already has made.

To placate and to compensate cities for at least part of their loss, Richard Williamson, head of White House liaison with cities and states, said in an interview during a meeting of the National League of Cities in Detroit that the administration probably would not seek to phase out the \$4.6 billion general revenue sharing program for local governments as once threatened, and in fact might move to increase it somewhat.

The possible urban and housing budget cuts are the latest in a series surfacing in recent days as the administration has refined its forthcoming budget for fiscal 1983. Administration officials have made it clear that this will involve further large spending cuts, mostly in domestic programs, in an effort to hold down a 1983 deficit that many experts now think will exceed \$100 billion.

The political problems this may cause the administration became clear at the League of Cities meeting. The predictable criticism came from Democrats; New York Mayor Edward I. Koch attacked "the sham and shame of the new federalism," which he said "imperils the cities and is wholly lacking in realism and responsibility."

But Republicans were also critical. Guest speaker Mark O. Hatfield (R-Ore.), chairman of the Senate Appropriations Committee, criticized the administration for cutting domestic programs while increasing defense. And the most stinging criticism of the day came from Vermont Gov. Richard Snelling, a Republican and chairman of the National Governors Association.

"Frankly, I think that what is happening is that we are having an economic Bay of Pigs," Snelling said. "What is happening is that . . . we get tax cuts, which pleases the supply siders. We get budget cuts, which pleases the monetarists. We get dribs and drabs of federalism and we talk about it a lot, which appeases the federalists, and we sure are whacking away at the substance of government. . . . The problem with this potpourri is that it is in fact not an economic policy. Any of the above would be an economic policy. What we have is not an economic policy."

Snelling appealed to the assembled officials to join the governors in seeking an economic summit with the president to discuss budget cuts.

While Snelling was speaking in Detroit, the U.S. Conference of Mayors reported here that OMB Director David A. Stockman had notified the Department of Housing and Urban Development that he wants to phase out by 1984 the existing program of community development block grants and a companion program of urban development action grants. He has also told the department he wants to provide authority in fiscal 1983 for no new subsidized housing units for the poor.

In recent years, the number of new units authorized annually for these programs for the poor, which include the so-called Section 8 program and public housing, has been running at more than 200,000. In fiscal 1982, the Republicans cut this but only to about 150,000. The housing programs are expected to cost nearly \$10 billion in fiscal 1983, behind only Medicaid and food stamps for the poor.

Neither HUD nor OMB would comment on the contemplated cuts. The Stockman proposal is not final; HUD Secretary Samuel R. Pierce Jr., said to be angry over the proposal,

has the right to appeal to the president, who plans to hold a series of budget meetings with Cabinet officers starting this week.

Sources said Stockman wants to reduce the community and urban development grant programs from the \$3.6 billion authorized in fiscal 1982 to \$2.4 billion in 1982, \$1.2 billion in 1983 and eliminate new budget authority altogether starting in fiscal 1984.

Sources said Stockman wants to cancel some of the 150,000 new subsidized housing units Congress voted for this year, then eliminate all new authorizations for the low-income units in fiscal 1983, reversing two generations of federal housing policy. Other sources said a handful of new units might be funded in fiscal 1983. HUD's own request for fiscal 1983 was for an added 100,000 to 144,000 units.

In place of the existing programs, Stockman reportedly is considering giving large numbers of low-income households, perhaps as many as 200,000, vouchers worth small amounts of money which they could apply against their rents. This idea has been put forward by the president's advisory committee on housing as less costly and otherwise preferable to existing subsidies, which commit the government to keep up payments over periods of 15 years or more.

#### BENEFITS OF THE AGRICULTURAL EXTENSION SERVICE

Mr. PRESSLER. Mr. President, as the conference committee on the farm bill continues to meet and the Senate will soon consider the conference report on the agriculture appropriations bill, I would like to take this opportunity to express my support for agricultural research and extension activities. Earlier this year, I testified before the Senate Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies in support of increased funding for agricultural research and extension activities.

I was pleased to see the Appropriations Committee increase the funding level for these programs above the administration's request. These will be Federal dollars well spent. I firmly believe that if we are to continue to increase agricultural productivity, great strides in agricultural research and a continued effective extension service is essential. This is especially important in these days of slowing rates of increases in farm productivity.

Having grown up on a small family farm, I know from personal experience that the Cooperative Extension Service has been very effective in increasing farm productivity. The Cooperative Extension Service has been an excellent example of cooperation among Federal, State, and local governments for more than 100 years.

I have personally been involved with 4-H and other vocational education groups since I was a young boy. I was a member of the local 4-H club, the Humboldt Hustlers, for 9 years, and during this time I enjoyed several great experiences. While I was an active member of 4-H, I was fortunate enough to attend two 4-H club congresses in Chicago, the

1961 World Agricultural Fair in Cairo, Egypt, and I had the honor of giving the "National Report to the President" to the late John F. Kennedy in the White House in March 1963.

More recently, I have had the opportunity to address the 50th National 4-H Conference in April 1980, and this year I was honored by being presented the "Partner in 4-H Award," the highest honor in 4-H.

As chairman of the Congressional Advisory Board for Distributive Education Clubs of America (DECA), I have had the privilege of working with young students throughout the country. Like 4-H, DECA is an organization dedicated to excellence in vocational understanding, civic consciousness, social intelligence and leadership development. I have been very involved in vocational education programs such as 4-H and DECA for many years, and I have received many honors and benefits from these activities.

While not all young people are as fortunate as I was in my 4-H involvement, these youth organizations are still extremely important in the lives of a great number of young people; 4-H is the fastest growing youth organization in the country. In 1970, 4-H membership was 3 million, and presently 4-H has about 5.8 million members; 4-H does not only serve rural America. Of the 5.8 million participants, 39.5 percent live in cities of populations over 10,000 and only 20.5 percent actually live on farms. But this 20.5 percent means that 37 percent of all farm youths are members of 4-H.

The 4-H offers programs to help young people in all areas. A recent study of 4-H in inner city Detroit showed a 60-percent reduction in juvenile crime in the immediate area. In the rural area, 4-H's produce millions of pounds of farm products which contribute greatly to the American economy. In all areas of the country, 4-H members learn important characteristics such as sportsmanship, animal husbandry skills and management techniques. These skills will be of great value to these young people later on in life.

Many of the benefits the young people receive from 4-H and these other programs are because of the dedication of the adult leaders. These leaders are area county extension personnel and volunteers. County extension agents and home economists spend about 31 percent of their time on 4-H program activities and volunteer leaders spend about 10 hours for every 1 hour a professional staff person spends. A study showed that each 4-H club leader gives an average of \$1,000 per year in terms of mileage, materials donated and contributions given without record. This means the 4-H program is very dependent on the services of dedicated volunteers and this makes it a very cost-effective program.

Federal expenditures on agricultural research and extension activities are dollars well spent. The average Federal outlay for 4-H members is only \$12.75, and



America gets a return of about 10 times that amount in the value of volunteer services, and contributions that are stimulated by this investment. This does not take into account the future increases in productivity of agriculture and other areas that this research and training will create. This is especially important today because of the great importance of agricultural exports and the reduced rate of increase in farm productivity.

### ARSON

Mr. GLENN. Mr. President, once again the deadly, billion-dollar crime of arson has reared its ugly head. This time we were lucky; no lives were lost. However, the \$35 million fiery wave of destruction which struck the historic mill area in Lynn, Mass., left 400 persons homeless and 1,500 persons without jobs. In a single day, this apparent arson wiped out 5 years of rehabilitative efforts in this historic area.

Mr. President, the devastating nature of this crime underscores the need to step up our Federal antiarson campaign. It also underscores the urgency for Congress to pass S. 294, the Anti-Arson Act of 1981, which I introduced to combat the crime of arson. I commend Senator KENNEDY, among others, for his strong and continued support of this legislation. It is only through that kind of support that we can effectively begin to control the crime of arson.

The historic mill area tragedy also underscores the need for an effective Federal law enforcement agency, such as the Bureau of Alcohol, Tobacco, and Firearms' arson enforcement program, with the technical and investigative resources to assist State and local authorities in solving such "incendiary" arson fires.

I ask unanimous consent to have printed in the RECORD an article from the Washington Post entitled "Historic Mill Area Ruined by Arsonist."

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

#### HISTORIC MILL AREA RUINED BY ARSONIST

LYNN, MASS., November 29.—Club-toting National Guard troops patrolled against looters today in the ruins of Lynn's historic shoe mill district blitzed by a \$35 million firestorm police say was started by an arsonist.

"It looks like Berlin in 1945," said Fire Chief Joseph Scanlon.

An estimated 400 persons were left homeless and 1,500 lost their jobs because of the Saturday fire, which destroyed 17 buildings and damaged six others in a five-block area, wiping out five years of rehabilitation efforts in this old mill city 10 miles north of Boston.

[The Christian Science Monitor reported that Mayor Antonio Marino had vowed to rebuild the burned-out section but conceded that at least a year probably will be lost until the effort can go forward again.]

Gov. Edward J. King, who met today with local officials, said he planned to go to Washington to ask President Reagan to declare the

city of 90,000 a disaster area, making it eligible for federal aid.

The state attorney general offered a \$1,000 reward for the arrest and conviction of the arsonist.

"It was an incendiary fire," said state Fire Marshal Joseph O'Keefe. "These things don't happen by an act of God."

A force of 230 guardsmen from the 102nd Field Artillery were working 40-man shifts and patrolling in pairs to reinforce city and state police, said guard Lt. Jeanne Fay.

Nearly 600 firefighters from 79 communities as far as Exeter, N.H., 45 miles north, worked 12 hours to head off the flames hopping from structure to structure.

Brisk winds fanned the flames into a firestorm that created hurricane-force gales. An unidentified firefighter said the flames were so hot at times that water from firehoses evaporated before it reached its mark.

A firefighter with a fractured leg and two elderly women suffering smoke inhalation were admitted to Lynn Hospital.

Many of the buildings were old shoe mills converted into shops and apartments. The eight-story Vamp Building, recently converted to 242 apartments at a cost of \$12 million, was one of the buildings destroyed.

Lynn had ambitious plans for its affected area, including extensive housing for the elderly and a \$26 million community college that was to have occupied some of the old buildings. In all, the downtown renewal effort was expected to cost \$200 million.

### ANGEL ISLAND

Mr. HAYAKAWA. Mr. President, in 1882 our Nation passed the Chinese Exclusion Act, preventing the immigration of Chinese citizens unless they were children of U.S. citizens. Regardless of that act, thousands of hopeful Chinese continued to seek entry into the United States. From 1910 to 1940 about 175,000 Chinese—relatives or supposed relatives of American citizens—were processed at Angel Island in the San Francisco Bay. Angel Island became the west coast's Ellis Island.

A frame building still stands on Angel Island. That building served as a detention barracks for the thousands of Chinese arriving each year. Our harsh immigration policies caused some of them to wait as long as 2 years to learn if they were to be admitted to the United States or sent back to China. The confusion, despair and hope of those people were expressed in poems that were carved on the walls of the barracks.

That building is now being restored as a part of Angel Island State Park and will serve as a museum. We must not allow ourselves to forget how easy it can be for a nation to adopt immigration policies based solely on racism; the museum will serve as an important reminder for us, and for future generations.

The Los Angeles Times published an article by Sam Hall Kaplan about Angel Island on November 22, and I recommend it to my colleagues. I ask unanimous consent that the article be printed in the RECORD.

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

#### ANGEL ISLAND: STORY OF CHINESE IMMIGRATION LIVES ON EMOTIONS PRESERVED IN POETRY ON WALLS OF DETENTION BARRACKS

(By Sam Hall Kaplan)

ANGEL ISLAND, CALIF.—If there is one historic landmark representing America's prejudice in the past toward the Chinese immigrant, it is the so-called "wooden building" on this serene island in San Francisco Bay.

About 175,000 Chinese wanting desperately to enter the United States were processed, and many incarcerated, in the building when it functioned from 1910 to 1940 as a detention barracks for the West Coast's immigration station.

While some of the Chinese waited to be allowed to enter the United States or be deported back to China, they carved into the walls of the building poems in intricate Chinese characters, expressing their confusion, anguish, despair and hope.

"... I have run into hard times and am uselessly depressed.

There are many obstacles in life but who will commiserate with me?

If at a later time I am allowed to land on the American shore,

I will toss all the miseries of this jail to the flowing current."

The two-story wooden frame building, surrounded outside by a nine-foot wire mesh fence topped by barbed wire, is slowly being restored by the Office of the State Architect as part of Angel Island State Park.

The restoration is intended to serve both as a museum revealing an ignominious chapter of American history and as a tribute to the perseverance and pride of the Chinese who passed through it. The state effort is being watched over by the Angel Island Immigration Station Historical Advisory Committee.

"This is the West Coast's Ellis Island," said Paul Chow, chairman of the committee, as he led a tour of the barracks. "This is the first foothold in America for many Chinese. This is our Plymouth Rock, our Statue of Liberty."

The "wooden building" at times held as many as 500 persons. Some were arbitrarily detained for as long as two years, according to histories of the barracks compiled by the state and the Chinese-American community in the Bay Area.

"America has power, but not justice.

In prison, we were victimized as if we were guilty.

Given no opportunity to explain, it was really brutal.

I bow my head in reflection but there is nothing I can do."

Immigration officials detained them to check their papers and interview them at length to try to determine if they were the children of Chinese who were U.S. citizens—the only group of Chinese, with a few exceptions, allowed into the United States at the time under the Chinese Exclusion Act of 1882.

#### THE GOLDEN MOUNTAIN

Despite America's prejudice against them, as embodied in the legislation and past policies, the Chinese still believed gam saan—the golden mountain, their name for California—held the promise of a better life than the poverty pervading China in the early part of the 20th Century.

And so they came, some the sons and daughters of the Chinese who had labored in the United States in the 19th Century and

some not. Those who were not were known as "paper sons," having obtained false documents claiming they belonged to a family already here.

These illegal efforts were rationalized by the Chinese, who considered the Exclusion Act unjust in its singling out of their ethnic group. Thousands of other Asians, mostly Japanese, also were processed on the island, but because of treaties between their governments and the United States, few were detained.

"I thoroughly hate the barbarians . . . They continually promulgate harsh laws to show off their prowess. They oppress the overseas Chinese and also violate treaties. They examine for hookworms and practice hundreds of despotic acts."

When the immigrants arrived, the men were separated from the women, including husbands and wives, and not allowed to communicate. Officials feared they would coach each other on their family stories after one was interrogated to determine if they were indeed related to a U.S. citizen.

#### OBSCURER QUESTIONS

The questions often were obscure, tricking both "paper sons" and actual members of a family. According to immigrant service transcripts, the questions included how many chickens did a family have in China and how many steps led to their attic there.

Everyone was confined to the barracks, which at times became overcrowded, particularly in the men's section where narrow bunks were stacked three high. It was in the second-floor men's area and bathroom that the poems were carved. No poems by women were found.

The women's bathroom presented a special problem. There were a dozen toilets with no partitions between them and, being modest, the women would put paper bags over their heads for privacy. The bags were left outside the bathroom door.

There also were suicides, usually among the women when they learned they were being deported. Few persons had money to pay for their return to China. While the men could work on the return boats as cooks or deckhands, all most women were allowed to do was prostitute themselves. Instead, some chose to hang themselves in the lone shower stall.

Barred from landing, I really am to be pitied. My heart trembles at being deported back to China.

I cannot face the elders east of the (Yangtze) river. I came to seek wealth but instead reaped poverty.

The humiliations on the island also left their mark on persons who passed through the station. Few Chinese apparently were willing to talk about their experiences with "Westerners" after they settled in the United States. "They wanted to forget," explained Chow, whose father, Hing Gai Chow, was detained on the island in 1922.

When the island was opened as a state park in 1956, however, the elder Chow returned for a visit, "to rid himself of the fear," recalled his son. But he was told when he got off the ferry that there were no immigration barracks there, only a detention building that had been used for a few prisoners of war in the early 1940s. It was decaying and closed to visitors.

Demolition was planned for the barracks when, in 1970, a park ranger, Alexander Weiss, noticed the characters carved in the walls. The local Asian community was contacted, the poems translated and an effort

by Chinese-American students was launched to save the building.

The poems were collected and included in a book, "Island: Poetry and History of Chinese Immigrants on Angel Island 1910-1940," by Him Mark Lai, Genny Lim and Judy Yung, as a project of the Chinese Culture Foundation of San Francisco. One hundred and thirty-five poems in the original Chinese with English translation are included.

When Chow told his aging father in 1976 about the effort to restore the barracks, "he put his suit, tie and hat on and came with me to see for himself," recalled the 53-year-old transportation engineer. "When he found where his bunk was, he began crying, 'It's all over, I have no more fear, I am free.'" The elder Chow died in 1977.

"The low building with three beams merely shelters the body.

It is unbearable to relate the stories accumulated on the island slopes.

Wait till the day I become successful and fulfill my wish!

I will not speak of love when I level the immigration station!"

Since visiting the barracks with his father, Chow has been a determined member of the committee lobbying for public and private funds to preserve the building. The state has allocated \$325,000 for the present work, but Chow said much more is needed if the museum is to open as planned next May.

"I want it finished soon so that many of the old-timers who went through the barracks and are still living can see it and rid themselves of the yoke of fear and be set free, like my father, before they go to the grave," said Chow.

As for the broader public, Chow feels the museum will be a valuable history lesson in reminding all Americans of what had happened on the island and the contributions the Chinese went on to make in gam saan.

"There are tens of thousands of poems composed on these walls.

They are cries of complaint and sadness.

The day I am rid of this prison and obtain success,

I must remember that this chapter once existed."

Mr. SPECTER. 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. HOLLINGS. Mr. President, I ask unanimous 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. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1982

Mr. HOLLINGS. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4995) making appropriations for the Department of Defense for the fiscal year 1982, and for other purposes.

#### AMENDMENT NO. 643

The PRESIDING OFFICER. The pending question is on amendment No. 643.

The text of the amendment follows:

Beginning on page 2, line 1, strike out through line 12 on page 3, and insert in lieu thereof the following:

#### TITLE I

##### MILITARY PERSONNEL

##### MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$14,130,781,000.

##### MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; \$10,453,767,000.

##### MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); \$3,151,526,000.

##### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; \$11,730,381,000.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, I understand that is the amendment relative to the end strength of both the Army and the Air Force. I understand that we are limited to 5 minutes on each side for that amendment and 5 minutes on each side for the ammunition amendment.

Relative to the strength or manpower force of the Army and the Air Force, we go back to 1979. At that time, we debated the end strength of the Army. Just a couple of years ago, we found that when they missed the volunteer call by some 17,000, it was then the Army's position, officially stated in the record, that that made three-fourths of all the divisions in CONUS—the Conti-



mental Army Command of the United States—noncombat ready.

In other words, Mr. President, what we really have, in essence, is a readiness factor. It seems like a small amount in the Office of Management and Budget. You just strike it. It is a great winner with a dollar-for-dollar spend out rate. It has no constituency. You can cut procurement items but you only save, the first year, about 8 cents of the dollar cuts. But you get a dollar-for-dollar result in cutting back on manpower, so it is a wonderful budgeting device.

The Air Force has a readiness of C-1, C-2, C-3, and C-4, where they measure the capability of the manpower, of equipment, of spare parts, of ammunition, and everything else; and these cuts will move units away from C-1 and toward C-4 status.

In the Army, they had hoped to fill that "hollowness." That is not the description of the Senator from South Carolina. That is the description of our distinguished Chief of Staff, General Meyer.

President Reagan came to town and was elected, I am sure, on that particular score. I know that I was reelected on that particular score. We were not going to talk about it. We were going to do something about it. We were going to fill out the hollow Army. We were going to give meaning to the rapid deployment force and credibility to our allies in NATO. They have always faulted us; whereas, we now have a Commander in Chief who does not believe in the draft, a Commander in Chief who does not support registration, and now a Commander in Chief and administration that do not support readiness or credibility.

How can we go to conferences at Geneva and talk with any credibility whatsoever about our intent, when we know all along that we are unprepared from a readiness standpoint to engage in any conventional conflict? Our only posture is that of nuclear war, and that is all we ask for every time we come to the floor of the Senate.

So I hope that my colleagues will look at this particular measure. It starts us toward what Secretary Weinberger described as a need, in the 5-year period, to embellish the Armed Forces by 100,000.

This is just a 6,000 add-on to the Army and a 6,000 end strength add-on to the Air Force. The 12,000 cut is against the President's request of this spring, and I hope everybody on the other side will please support the President of the United States.

Mr. STEVENS. Mr. President, I yield such time as he may require to the Senator from Texas.

Mr. TOWER. Mr. President, I reluctantly oppose the amendment of the Senator from South Carolina. I fully appreciate what he is trying to do, but I point out that the Armed Services Committee was assured by the Army and the Air Force that the proposed cuts would not—I repeat, not—impair operational readiness.

I point out that the Armed Services Committee was assured by the Army and

the Air Force that the proposed cuts would not impair operational readiness. In fact, when the uniformed leadership of the Army and the Air Force were presented with the revised budget, they elected to reduce their end strengths rather than suffer cuts in other areas. Neither Congress nor the Office of Management and Budget made that decision for them.

General Meyer stated that he would prefer a slightly smaller Army with modern equipment rather than a larger Army with obsolete weapons. The Army Chief of Staff and the Secretary of the Army recognized this painful fact-of-life in testimony before the Senate Armed Services Committee on February 3, 1981:

Senator HUMPHREY. Let me turn to the area of force structure. General, does the Army place a higher priority on increasing the capability of our current forces or on building additional divisions to increase our force structure?

General MEYER. I believe it is absolutely essential that we fix what we have first, sir.

Senator HUMPHREY. Secretary Marsh: do you concur in this?

Secretary MARSH. Yes, sir, I agree with that very much.

Later in the same hearing, the Secretary of the Army reiterated this same point:

Secretary MARSH. General Meyer and I have talked at some length about the size of the Army and it is clear that if you take the current 24 divisions . . . the first priority before expansion beyond this 24 division force is to bring this force up to the level of readiness and modernization that is necessary.

What will be the effect of maintaining the Army end strength in 1981 at the same level approved for fiscal year 1981? According to the Defense Department the reduction in planned end strength growth will allow the Army to consolidate recent recruiting and retention success into improved manpower effectiveness.

The Air Force, on the other hand, advised the committee that—

The reduction of 6,000 is mostly programmatic, reflecting reduced workload in strategic forces as well as in the training establishment where higher retention rates have reduced the number of personnel accessions to meet end strength.

It appears to me, Mr. President, based upon these statements of fact, that the Army and the Air Force will suffer no adverse impact on operational readiness if the amendment of the Senator from South Carolina is defeated.

I hope we will ultimately expand our end strength. For the time being, I think the resources and the funding that go into acquisition and training and pay can better be spent for the modernization of our forces.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the names of Senators GLENN, MITCHELL, LEVIN, PRYOR and BUMPERS be added as cosponsors of the manpower amendment; that the names of Senators GLENN,

MITCHELL, PRYOR, BUMPERS, HEFLIN, LEVIN, and NUNN be added as cosponsors of the ammunition amendment.

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

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 26 seconds remaining.

Mr. HOLLINGS. Mr. President, is that on both amendments or one amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. It is on both amendments?

The PRESIDING OFFICER. Yes. That is the time remaining for debate on the two amendments.

Mr. HOLLINGS. Then let me move quickly. I did not realize we divided it that way. That is all right.

We must not impair the end strength of our Armed Forces. Let me answer my distinguished chairman of the Armed Services Committee because he and I work the same side of the street.

Necessarily the Chief of Staff would testify and if I were Chief of Staff I would testify that I would prefer a small army with the proper equipment rather than a large army unequipped. Otherwise, we would just have large confusion. We do not have an army if we do not have the equipment.

But that is not the choice. I have another amendment and we will argue that right now about giving it the equipment.

I am only trying on the end strength to move forward and bring us back, let us say, to 1962. There was not any Vietnam going on at that time. With this particular amendment we will still be 275,000 men less in the Army than what there were back in 1962.

So let us talk about what the real commitment of the United States is—what we are trying to build is not a small army with good equipment or a big lousy army that is unequipped. I am trying to give a credible army with credible equipment, and I will move right to the point relative to the ammunition.

There is no substitute for the actual practice in the field when it comes down to the matter of getting together and firing ammunition.

I have been in that particular regard myself as a young junior ROTC student sent to Fort Baracas, Fla. We thought we knew something about firing. We had simulated the firing of the 155, the 90 millimeter and other weapons and as hotshot college students we got down there and when we finally got the cross-section set and everything else figured, the first round disassembled the gun crew. It took us 15 minutes to reassemble. The target was passing out of sight before we got back together. That was the first day. But we fired down there for a good 6 weeks during the summer, and I

can tell the Senate by the end of the 6-week period we were right on target both in antiaircraft and offshore firing.

So that is what we are really asking for. It is ammunition of a sufficient sum to really make our troops combat ready so that when John Fialka and everyone else writes he will not have us deficient, way down below all the other allied troops at the NATO front. We will have some credibility there.

The fact of the matter is that my distinguished colleague from Texas will come in and move right quickly for \$355 million to enhance and get more nuclear warheads. When it comes to \$148 million for troops in the field, then we have a real problem there. We are going to do some cutting. Everyone wants more nuclear warheads as if that is what this country needs. Additional nuclear warheads are probably one of the last it needs.

But what we really need is the ammunition for the troops.

I stated on last evening that Clausewitz said that the Nation fights the war that it is prepared to fight.

If we listen to that statement and analyze it we will understand it. We can only fight the war that we are prepared to fight and in reality what we have is an unpreparedness in the rapid deployment force. In the Indian Ocean and Persian Gulf, we stepped down there, we cut the fuel, and Senator GLENN will come with his amendment to that effect. Additionally we have unpreparedness in NATO. We do not have the ammunition there. We pointed out that the staff observed only last year in October that they fired 70 percent of their ammunition allocation in the first month, in October, and so we are not prepared to fight conventionally at NATO.

We are only prepared to fight with respect to a nuclear engagement. That is a tragic thing. Here we have plenty of money. We have \$40 billion—we will get to that B-1 amendment. There is not a shortage of funds. We have all kinds of money but we are taking it away from the readiness and the credibility, the morale, the stamina, and the capability of our fighting man in the field. We say what is wrong with him? He is on drugs. We will give him drug counselors. We give him all this money for solicitation to bring him in.

We are spending \$1 billion for that. We are trying to hoodwink him and bring him in, but once we have him there we will not let him act like a fighting troop, because of lack of ammunition. They fire one TOW missile a year or one Red Eye if they are on the winning crews, and that kind of nonsense must stop.

So we really need this. This is what the Army asked for. In March they asked for way more, not just for the 60 day, but if we had the 180-day readiness posture which we should have according to the Army green book, then we would be asking for a good bit over our \$148 million. So trying to be realistic, our amendment is for the \$148 million.

The PRESIDING OFFICER. If the

Senator will suspend, the Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, I ask unanimous consent to add Senator ROBERT C. BYRD of West Virginia as a cosponsor to both amendments.

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

Mr. TOWER. Mr. President, again I find myself in fundamental agreement with my distinguished friend from South Carolina because I believe that readiness and sustainability—and what we are talking about when we are talking about ammunition we are talking about sustainability—are enormously important. I think they have been treated as stepchildren for too long, and I think it is largely our fault here in Congress. We have underfunded these things ourselves, so we are making up for past sins.

But as the Senator from Alaska pointed out we do have a substantial increase, actually some 18 percent over what President Carter recommended for this fiscal year that we are appropriating money for, so there is a substantial increase in that area.

The fact is with all of the increase in defense spending we still have to set priorities and we have been pushing a bow wave ahead of us for several years in terms of Army modernization. We are going to be spending an enormous amount of money on improving the field equipment of the Army and that is sadly overdue.

Although I wish very much to support the amendment of the Senator from South Carolina for additional ammunition for sustainability, I think we have to look across the spectrum of what our requirements are and make sure that other requirements are adequately funded.

Therefore, as I say, reluctantly I will oppose the amendment of the Senator from South Carolina. I hope that we will continue to be alive in this body to the problems of readiness and sustainability and next year we will continue to reflect our concern with again another increase in real terms for the purchase of ammunition, missiles, those things that are required to make our forces sustainable in the field and at sea.

#### AMENDMENT NO. 644

Mr. STEVENS. Mr. President, I only wish to make a few comments concerning the ammunition amendment.

The bill that is before the Senate is \$56 million over the budget request of the President for ammunition procurement. It is \$780 million over the 1981 fiscal year funding level for ammunition procurement. We have had a 50-percent increase in ammunition procurement as far as the recommendations here in this bill are concerned.

There is no question that we have provided as much money as can be effectively spent to increase ammunition procurement.

The difficulty is that as a practical

matter we have just given the Department of Defense almost too much money in this area and we are going to cause additional inflation in this one area if we are not careful.

It is a low priority item and again with due respect to my good friend from South Carolina I note that this is one amendment that is part of the larger amendment that he and the Senator from Michigan wished to pursue. It has now been taken apart piece by piece. It is really the B-1 amendment. The idea was to increase all of these other accounts and take the money away from B-1. I hope the Senate will realize that we have already increased the ammunition procurement. There is \$780 million more for ammunition in this fiscal year than the last fiscal year. That is adequate, and I hope the Senate will agree.

The PRESIDING OFFICER. All time has expired.

Mr. STEVENS. I move to table each amendment individually and ask unanimous consent that that be in order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Have the yeas and nays been ordered now on the motion to table?

The PRESIDING OFFICER. Without objection, the motion is in order. The yeas and nays have yet to be ordered.

Mr. STEVENS. I ask for the yeas and nays on each amendment.

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

The yeas and nays were ordered.

Mr. STEVENS. It is my understanding these are to be back-to-back votes?

Mr. HOLLINGS. The first 15 minutes and the second 10.

Mr. STEVENS. Is that ordered, the first 15 and the second 10?

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is in order to order the yeas and nays on both motions.

#### VOYE ON MOTION TO TABLE AMENDMENT NO. 643

The question is on agreeing to the motion of the Senator from Alaska to lay on the table UP amendment No. 643. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Mississippi (Mr. STENNIS). If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I therefore withhold my vote.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DeCONCINI), the Senator from Kentucky (Mr. HUDBLESTON), the Senator from Louisiana (Mr. LONG), the Senator from Mississippi (Mr. STENNIS), and the Senator from



Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. DeCONCINI) would vote "nay."

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

The result was announced—yeas 54, nays 36, as follows:

[Rollcall Vote No. 434 Leg.]

#### YEAS—54

Abdnor	Grassley	Percy
Andrews	Hatch	Pressler
Armstrong	Hatfield	Proxmire
Baker	Hawkins	Quayle
Boschwitz	Hayakawa	Roth
Burdick	Hefflin	Rudman
Byrd	Heinz	Schmitt
Harry F., Jr.	Helms	Simpson
Chafee	Humphrey	Specter
Cochran	Jeppsen	Stafford
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Symms
Denforth	Laxalt	Thurmond
Denton	Lugar	Tower
Dole	Mattingly	Wallop
Domenici	McClure	Warner
East	Murkowski	Weicker
Garn	Nickles	
Gorton	Packwood	

#### NAYS—36

Baucus	Ford	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Hart	Moynihan
Boren	Hollings	Nunn
Bradley	Inouye	Pell
Bumpers	Jackson	Pryor
Byrd, Robert C.	Johnston	Randolph
Chiles	Kennedy	Riegle
Dixon	Leahy	Sarbanes
Dodd	Levin	Sasser
Eagleton	Matsunaga	Tsongas
Exon	Melcher	Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cranston, against.

#### NOT VOTING—9

Cannon	Goldwater	Mathias
DeConcini	Huddleston	Stennis
Durenberger	Long	Zorinsky

So the motion to lay on the table UP amendment No. 643 was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion to lay on the table 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. STEVENS. Mr. President, the next vote is a motion to table the second amendment dealing with the increase in ammunition procurement. Is that correct?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the motion to lay on the table amendment No. 644, that is correct.

Mr. STEVENS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been.

Mr. STEVENS. Is this a 10-minute rollcall vote?

The PRESIDING OFFICER. It is a 10-minute vote.

Mr. STEVENS. May we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

May we please have order in the Chamber?

Mr. RANDOLPH. Mr. President, I suggest the Chair ask Members to take their seats.

The PRESIDING OFFICER. We shall not proceed until the aisles are cleared and order is in the Chamber. Without objection, the Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, a motion to table is a perfectly legitimate motion. I can recall the times when I was the majority leader when the minority raised quite a fuss about not being able to get up-and-down votes.

These are legitimate amendments and I think the Senate is entitled to vote up or down on at least some of them. I would urge that the majority consider letting us have up-or-down votes on amendments and just not move to table one after the other of these amendments. I say that hoping the majority will take that under advisement. I think the Senate is entitled to a vote. I think the people back home are entitled to know how our friends stand, up or down on these amendments. I say that recognizing that the Senator has every right to move to table if he wants to. But I would like to see some up-or-down votes.

I would suggest that Senators not call up their amendments until they get ready to see them tabled, if we cannot get some understanding that we are going to have some up-or-down votes. I do not want to delay this bill, and there is an interest, I am sure, on the part of the majority—and I can appreciate that—in seeing this bill finished today.

I can say, however, that there will be no time agreement on any amendments unless we can get up-or-down votes on at least some of them. I cannot stop any Senator from moving to table an amendment once it is up, but I would suggest that, until we get some understanding that we are at least going to get some up-or-down votes, we not call up our amendments until after we make our speeches on them. Otherwise, we will have our amendments tabled as I had mine tabled.

Mr. STEVENS. Mr. President, I would be more than willing to agree that we have an up-or-down vote on the amendment suggested by the Dear Colleague letter of the Senator from South Carolina and the Senator from Michigan. That was an anti-B-1 amendment that indicated that the funds that would be deleted from the B-1 bomber would be allocated to certain defense modernization readiness priorities. We have now voted on five of those individually. I understand we are going to vote on the other 10 individually. It looks like it is a process of voting to increase military spending, apparently for the Record, but it really is not at all.

I would be more than happy to discuss up-or-down votes on substantive amendments. These are dilatory amendments. The Senators indicated to the Senate they intended to present them all at once and they are being presented seriatim. I

would be happy to discuss a time agreement right now to vote on the B-1 bomber, to vote on the MX, and to vote on the bill, and to agree that we will have up-or-down votes on the B-1 bomber, the MX, and specific amendments that are substantive in nature. But dilatory amendments ought to be tabled. There is no other way to control the floor to try to get to the substantive amendments.

Mr. ROBERT C. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I am sure that the distinguished acting Republican leader does not intend to say that the amendment I called up yesterday was a dilatory amendment. If I really wanted to be dilatory, I could call it up again. I could find a way to call up my amendment again.

Mr. STEVENS. I am certain that the minority leader could do that. As I said yesterday, his was a very ingenious amendment. We treated it with the respect it should be given, debated it at length, and tabled it because it is one of these amendments that we anticipate going through somehow until we get to the question of the B-1.

Does my good friend from South Carolina want to offer the whole amendment and go after B-1 and these reallocations to readiness and defense?

Mr. President, they are not dilatory if they are in fact taking money from one part of the bill and putting it in other functions. I would be happy to agree to an up-or-down vote at a time certain on the Hollings-Levin amendment whenever the Senator is ready to offer it. But until that time, I think we should continue to try and clear the decks and get ready for those major amendments when they do come.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. If the Senator will yield 30 seconds, the distinguished Senator from Ohio right here is very much in favor of the B-1 and I am very much opposed to it. It is a fundamental difference. He happens to agree with the readiness provision and the manpower provision, and I happen to agree with it. Under those circumstances, which is a difference of opinion among the body of 100 Senators, when we present them individually and not to your tune, taste or liking, characterizing them as dilatory is uncalled for.

They are very serious amendments. We would be delighted to debate them one by one. If we had had the time we would have had many of them in the Appropriations Committee. As you know, we added on the Iowa and we will add on some more that you did not only think were dilatory but uncalled for. We can add on some. But just because we on this side are trying to get readiness and credibility back to our Armed Forces, we should not be characterized as being dilatory.

Mr. STEVENS. Mr. President, what is the time situation? I would be happy to continue to debate it. I think we were intended to vote on this amendment. I ask that we proceed with this vote. I

shall be happy to discuss it with my friend at length after we dispose of it.

VOTE ON MOTION TO TABLE AMENDMENT NO. 644

The PRESIDING OFFICER. The time allowed has expired. The question is on agreeing to the motion to table amendment No. 644. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. Mr. President, I have a live pair on this vote with the Senator from Mississippi (Mr. STENNIS). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DeCONCINI), the Senator from Louisiana (Mr. LONG), the Senator from Mississippi (Mr. STENNIS), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. DeCONCINI) would vote "nay."

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

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 435 Leg.]

#### YEAS—55

Abdnor	Gorton	Percy
Andrews	Grassley	Pressler
Armstrong	Hatch	Proxmire
Baker	Hatfield	Quayle
Boschwitz	Hawkins	Randolph
Burdick	Hayakawa	Roth
Byrd	Heinz	Rudman
Harry F., Jr.	Helms	Schmitt
Chafee	Humphrey	Simpson
Cochran	Jepsen	Specter
Cohen	Kassebaum	Stafford
D'Amato	Kasten	Stevens
Danforth	Laxalt	Symms
Denton	Lugar	Thurmond
Dole	Mattingly	Tower
Domencici	McClure	Wallop
East	Murkowski	Warner
Garn	Nickles	Weicker
Glenn	Packwood	

#### NAYS—36

Baucus	Ford	Melcher
Bentsen	Hart	Metzenbaum
Biden	Heflin	Mitchell
Boren	Hollings	Moynihan
Bradley	Huddleston	Nunn
Bumpers	Inouye	Pell
Byrd, Robert C.	Jackson	Pryor
Chiles	Johnston	Riegle
Dixon	Kennedy	Sarbanes
Dodd	Leahy	Sasser
Eagleton	Levin	Tsongas
Exon	Matsunaga	Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cranston, against.

#### NOT VOTING—8

Cannon	Goldwater	Stennis
DeConcini	Long	Zorinsky
Durenberger	Mathias	

So the motion to lay on the table amendment No. 644 was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the defense budget for fiscal year 1982, including substantial funding for the B-1 bomber, poses difficult and complex issues which require the balancing of many factors in making final judgments. Historically, or at least until World War II, the United States has shunned military power because of the protection afforded by the vast oceans which separate us from Europe and Asia. Except for noting this attitude, which still lingers in our national consciousness, it is not necessary in this brief statement to detail the historical events which make preparedness a regrettable necessity.

The arms race makes little sense, but unpreparedness makes even less sense. As nations spend billions for guns while millions of people do not have bread, let alone butter, we wonder about the allocation of our gross national product between defense and social programs. When we observed the advanced social programs of Norway in the late 1930's, it was obvious that those programs meant little in the face of invasion by the German hobbled boot. So, perhaps, 6 percent of our gross national product is realistic for national defense.

The rationale for nuclear armament is built on a series of hypotheticals. If the Soviets invade the Persian Gulf then the United States will—; or if the Soviets take Poland or move farther into Western Europe, then we responded by—.

Our possible responses are not articulated for the stated reason that we should not commit ourselves in advance or rule out any options. However, the more likely reason is that we simply do not know what we should do or would do in those contingencies.

Somewhere in the hypothetical scenarios, the contingency inevitably arises that we would be subject to nuclear blackmail or Soviet aggression in some critical area or even Soviet attack on the United States itself if we do not have a massive retaliatory force. Nobody knows how these hypothetical situations would work out; but many of us are unwilling to take the chance, so we return to the conventional lessons of history.

History teaches that military strength deters aggression by others, and experience with Soviet foreign policy underscores that generalization.

As the U.S. Senate debates this defense appropriations bill, our Nation, the Soviet Union and other countries are substantially building up their military power. All profess an intention not to use such force for offensive purposes, but only for defense or to deter aggression by others.

It is anomalous that the Soviet Union has an extensive system to defend against nuclear attack since we in the United States find it inconceivable that our Nation would ever attack the Soviet Union. On the other hand, the United

States has very little by way of such defensive capability even though we feel that the possibility of Soviet attack, even if remote, is much more likely than the reverse.

In any event, the temper of the times is to be strong. The debate rages over the issue of superiority versus parity with the more popular expression being that our military strength should be second to none, which means at least a stalemate, if not a slight practical edge.

In light of the potentially catastrophic consequences of being unprepared, it is my personal judgment that we must be militarily strong. It is a form of insurance policy. This particular insurance is very expensive; but, as with any insurance, the insured prefers to pay the premium and not collect rather than incur the risk-event and collect.

As is usually the case, the questions on the defense appropriations bill are easier to formulate than the answers:

First. How much can we afford to spend for defense considering our gross national product?

Second. How much can we afford to spend for defense considering the competing needs in social programs?

Third. How much can we afford to spend for defense considering the current deficit and its impact on inflation, interest rates and unemployment?

Fourth. How much can we afford not to spend for defense considering the Soviet potential for aggression?

Fifth. How much can we afford not to spend for defense considering the dire consequences of being unprepared?

Sixth. What impact will our military strength have in stimulating strategic arms reduction talks?

Against this background, I have decided to vote in favor of the current request for funding for the B-1 bomber. I make no commitment for future votes on funding because future events will inevitably raise new issues. I have had the benefit of extensive briefings by the Department of Defense and the Air Force in Washington.

I have read extensively about the B-1 bomber by those who favor and oppose it. I have also consulted with people who favor and oppose the B-1 including colleagues in the Senate. In addition, I visited Edwards Air Force Base on November 28, last Saturday, where I observed the B-1 bomber and the B-52 bomber and received extensive additional briefings on those airplanes.

There are no exact answers to how long the B-1 can penetrate the Soviet air defense. That depends on the evolving level of Soviet defenses and the evolving status of our countermeasures to avoid detection. I am persuaded that the B-52's are too old to be relied upon until we have the advanced technology bomber, commonly known as the Stealth bomber. Even beyond the time when the B-1 can penetrate, it has significant utility as a cruise missile carrier.

Congress, as well as the Department of Defense, must be vigilant to avoid escalating costs on the B-1 bomber. Secretary Caspar Weinberger has given positive assurances that change orders will not be tolerated and that the contracts



on the B-1 will be extremely tightly drawn to avoid the known pitfalls of other escalating contracts. The private contractors have verified the toughness of the Department of Defense negotiating posture.

I am optimistic that congressional support of the B-1 bomber and a strong defense generally will provide President Reagan with the bargaining strength to succeed in the strategic arms reduction talks. There is reason for optimism on the President's initiatives in missile reduction in Europe. The Soviet response did not totally close the door. It is a hopeful sign that United States and Soviet negotiators began talks in Geneva on limiting nuclear weapons in Europe on the same day, November 30, 1981, that debate began in the Senate on the defense appropriations bill.

Certainly, unilateral disarmament makes no sense. The mixed messages from the Carter administration to the Soviet Union on this subject were unsuccessful. While it is futile to speculate on the possibility of a causal connection between President Carter's cancellation of the B-1 bomber, and other lack of military preparedness, and the Soviet invasion of Afghanistan, it is reasonably clear that the Soviets do not respect or respond to weakness with good deeds.

I am convinced that President Reagan places a very high priority on having a balanced budget by 1984. It may well be that the only way to achieve that balanced budget by 1984 will be to rethink defense appropriations and expenditures. Given a strong hand by Congress in our willingness to prepare militarily, President Reagan may be able to reduce the table stakes in the international military-poker game as a means of attaining the goal of a balanced budget by 1984. As I see it, that is our best bet and the best judgment call.

While I understand the necessity for secrecy, I am concerned that Congress must have appropriate access to the information necessary to discharge our duties in voting on these and related issues. I was dissatisfied with the debate in the Appropriations Committee because some of my Senate colleagues were interrupted in their arguments by other colleagues on the ground that they were making inappropriate disclosures of classified information even though the session was closed to the public and was attended only by Senators and staffers.

For that reason, I voted "present" when the issue of the B-1 bomber came before the Appropriations Committee. I have since obtained answers to the questions which were raised in those discussions, but I think it important to express my reservations about those limitations on our discussions and on any process which fails to make appropriate disclosure on matters on which we are called upon to vote.

Mr. President, while I have the floor I shall briefly comment on another subject that relates to use of coal instead of oil by our Armed Forces.

I commend the subcommittee on defense appropriations for the specific provisions which prohibit the use of fund-

ing for conversion from coal to oil and encourage the use of coal.

I emphasize the importance of these provisions for two reasons: First, in the national interest we should use coal wherever that is possible as an alternative to oil because of the stranglehold of OPEC oil, its escalating costs, and very difficult strategic position that we are in in reliance on such oil.

Second, because of the abundance of coal in this country with particular reference to my own State of Pennsylvania, I was pleased to see the language in the appropriations defense bill which prohibits conversions from coal to oil and which will encourage the use of coal as a very important item both nationally for defense and in the national interest to eliminate the dependence on OPEC oil and for States like Pennsylvania which have an abundance of coal.

I yield the floor.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, it is my understanding that the Senator from Nebraska (Mr. EXON) has an amendment dealing with force modernization. We have discussed this matter, and he is agreeable to a time limitation of 30 minutes equally divided, with the understanding that there will be an up-or-down vote at the end of that time. If that is correct, I am prepared to make that request.

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

Mr. STEVENS. Yes.

Mr. EXON. Madam President, the acting majority leader has accurately described the agreement we have entered into, and I will seek the floor on my own in a few moments. I will offer an amendment with regard to force modernization structure with the understanding that I would be entitled to an up-or-down vote on the amendment, the half hour time limit equally divided to be followed by a rollcall vote.

Mr. STEVENS. Madam President, I make that request. It is my understanding that any amendment to the amendment would have to be germane. I know of none that will be offered, but we could make provision for 10 minutes in the event there is an amendment to the amendment.

Mr. ROBERT C. BYRD. Madam President, reserving the right to object, will the distinguished Senator put a time limit on any amendment in the second degree?

Mr. STEVENS. I did ask for a time limit of 10 minutes on any amendment in the second degree, with the proviso that such amendment would have to be germane.

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

#### UP AMENDMENT NO. 728

(Purpose: To increase by \$60 million the funds available for the Army's Force Modernization program)

Mr. EXON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an unprinted amendment numbered 728:

On page 7, line 13, delete the following: "\$15,354,400,000" and in lieu thereof insert the following: "\$15,414,400,000".

Mr. STEVENS. Madam President, I ask for the yeas and nays on the Senator's amendment.

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

The yeas and nays were ordered.

Mr. EXON. Madam President, I was quite disappointed to see my friend from Alaska ask for the yeas and nays on the amendment I just offered, because I was very hopeful that the majority side of the aisle would agree by voice vote to this amendment. But since that is not the vogue in the U.S. Senate today on this vital matter affecting our national defense, I must go into some type of an explanation.

I would first like to say, Madam President, I have been quite surprised by some of the statements that have been made on the floor by those of us who feel that readiness is such a key area that we want to add to the reductions that have been made by the Appropriations Committee.

Let me start out by saying that I hope those on the other side of the aisle, indeed those on this side, would not misinterpret this Senator's remarks with regard to the fact that I am automatically opposed to the B-1 bomber or the MX because I think force structure is so vitally important.

With that and with the clear understanding, hopefully, that this Senator stands ready to support more for readiness for our defense forces, which we have been led to believe for a long, long time, especially during the Presidential campaign of last year that ended last November, that readiness of our forces, including our rapid deployment force, was critical to this Nation's defense in meeting the ever-increasing threat that we see by the potential enemy around the world, Madam President, let me say that the amendment I am offering today goes to the very heart of the issue of force readiness that has been discussed so much on the floor during the debate on this measure and, indeed, with other considerations before the Senate.

My amendment restores \$60 million to the Army Operation and Maintenance Appropriation that was cut by the Appropriations Committee. Restoring these funds will provide the full amount requested by the administration in fiscal year 1982 for the Army's force modernization efforts.

Madam President, it is my understanding that this cut that was made by the Appropriations Committee of the Senate of about \$60 million contrasts with only a \$5-million cut made on the House side. Therefore, as we address this amendment, I hope my colleagues on both sides of the aisle will give serious consideration to it, rather than following blindly the

dictates of the leadership on that side of this important body.

Madam President, the operation and maintenance accounts are not often well understood, so I want to take a minute to describe for my colleagues why I am proposing to restore the amount cut by the Appropriations Committee. And I hope that those few Senators gathered on the floor will listen carefully to what I say and those in their offices, or staffs listening to my comments will at least take into account what the Senator from Nebraska is saying and advise their Senators how they think they should vote, at least advise their Senators as to what this is all about rather than having them come through the door, as is customary, go down to the well and cast a vote as they are instructed to do by the leadership.

The appropriation for the Army's force modernization efforts from which these funds were cut provides the resources to finance the operation and maintenance costs associated with supporting new equipment that is purchased through the procurement accounts. Without the necessary support costs in the O. & M. account, the new equipment that the Army buys would literally never leave the factory.

Let me give some specific examples of what this force modernization line item buys. The funds in this line item which the Appropriations Committee cut, and which my amendment would restore, pay the transportation costs of new equipment from the factory door to the operational unit in the field. The costs associated with insuring that the troops are adequately trained to operate this equipment are paid from this line. Any changes in stockage of spare parts or equipment to maintain the new equipment are paid from this line.

The list goes on and on, Madam President, but the point is clear, and the central point is simply this: In this Senator's opinion, at least, there are few other areas in this appropriations bill that have a greater and more immediate impact on force readiness than the funds associated with the force modernization efforts. What good are the billions that we appropriate to buy new equipment if we do not provide the funds necessary to fully utilize the equipment once it comes off the production line.

Madam President, I have said before, and I repeat, too much of this administration's defense posture are "show and tell" in their impact. This \$60 million amendment is not good "show and tell," but it is essential to our basic readiness requirements.

The Appropriations Committee noted correctly in their report that there have been some delays in getting new equipment to the field since the budget was submitted. In the committee's opinion, these delays justify the reductions in the amount requested by the Army. But the committee failed to note that there have been and will be deliveries of other equipment more quickly than the Army originally anticipated in their budget request.

For example, the Army now expects to receive 211 more improved TOW vehicles and 25 more improved Hawk air defense

missile systems during fiscal year 1982 than this budget supports. These are only two examples, Madam President. In fact, the increases from the original budget estimate for the more rapid delivery of equipment to the field exceed the decreases expected from delayed deliveries by \$26.5 million. In other words, the amount included in the committee bill is \$86.5 million below the amount the Army now says is required to meet this vital readiness function in fiscal year 1982. This amendment restores only two-thirds, or \$60 million, of this shortfall.

Madam President, this modernization effort was one of the programs which the Reagan administration strongly emphasized in their amendments to President Carter's fiscal year 1982 defense budget. In the October budget cuts in the Defense Department, this line item was left untouched. The administration continues to support the full budget request for this program, which my amendment restores.

And I hope that my colleagues would understand that. And I might add that since the mood is to support the President, not unlike the old phrase "Support Your Local Sheriff," it seems appropriate that we should apply that term now, especially to those on that side of the aisle. I agree that the \$60 million amendment that I have offered for readiness is not very good "show and tell," but I urge my colleagues to consider that it is critically important as far as our readiness is concerned.

In closing, Madam President, regardless of the charges that have been made today, this is not one of those frivolous amendments made to delay the bill. On the contrary, I hope I have been able to demonstrate to the Senate that the reductions suggested by the Appropriations Committee here appears to run counter to the consensus in this body to improve the operational readiness of our military forces.

I urge my colleagues to support the amendment.

May I inquire of the Chair how much time I have remaining on my 15 minutes?

The PRESIDING OFFICER. The Senator from Nebraska has 5 minutes and 40 seconds remaining.

Mr. EXON. I reserve the remainder of my time.

Madam President, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. Madam President, I thank my friend from Nebraska. I congratulate him on his amendment. And I ask unanimous consent that, if I am not already listed as a cosponsor of his amendment, I be added as a cosponsor.

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

Mr. LEVIN. Madam President, this amendment, like the other amendments, goes to the cutting edge of America's readiness. I was very much intrigued by my friend from Alaska when he talked about these amendments as being dilatory. These amendments represent moneys which were in the Reagan March budget. They represent, I think without exception—perhaps the Byrd amendment of yesterday would be one—but for the most part they represent amendments in moneys that were in the Senate

authorization bill. They represent moneys that were in the House authorization bill.

And may I say, in the case of the amendment of my friend from Nebraska, they represent moneys that were in the Reagan October request. Even when the President proposed that we make cuts in readiness on Indian Ocean readiness and presence, cuts in the many other areas that are set forth in that "Dear Colleague" letter which my friend from Alaska has quoted from, even when the President suggested those readiness cuts in October, the one that the Senator from Nebraska is seeking to restore was not cut—was not cut—in the Reagan October request. That was cut by the Appropriations Committee.

So while all of these amendments have in common, or nearly all, that they were in the original Senate authorization bill, in the original Reagan bill, this one is not.

The PRESIDING OFFICER. Will the Senator suspend? He has used his 2 minutes.

Mr. LEVIN. I wonder if I might have 1 more minute to put in these figures.

Mr. EXON. I yield.

Mr. LEVIN. Madam President, the Reagan October request for this item, this critical readiness Army item for the Army, was \$976 million. The bill which came out of the Senate Appropriations Committee was \$916 million. Again may I say that this amendment would add back \$60 million to this line item to restore the President's October request.

I think it is inappropriate for the Appropriations Committee to suggest that these amendments, when they were in the Senate authorization bill originally before it went to conference, when they were in the President's March request—and in this case when it was in the President's October request—are dilatory or frivolous. These are serious. They deal with the B-1 bomber. People should be able to express themselves on these items. I am sorry to see tabling motions because I think there should be up-or-down votes.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Mr. STEVENS. I can assure my friend from Michigan that there will be an up-or-down vote and I hope the Senate will sustain the Appropriations Committee.

Force modernization is a new descriptive category in Army operation and maintenance. Over \$900 million is provided for this purpose. The funds are spread throughout the bill.

We examined this category and we found that based upon Army estimates, the delivery of the weapons system to be supported—maintenance and operation costs for new vehicles, new systems—fewer M-1 tanks will be delivered, fewer infantry fighting vehicles will be delivered, and other equipment than was originally planned in the March estimates for fiscal year 1982.

Our information indicates that there are 103 fewer M-1 tanks, 165 fewer trucks, and 6 fewer Tacfire artillery systems. All of this means less money



will be required. I am delighted that our friends have pointed out we have done our job. Our job is to look over these requests and to see if there is any fat in them. There is over \$60 million in excess of requirements in this \$900 million account. So we recommended a reduction of \$60 million.

It is a reduction from the President's request but it is in line with the authorization. It is money that we all agree is not needed in 1982 to maintain force modernization. There is just no reason for us to include in this bill moneys that cannot efficiently be spent within fiscal year 1982.

I said to my good friend from Nebraska I am delighted to have the opportunity to agree to an up-or-down vote on this because it is one of the items in the Dear Colleague letter that does address a reduction that was made by the committee with due deliberation because the money just is not needed. It is in excess of the requirements of the Army for force modernization. There is absolutely no reason to provide \$60 million more than is necessary to meet this requirement.

I hope the Members of the Senate will examine our suggested reductions and will ask us to defend them. I am willing to defend this one anywhere because with over \$900 million in an account that did not even exist last year—I am corrected. It is not an account. It is a category of expenditures. It is a breakout of a category of expenditures, force modernization.

To take \$60 million from that and to say this is the portion of savings which we are going to make and I am proud of that. I am delighted our committee agreed with us. I see nothing here to indicate that we are wrong.

The overstatement of operations and maintenance costs, the delay in the delivery of the vehicles and systems I mentioned, indicate to us that there is absolutely no reason to give more money than is required for the Army for force modernization.

I would call the attention of the Senate to the fact that in doing this, in taking the \$60 million out of this, we put the money into real property maintenance and said to catch up as far as the backlog in real property maintenance.

We have an unacceptably high backlog of maintenance and repair that has been shoved back each year. We said, "Here are \$60 million you do not need for this force modernization and we want you to use the \$60 million and try to catch up on some of the real property maintenance, some of the buildings and systems that are deteriorating, not only in this country but throughout the world, which will cost us a great deal more in the future if we do not dedicate that money to it now."

The PRESIDING OFFICER. Who yields time?

Mr. EXON. May I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes 16 seconds.

Mr. EXON. Madam President, I am disturbed to hear the acting majority

leader, who has been very active on this whole bill, indicate that there was fat in the budget, in this item, proposed by the President of the United States.

We all know and the record is clear that this President of the United States is the greatest budget cutter who has ever come down the pike. I think it is most unfair for my friend from Alaska to indicate that the President would send us a figure that he still stands by that has fat in it. At least, that is the first time that fat in the budget has been acknowledged on that side of the aisle.

Madam President, it is very interesting to me that in all of the additions that we have attempted to make to this appropriations process only one has survived. I give credit to my friend from Alaska because I know that he was against adding the money for the old battleship.

I guess what we are confronted with here, Madam President, is that everything we propose to increase readiness is voted down with tabling motions. The only thing that passed was the old battleship. Can anyone in this country believe that the only change that should be made in the recommendations of the Appropriations Committee is spending more money to bring an old tub out of mothballs?

I think it is particularly ironic that that is the only readiness item that has passed on the floor of the Senate.

In conclusion, I would simply say once again that the B-1 and the MX, as important as they are, are great show and tell items, but readiness is still a critical factor.

If I had the time, I would go into several other items where the Army has advised us that they are going to have earlier delivery of some of the weapons systems. While I would agree with my friend from Alaska that some would not be delivered on time, as I said in my opening statement, this does not restore all the money that is needed; only about two-thirds of it.

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

Mr. EXON. I yield the floor.

Mr. STEVENS. Madam President, I thank my good friend. Again, I can only tell the Senate that we evaluated in depth the information provided by the Army on their new systems, their new vehicles—tanks, vehicles, trucks. This category of funds is to provide for the operation, servicing, and maintenance of those new systems as their forces modernize, and there is just no reason to give them more money than they need. If anyone wants to be known as a person who really is willing to throw money which is not needed at the military, then I can suggest that this is the amendment to vote for.

Our committee recommended a reduction to reflect the reevaluation of all the requirements in the force modernization program for the Army and we reduced them, took \$60 million out of a total program of over \$900 million.

Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is

on agreeing to the amendment of the Senator from Nebraska.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. STEVENS. I announce that the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DeCONCINI), the Senator from Louisiana (Mr. LONG), and the Senator from Nebraska (Mr. ZORINSKY) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. DeCONCINI) would vote "yea."

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

The result was announced—yeas 37, nays 56, as follows:

[Rollcall Vote No. 436 Leg.]

#### YEAS—37

Baucus	Glenn	Mitchell
Bentsen	Hart	Moynihan
Biden	Hollings	Nunn
Boren	Huddleston	Pell
Bradley	Inouye	Pryor
Bumpers	Jackson	Randolph
Byrd, Robert C.	Johnston	Riegle
Chiles	Kennedy	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Tsongas
Eagleton	Matsunaga	Williams
Exon	Melcher	
Ford	Metzenbaum	

#### NAYS—56

Abdnor	Gorton	Packwood
Andrews	Grassley	Percy
Armstrong	Hatch	Pressler
Baker	Hatfield	Proxmire
Boschwitz	Hawkins	Quayle
Burdick	Hayakawa	Roth
Byrd	Hefflin	Rudman
Harry F., Jr.	Heinz	Schmitt
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Jepsen	Stafford
D'Amato	Kassebaum	Stennis
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dixon	Lugar	Thurmond
Dole	Mattingly	Tower
Domenici	McClure	Wallop
East	Murkowski	Warner
Garn	Nickles	Weicker

#### NOT VOTING—7

Cannou	Goldwater	Zorinsky
DeConcini	Long	
Durenberger	Mathias	

So the amendment (UP No. 728) was rejected.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I inform the Senate that it is my understanding that the Senator from Pennsylvania (Mr. SPECTER) has an amendment and then following that amendment the Senator from Ohio (Mr. GLENN) will have an amendment.

We are happy to try to schedule any amendments that Senators wish to discuss.

I believe we are going to be prepared to accept the amendment of the Senator from Pennsylvania, but I will wait and hear it being explained first.

## UP AMENDMENT NO. 729

(Purpose: To add \$4,000,000 for the Field Artillery Ammunition Support Vehicle)

Mr. SPECTER. Madam President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Pennsylvania (Mr. SPECTER) proposes an unprinted amendment numbered 729.

On page 17, line 11, strike out "\$3,958,600,000" and insert in lieu thereof "\$3,962,600,000".

Mr. SPECTER. Madam President, this is a rather modest amendment in the amount of \$4 million, considering the \$200 billion-plus defense appropriations bill which we are considering today.

The specifics are that \$4 million would be added for long-lead funding for the field artillery ammunition support vehicle, in accordance with the President's March and September budget request. I believe this relatively small sum is very important in making sure that we have the production lines for this vehicle so that they will remain open to insure that it be produced rapidly and efficiently. It has been estimated that deleting the funding of this \$4 million will delay production of the FAASV by 7 to 10 months and will undoubtedly drive the unit costs much higher.

The need for such an ammunition vehicle has been well documented. Soviet military strategy has always placed great emphasis on the use of massed artillery to saturate enemy positions prior to attacking with its ground forces. Given Soviet preponderance in numbers of tanks and artillery forces, NATO forces must be able to survive longer than their Soviet counterparts and must be able to make every artillery round count.

NATO must, therefore, possess artillery units that can survive a massive Soviet attack and be ready to fire. In order to achieve such a result, all elements of our artillery units need to be provided adequate protection and sufficient mobility. NATO now has a self-propelled howitzer, the M-109 A1/A2/A3, without a comparably effective and protected ammunition vehicle to supply it.

The FAASV was developed in order to meet that requirement. The Army, in August 1980, contracted for five prototypes to be delivered in the first quarter of 1982. The testing for these vehicles is scheduled to be completed by April 1982 and production is expected to begin in September of that year.

The \$4 million the Army has requested for long-lead funding in the 1982 budget will provide the engines and transmissions for these vehicles. This is the first time long-lead funding has been requested for such vehicles because the company that produces the engines, Detroit Diesel, needs assurances that enough vehicles will be produced to keep its production lines open for these machines. But, the company that produces the FAASV's chassis also risks having to close its production lines if these funds are not provided.

If this \$4 million is not added now we risk delaying the entire program at a

time when the need for an adequate well protected mechanized and mobile ammunition support vehicle is critical, and I think that it is a relatively modest sum on a program of obvious importance.

I urge adoption of this amendment.

I yield the floor.

Mr. STEVENS. Madam President, we had deleted the \$4 million for the field artillery ammunition support vehicle as being premature. It was my understanding at the time that that item would have been in the House bill and as we have explained to the Senate before, the way we dealt with this bill we were not sure exactly what was in the House bill.

The amendment will not be in conference unless we do accept the Senator's amendment.

It was our understanding that it would be in conference and it is budgeted and the Army does indicate that it does have the need for the money.

What I am saying is I am most willing to recommend to the Senate that we take the amendment of the Senator because we wanted this to be a conferenceable item and without his amendment it would not be.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (UP No. 729) was agreed to.

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

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

## MILITARY HANDGUNS

Mr. COHEN. If I may have the attention of the distinguished acting majority leader, it is my understanding that the Defense Department has made a decision, at least on a preliminary basis, to explore the feasibility of moving from the current .45 caliber, .38 caliber revolvers in our military services to a uniform 9 millimeter revolver.

It is also my understanding that the House Armed Services Committee has recommended and has indeed provided funding to allow the Department of Defense to carry out the testing and evaluation procedures that would allow DOD to make a proper decision as to who should have the contract on that particular weapons system.

Under the appropriations bill money has been deleted, not provided for, but there has been express provision that would delay the implementation of this program.

I was wondering if I could explore with the Senator from Alaska whether or not we could not have some understanding as to what the difficulty seems to be with the 9 millimeter weapon.

I have heard, for example, that there is some concern that one firm, namely Beretta, has been sort of "wired" for selection by the Department of the Army.

I will say to my friend from Alaska that I am sensitive to such types of charges because indeed some years ago when I was in the House there was a report in the New York Times that a contract for a certain machinegun that a

company in Maine was a competitor for had been "wired" to a Belgian firm, and a deal had been made. That was first denied by the administration at that time. We ended up by bringing a lawsuit against the Department of Defense, receiving a preliminary injunction, and basically finding a very unsatisfactory resolution so far as the Maine company was concerned. So I am sensitive to the suggestion or indeed any charges that have been made that one company might be given preferential treatment over another.

My understanding is that a number of companies are currently in competition; that, in fact, it has not been predetermined that any one firm should receive the contract, but that request for proposals has disclosed that there are a number of firms, Smith & Wesson, Beretta, Maremount, and Heckler and Koch, which are now candidates, and the Department of Defense would, in fact, make a selection by January 1982.

So I was wondering whether or not the Senator from Alaska has objections to a fair evaluation being conducted if, in fact, there has been no deal made; if, in fact, there is a pledge for fair and impartial evaluation; if, in fact there could be some assurance, whether through GAO or some other mechanism, to insure the proper oversight and evaluation to make sure this decision is conducted not as an incentive, not as a sweetener for any other country to go forward with other programs, but strictly on the merits, and whether the distinguished Senator would remove his own objections.

(Mr. KASTEN assumed the chair.)

Mr. STEVENS. I am grateful to the Senator for the opportunity to discuss the general provision concerning the 9 millimeter handgun.

We desire to halt the initiative of the Army to permit the Government to provide for the procurement of a new weapon to replace the traditional .45 and .38 handguns. The reason is that the program was never authorized, funds were never sought for the program in the 1982 budget, and we have some 540,000 handguns in the military inventory.

The proposal would be to replace those with some 590,000 9 millimeter pistols at a cost of over \$400 per weapon.

Again my problem was that the authorizing committee had not looked at it, had not authorized the program. We had not been specifically requested to look at it as an appropriation request in the appropriations process, and we just found it was ongoing.

So there is not just report language, there is a provision in the bill directing that this procurement be stopped until Congress evaluates the question of whether we do want to modernize these weapons, if it is indeed modernization, and to answer the questions of the Senator which he has raised as to how this is to be done. I have some indication. One of the proposals was to re bore the barrel of the existing weapons and to then call those 9 millimeter weapons.

We both attended the NATO parliamentary conferences, and we know the desire for standardization. I do not op-



pose standardization, but it just seems to me that a program of this type, which could evolve a substantial procurement program, ought to be authorized and it ought to be treated in the normal appropriations process.

Since the matter is in the House bill, I would suggest that in the conference something similar to what the Senator suggests would be possible, and I hope he would allow us the flexibility to deal with the provisions in the House bill and to deal within the conference with those provisions.

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

Mr. STEVENS. The Senator has the floor and I am responding, I guess.

Mr. COHEN. I yield to the Senator from Maine.

Mr. MITCHELL. I thank the Senator from Maine and I thank the distinguished floor manager.

I think it is important to make a record on this point regarding the origins of this initiative.

In 1977 the Air Force requested authority and funding to develop a new model .38-caliber ammunition for handguns used by Air Force personnel. The House Committee on Appropriations reacted to this request by ordering a handgun study by that committee's surveys and investigations staff.

As a result of that study in 1978, the House Appropriations Committee urged the Department of Defense to standardize its handgun inventory and its handgun ammunition inventory, and in characterizing that report a year and a half ago the chairman of the House Appropriations Subcommittee on Defense stated, and I quote:

A study in 1978 by the Surveys and Investigations staff found an intolerable proliferation of handguns and handgun ammunition in the Department of Defense. More than 25 models and types were present in the inventory. For 2 years—

And this is a statement made a year and a half ago—

the committee has been exhorting the Department of Defense to expeditiously make the decision on a standard handgun and handgun ammunition and prepare a transition plan to achieve that standard.

So this is a response by the Department of Defense to the urgings of Congress.

I submit for the RECORD and ask that it be printed in its entirety a copy of a letter dated yesterday addressed to the distinguished floor manager from the Deputy Secretary of Defense in which he urged that this current evaluation continue.

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

THE SECRETARY OF DEFENSE,  
Washington, D.C., December 1, 1981.  
Hon. TED STEVENS,  
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate,  
Washington, D.C.

DEAR TED: This is to inform you that the Department of Defense favors the completion of our current evaluation of candidate handguns to replace the current .45 caliber pistols and .38 caliber revolvers.

Our actions to select a standard weapon to replace the numerous makes and models of handguns are well overdue and consistent with Congressional language.

We have already issued Request for Proposals and received from industry weapons for tests. Our test agencies are now in the process of testing the hardware. Our schedule calls for completion during January 1982.

We are confident that the current acquisition strategy for 9mm handgun procurement is in the best interests of the Services and is not unfair to industry. Any interruption of this process would call into question the credibility of our acquisition procedures.

Sincerely,

FRANK C. CARLUCCI,  
Deputy Secretary of Defense.

Mr. MITCHELL. This letter stated, and I will quote just briefly from it:

This is to inform you that the Department of Defense favors the completion of our current evaluation of candidate handguns to replace the current .45 caliber pistols and .38 caliber revolvers.

Our actions to select a standard weapon to replace the numerous makes and models of handguns are well overdue and consistent with Congressional language.

We have already issued Request for Proposals and received from industry weapons for tests. Our test agencies are now in the process of testing the hardware. Our schedule calls for completion during January 1982.

We are confident that the current acquisition strategy for 9mm handgun procurement is in the best interests of the Services and is not unfair to industry. Any interruption of this process would call into question the credibility of our acquisition procedures.

That is from the Deputy Secretary of Defense.

So I believe, Mr. President, that there is a well-founded basis for proceeding consistent with congressional intention. I hope that the distinguished floor manager would be able to act in accordance with the request of the senior Senator from Maine regarding a fair supervised evaluation procedure that does not delay this important procurement process.

Mr. COHEN. Mr. President, I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the expressions of both Senators from Maine. I, too, have looked into this handgun situation. I believe it should remain with the Department of Defense to continue to advise this Congress on the need or lack thereof to proceed for a replacement weapon in the area of handguns.

I thank the Senator from Maine.

Mr. STEVENS. Mr. President, I understand full well what the Senators are saying. I have a stack of mail, I say to my good friend from Maine, from the people in the Department of Defense. If there is anything that can bring about their readiness to equal their ability to deliver mail to anyone who is involved in a bill on the floor that affects them, I would be happy to try and accommodate them to see if we could give them the same capability to respond to a threat as they can respond to a situation such as that letter the Senator describes. We have that letter. But they really have not responded to our problem.

The problem really is why should they be going about a major procurement—

maybe \$200 million is not a major procurement anymore to some people. It still is in terms of the Appropriations Subcommittee. And there is no reason for them to be proceeding on a basis that apparently has no set plan.

The House committee issued a report, the Investigation Subcommittee of the Armed Service Committee issued a report in September. It found a lot of things.

The Senators from Maine would like the GAO involved. The GAO has been involved. At the request of the GAO, an Air Force gunsmith completed the conversion of a .45-caliber pistol to 9 millimeters in approximately 10 minutes. And the total retail cost of all the parts used was approximately \$100. As a result of that, a U.S. arms manufacturer informed the U.S. Army Materiel Readiness Command that it would submit a proposal to convert all .45-caliber pistols to 9 millimeter for \$170. Yet the procurement that is involved, the XM9, is dealing with a program of approximately \$400 per weapon to replace all weapons.

Now, we really think that the Army and the Department must come up with some program and explain it to the Congress. What is the Army going to do with the 540,000 handguns now in inventory? Why do they need 590,000 new 9-millimeter pistols if the existing pistols could be converted and, if, in fact, it could be done in the Army's own ordnance probably for less cost than anywhere else?

All we are saying, Mr. President, is that the program just does not seem to have any coherence right now. We have directed that it be stopped. The House has directed that it go ahead. The matter is in conference and it will be a very interesting issue, I think. We will definitely pursue the suggestions of the Senator from Maine when we do get to conference with the House on the issue.

Mr. COHEN. I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I would just like to endorse and support the comments of the Senator from Alaska. As one from New England, obviously we have a number of firms that are interested in this particular issue. But I think it is important to point out the fact, as it pertains to some American corporations, that the request for proposal made on this issue by the Department of Defense came out on June 30. The original request for proposal had allocated 45 days for the preparation of a 500-page technical report and the fabrication of some 30 prototypes of the 9-millimeter handgun.

For those companies already producing a 9-millimeter handgun, this was a relatively simple matter. For 70 years, the Colt .45 has been the principal sidearm of the U.S. Army. Colt has not produced a 9-millimeter handgun in any quantity or to the Army's exact specifications. And until the request for proposal was forthcoming it did not bother going about the business of even making

some 30 prototypes of the 9-millimeter process on June 30.

But in 45 days to produce 30 samples in a very competitive bid process, as well as comply with the 500-page technical report is not feasible. It was virtually impossible, even for a large corporation like Colt. We asked at that time for an extension, which was granted, of 75 days and then 89 days. But, at that time, it was still not enough time to produce the 30 samples.

I think it is also worth noting that a major bidder is the Berrata Corp., an Italian corporation. And at a time when we are trying to keep as much business and procurement business onshore, there is a great deal of suspicion that, in fact, the Berrata Corp. would be the winner in the bidding contest.

In fact, it might be of some interest to my colleagues from Maine that I have prepared an amendment, which I have not offered and do not intend to offer, but it might serve as a compromise position. My amendment would have allowed for an extension of the bidding process to allow bona fide contractors in this country to comply with the very difficult requirements of a 500-page technical report and the more difficult task of producing 30 samples of a handgun, 30 samples which would obviously be of such a nature that they would be competitive, and that actually an extension of the bidding process might be a way of dealing with this issue in conference.

But, in the meantime, to suggest something that after 70 years of having one primary handgun, that in 45 days, or 75 days, we are going to be able to produce a 9 millimeter handgun, it is not going to serve our interests and not serve the interests of our NATO allies, as well, not to mention some additional requirements required as a result of that. It would be a significant drain of U.S. dollars to an offshore company that I suspect is going to emerge as the winner of that contest.

So it seems to me that it is wiser to allow this bidding process to go a bit longer than we allowed and, if not, just continue with the present sidearm, which has served the Nation well for 70 years. And, God knows, in the budget crunch, when we are talking about millions of dollars for a handgun at a time when we are discussing theater nuclear weaponry, at a time when every nickel in the budget seems to evoke heated debate on the floor of the Senate, that we might focus our attention on some other priorities.

I would at least be interested in knowing from my colleagues from Maine whether or not a proposal to extend the bidding process might be something that they could support when, in fact, we do get to conference on this issue.

Mr. President, I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, I would like to note, so the record will be clear, that it was stated publicly at a hearing in the House that the services had agreed on standardization of handguns on the 9-millimeter model over a year-and-a-half ago. This is not some-

thing that anybody should have been surprised at or was surprised at. It is something that was well known before that and stated publicly at that time.

Second, I would also point out that we are not talking about a procurement here. We are talking about completion of a testing and evaluation process that was commenced in response to a congressional initiative that the funds involved are unobligated funds from the 1981 bill. This is not a procurement. If there is to be a procurement, obviously the services will come back and that will be a specific item in a future appropriations bill. I think that should be clarified, in light of the statements made by the distinguished Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Ohio wishes to offer an amendment now. In trying to schedule these, I would ask unanimous consent that following the Senator from Ohio that the Senator from Maine (Mr. COHEN) be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. The Senator from Arkansas (Mr. PRYOR) would like to follow Mr. COHEN. That will be agreeable to us. We will try to work out time agreements as we hear what the amendments are.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio is recognized.

#### NAVAL OPERATING FUNDS

Mr. GLENN. Mr. President, if any of us went out and bought a new car and kept it in the garage because we did not want to go to the expense of buying gasoline to put in the tank, one might think we were a little bit addled. I would think we would be at least addled if we did that.

Mr. President, that, in effect, is what we are doing with our Navy. We are considering over these days here many, many, tens upon tens upon tens of billions of dollars of expenditures for new equipment which is supposed to be used to carry out American policy around the world. Then with the Navy we are at the same time trying to save money by not giving our forces sufficient operating funds.

If those operating funds were being applied just generally worldwide, or just a general reduction in the Pacific, the Indian Ocean, Atlantic, Antarctic, wherever, we might be able to say, "Well, we will just accept it because it is a general cut."

But that is not the way this is being done. This cut in operating funds is being done in the most important naval geographical spot in the world. That is the Persian Gulf. Where we are trying to save money dangerously weakens us in that area of the world most vital to the United States and the whole free industrialized world. In fact, we still get nearly 20 percent of our oil out of the Persian Gulf. Our representation there, our military forces there, also provides the protection for Western Europe, a Western Europe that gets 50 percent of its oil from the Persian Gulf.

We also supply the protection for the oil sealanes to Japan, which gets over 75 percent of its oil from the Persian Gulf.

A couple of years ago I was in the Orient, in Japan, and I was talking to one of the people at the Ministry of International Trade and Industry. He made the statement in one of the breaks that we had in the meeting that on any given day there is a tanker every 100 miles between Japan and the Persian Gulf. While I cannot vouch for that, it may be two-way traffic, but whatever kind of traffic it is, it indicates the importance that we attach to the Persian Gulf.

During the AWACS debate, we adequately illuminated the importance of the Persian Gulf area and the vital role it will play into the indeterminate future. With the cutbacks we are making in energy research, alternate energy research, and conservation, I do not see our dependency on the Persian Gulf changing much over the next decade, probably, or decade and a half, even. So our attachment to the Persian Gulf is going to remain just as tight as it is now and just as important as it is now.

Those alternate fuels research funds, incidentally, were some \$776 million in the Carter budget submitted in January of this year and they were cut in the new administration to only \$443 million. So we have decimated our basic energy research, noncompetitive with private business energy research, to what I think may be pennywise in this year's budget but it is very pound foolish for the future.

It does indicate that we will for the indefinite future retain our dependency for oil on the Persian Gulf. Western Europe will be saddled with that same kind of dependency and Japan also will be saddled with that same kind of vulnerability that we all share together and which we are taking on the military load of protecting in that Persian Gulf area.

President Reagan has made numerous statement to spell out the importance of that area, and that most critical piece of naval geography in the world, the Strait of Hormuz.

Our carrier forces assigned to the Indian Ocean were put there for a very good reason. They were put there not just to make a show of force. They are probably the most combat-ready force that we have anywhere in this world. Nowhere else in the world are American forces required to take off on every mission as combat ready as those forces in the Persian Gulf.

When we placed those carriers in the Persian Gulf, the two carriers that were assigned there, it was a commitment that I backed then and I still firmly support, as I believe do most Americans. I believe honestly that most Senators in this Chamber supported that two-carrier commitment.

Those carrier forces that go off every day in that part of the world take off daily fully armed, with guns, rockets, bombs loaded, ready for whatever might occur, literally, with only minutes of warning time.

Let me say that these are not show forces. These are not bluff forces in any way, shape, or form.

The United States has 13 carriers, two of which have been assigned in the past to this vital Persian Gulf area. I know of no more important use for naval forces



today than for them to be in the Indian Ocean region, ready and on station for whatever may occur.

Yet in the interest of budget cutting, Secretary of Defense Weinberger has proposed reducing that carrier force from two carriers to one solely to save \$74.6 million in operating funds. This is not new equipment. This is an effort to save money from operating budgets. The lame argument was made after the fact that carriers in the Mediterranean could probably transit the Suez Canal within a few days and be available in the Persian Gulf area. There are just a couple of things wrong with that argument. No. 1, our nuclear carriers cannot go through the canal, and even if they could, with 4 to 5 days delay getting to any scene of action around the Persian Gulf or that Strait of Hormuz, there may be very little need for their presence once they do arrive.

Time is the most critical factor we have in determining what could happen to those vital oil heads in Saudi Arabia and other areas along the Persian Gulf. Much as we all want a balanced budget, this cut just plain carries things too far.

It comes down to a question of commitment. Do we have a commitment to that Persian Gulf area or do we not? Can our NATO allies really be encouraged to take over more of the NATO burden which we justify because of our Mideast commitment that protects them also and protects the 50 percent of oil for Western Europe that comes out of that Persian Gulf?

Can we ask them to accept our commitment while at the same time we in fact cut back on that commitment by cutting our carrier forces in the Persian Gulf in half?

I already mentioned Japan. In Japan we are trying once again to get them to increase their defense expenditures above the self-imposed 1 percent of GNP limit that they have had for many, many years. It gives us little ground to operate on when we are saying to them that, "We are protecting your interest in the Persian Gulf, protecting those oil lines, shipping lines, from the Persian Gulf to Japan," and encouraging them to make a bigger defense commitment in their own home area to relieve us of some of that responsibility, and at the same time we turn around and cut our commitment to the Persian Gulf in half.

Mr. President, our carrier battle groups in the Persian Gulf and Indian Ocean are not bluff forces. They are not labeled "for show purposes only."

We recently completed expensive exercises in the Mideast to show our resolve in that area. We went through all the motions of parachute troops dropping in. We went through bombing exercises on the ranges there.

We went through landing exercises, conducted with the few marines that were aboard the vessels in the Indian Ocean. We showed our resolve in that Middle East area. Those were, what we might say, the show-purpose type forces. But those carrier battle groups off the Strait of Hormuz are not bluff forces. They are the only loaded and ready combat forces we have in the Persian Gulf

area. To lessen that presence will have inestimably important effects.

Mr. President, it makes absolutely no sense to spend tens upon tens of billions of dollars for new equipment and then not have it available to meet America's and the free world's most vital interests and, indeed, those of the whole industrial free world—all for lack of the comparatively few dollars to put gas in the tank. I hope everyone will join in supporting this amendment that I shall call up shortly to restore the \$74.6 million worth of naval operating funds dedicated not to expanding forces, not to increasing forces in the Middle East area, but just to maintaining the naval force that we have had committed to that area.

Mr. President, I am offering this amendment because the administration's recent action in reducing our naval combat presence in the Indian Ocean is a dangerous example of structuring our military forces not on the basis of the threats we face, which I have outlined, but on the basis of a balance-sheet mentality. You just cannot run security forces solely on that basis. I let the administration speak for itself in this matter.

Before the Senate Committee on Armed Services on September 28, the Secretary of Defense, aided and abetted by the Chairman of the Joint Chiefs of Staff, admitted that the defense budget cuts proposed by the Reagan administration would, among other things, cause us to cut back significantly our naval presence in the Indian Ocean-Persian Gulf region by at least half a battle carrier group.

Then, on October 1, the Secretary of Defense told the Senate Foreign Relations Committee on this force reduction. By the Secretary's own testimony, this was attributed by the Secretary as a move dictated not by a changing military situation but solely by a budget directive that he had received.

Mr. President, such preposterous reasoning, unfortunately, is not new to our Republic. In fact, it brings to mind a famous exchange that occurred during the Constitutional Convention in Philadelphia when one of the delegates moved that, "The standing Army should be restricted to no more than 5,000 men at any one time." The Convention's Presiding Officer, George Washington, was prohibited from offering motions of his own, so he turned to another delegate and whispered, "Amend the motion to provide that no foreign enemy shall invade the United States with more than 3,000 troops at any one time."

Mr. President, these are more dangerous times for our country than even those days and we are apparently lacking the kind of leadership that prompted George Washington to turn aside silliness at that Convention so long ago.

Obviously, Mr. President, there have to be spending constraints on national defense. But we will benefit little from a balanced Federal budget if we find ourselves in deep troubles abroad because our Military Forces are inadequate to support our foreign policy.

As the Stockman Atlantic revelations demonstrate, this obsession with book

balancing to the near exclusion of any consideration of our vital foreign interests can lead us down some very dark and very dangerous alleys.

We simply cannot afford the luxury of a new isolationism, Mr. President, and we cannot afford to have our security policy be determined by budget managers who have already exhibited a willingness to doctor the books to support their own economic prescriptions.

Obviously, there are practical limits to Government spending. No Government department—whether it be Health and Human Services or Defense—can ever get all the money its program planners claim is necessary. Once these departments submit their best case budget requests, it is then up to the President to identify truly essential programs and to marshal public support for them. Indeed, that is what leadership is all about, Mr. President.

Absent from the defense debate is a thorough and tough-minded examination of exactly what our vital interests are in today's world and how our military forces can deter or meet concrete threats to those interests. In its search for the magic defense budget numbers, the administration seems oblivious to the fact that the world has not really changed much in the 10 months since Mr. Reagan's inauguration.

The Soviet Union continues the largest peacetime arms buildup since Hitler's Germany. The military balance between America and the U.S.S.R. remains precarious, with long-term trends ominously running against us. Serious problems still threaten to divide the NATO alliance. We are more vulnerable than ever before to an interruption of critical raw materials imported from abroad.

Mr. President, I have supported—and still support—defense initiatives that promise to correct some of the problems caused by our past neglect of the military. I have voted to renew our strategic bomber fleet by building the updated B-1. We need the global force projection capabilities—conventional as well as nuclear—of a modern replacement for the B-52. I also requested the addition of over \$300 million to this year's defense budget to procure new amphibious shipping capabilities.

That is an area we have not dealt with yet, Mr. President, because we talk about all the forces, all the troops, all the equipment we want to move over into these areas if we need them. Then we look at the transportation we have or do not have to get them where they might be needed, and we come up very, very short.

These are just general examples of the kinds of equipment we need for a variety of purposes, but other questions still remain unanswered. What about the size of our land forces? Or the structure of rapid deployment forces? How about the extent to which we will station combat forces overseas, as opposed to those that would be garrisoned in the United States? For questions like these, answers must be sought not at the Pentagon, but at the White House.

Unfortunately, I do not see any reassuring signs that the administration is making a systematic effort either to

define our foreign policy or to tell our military planners what kinds of forces we need to support that policy.

Mr. President, I do not make these very pointed criticisms in a partisan spirit. I was critical of the previous administration for the same lack of planning to coordinate foreign policy decisions with the military buys. In my view, it is precisely this lack of policy definition that is causing confusion and divisiveness on the defense issue today.

We were recently told during the AWACS debate, for example, that our access to the Persian Gulf was a vital U.S. interest. In fact, the President even suggested that it was so important that we would protect the Saudi monarchy from internal, as well as external, attack, and we would give external protection to the other nations in the Persian Gulf from which flow those vital oil lines I mentioned earlier—20 percent of our oil, 50 percent of Europe's oil, and 75 percent of Japan's oil, with 60 percent of those totals coming from Saudi Arabia alone.

Yet, while we are talking about guaranteeing the internal and external security for nations in that part of the world or for the Saudis in particular, or an external protection for all the nations around the Persian Gulf, in the same breath, the administration announced that our naval strength in the Indian Ocean, the only real combat force in that area, was being reduced by the equivalent of half the carrier battle group, which is half the forces that have been assigned to it. When pressed for an explanation as to why we were whittling down our only "big stick" in the region, Secretary Weinberger freely told us that nothing had changed in the security situation; it was still vital, still a situation that was such that it deserved none of this reduction in forces.

What happened, of course, was that our military forces were being restructured strictly on the basis of a budget policy. Ignored was the basic proposition that we are either serious about our military needs or we are not. We cannot talk tough in the Persian Gulf and, in effect, carry a BB gun.

So my amendment would set right what I think is a very misguided action. It is more than that. It is an effort to tell our adversaries, clearly and without reservation, that we consider the Persian Gulf region the locale of our vital interests. It is an effort to tell our friends that we will be resolute. It is an effort to tell the administration that we must be serious and we must be consistent about our survival as a nation.

Mr. President, I think we send all the wrong signals when we pull down these carrier forces in the Persian Gulf. We are asking Europe to assume a bigger load of the defense burden we share together through NATO. We are asking the Japanese to increase their defense expenditures, to take a greater part of the load. We are basing those requests, at least in part, on the fact that we are assuming a new burden for the Persian Gulf that will probably go on for the next 10 or 15 years.

At the same time, we turn around, in the interest of \$74 million, and say we will not provide operating funds to run 2 of the 13 carriers we possess in that most important naval geography in the world, the vicinity of the Strait of Hormuz, the entrance to the Persian Gulf.

#### AMENDMENT NO. 639

(Purpose: To add \$74,600,000 to provide for the stationing of an additional one-half of one carrier battle group in the Indian Ocean)

Mr. GLENN. Mr. President, I call up the amendment. Several Senators have indicated that they wish to speak on this amendment. I do not see them in the Chamber at this time.

So far, the following Senators have asked to have their names added as cosponsors of the amendment: Senator JACKSON, Senator NUNN, Senator FORD, Senator CHILES, Senator LEVIN, Senator HOLLINGS, Senator BUMPERS, Senator PRYOR, Senator HART, and Senator ROBERT C. BYRD. I ask unanimous consent that their names be added as cosponsors.

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

Is the Senator referring to his printed amendment?

Mr. GLENN. I am.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN), for himself and others, proposes an amendment numbered 639:

On page 8, line 1, strike out "\$19,944,389,000" and insert in lieu thereof "\$20,018,989,000, of which not less than \$74,600,000 shall be available only to station in the Indian Ocean one-half of one carrier battle group, in addition to other naval forces to be stationed in such ocean."

Mr. STEVENS. Mr. President, the Senator's amendment is another unique one. I know that the Senator's background and experience are such that he speaks with authority in the area.

I hope the Senate will support the position of the committee. I shall outline the reasons for our position.

In the first place, we have \$2.4 billion in this bill for steaming hours. That is an increase of \$300 million over the steaming program in 1981. We have increased the amount in committee by \$100 million. There had been a cut of \$173 million in the revised budget. We put \$100 million back. Since that time, the authorization committee and the House have confirmed that figure.

In other words, in this item, we are funding 100 percent of the authorized figure for steaming that is funded in our bill. The amount in our bill is identical to the amount in the House bill. The House added \$100 million after our subcommittee indicated that it was going to put \$100 million more into this item.

We are informed that the Navy considers the amount in our bill to be sufficient to carry out the mission in the Indian Ocean.

This is one of those items of readiness that one has to consider very carefully as we look to the question of how we put some portion of the reduction in our

national expenditures onto the defense bill.

In this instance, there is no question that this is a reduction of \$73 million below the March figure. At the same time, the bill is \$100 million above the President's September figure.

The proposal to reduce the funding for steaming hours was reviewed not only by our committee but also by the authorization committee, by both committees in the House, and we have come up with this figure. Incidentally, almost simultaneously it came up to what was justifiable so far as the item is concerned, and without really knowing in advance where the other committee was going to go.

As I said, our committee added the \$100 million back in subcommittee. The House added it. The authorization bill was signed yesterday. The authorization conference report accepted the administration's \$74.6 million reduction, also.

The Senate has to ask itself a question in connection with the amendment of the Senator from Ohio, and it is this: Are there any places in this defense budget which should be reduced in order to have the Defense Department bear a share of this new concept of the September reductions?

The President recommended a reduction of \$173 million, and we have added back \$100 million. I am repeatedly asked, as the manager of the bill, "How close to the President's request are you going to be when you come out of conference?" I am not going to come very close to the President's request, which includes the September mark of \$2 billion reduction in outlays which he has recommended for defense as part of the national drive to solve the complexing problems of inflation, recession, and unemployment. I am not going to come very close if we are to face increases in each area where we sought to trim the Department of Defense budget—not excessively, but to trim so that the Department would be compelled to live within our national objective of reducing the overall expenditures of the Federal Government.

As I have said, this is a tough amendment. I would not have anticipated that we would face it when we had already decided to add back into this bill—and there is in this bill—\$100 million more than the President requested. I would not have anticipated facing it, knowing, as I do, that we are already more than \$300 million above the 1981 level for steaming hours.

I would not have expected to face it, having already lost the *New Jersey* and *Iowa* fight, when I realized that just adding those two ships alone when they come on the line the annual cost will be \$100 million more apiece for steaming hours.

I have never been known, I do not think, as being antidefense expenditures. As a matter of fact, to the contrary, it seems I spend most of my time justifying how I can justify presenting to the Senate a bill of the magnitude that we presented. Yet, now again I have the task of saying to the Senate this additional steaming time is not needed.

The decision of the authorization



committees in both the House of Representatives and the Senate was that it was not needed. The decision of the floor in the other body was that it was not needed.

We have restored as much as we believe can be efficiently used by the Navy for steaming hours consistent with its overall mission, and there is not much more that I can say.

In a bill such as this, we get to the point where we can say and I do say to the Senate that we will do our utmost to bring back a bill which is consistent with our national objectives. As we emerge from conference we will be as close as possible to the projected level of the budget as contained in the congressional budget that we ourselves have adopted. If we discount the pay bill it would be somewhere around \$200 billion to \$201 billion. That means rather than add money to this bill now the Senate should be asking what more can we take out because we have to take out over \$8 billion to get down to that figure, and each amendment we have faced so far would have added money to the bill, not taken it away.

I know there may be some amendments coming to delete moneys, but I urge Members of the Senate to come forward with them. It may be that if the Senate disagrees with the committee on some items that we have included we would decide and come back and say let us put that money in steaming hours.

But there is no fat in this budget now. The problem really is how do we cut what is there now to get down to \$200 billion to \$201 billion.

I know that the Senator from Ohio knows, and I am extremely sincere in saying so, that he has picked an amendment that touches the very bowels of our naval program; steaming hours.

I can only say to you, Mr. President, to the Senator from Ohio, and to the Senate that this bill contains more money for steaming hours than anyone envisioned in the midterm of this year.

There is a \$300 million plus increase from 1981, and incidentally with no significant number of new vessels involved, yet we have increased by over \$300 million the moneys available for steaming.

I urge the Senate to save the increases for the time when we will have to pay the \$100 million a year for the *New Jersey* and for the *Iowa* when those battle wagons are coming in and the battle groups start steaming. Then that \$2.4 billion that we have in there for steaming hours now is going to be very, very low and we will be wondering where we can get the money to fund those operations. But right now we have funded to the maximum of our ability, in my opinion, the steaming hours for the Navy.

Mr. GLENN. Mr. President, I think the Appropriations Committee and especially the distinguished Senator from Alaska has done an admirable job in this very, very complex area. It is good that we do have these increases in operating funding because they have been desperately needed. We have been cutting back for too many years on operating funds,

and I repeat my earlier statement. It does little good to buy tens upon tens upon tens of billions of dollars worth of equipment and then for lack of operating funds not be able to use that equipment in the best interests of this Nation.

So, I am very serious when I compliment him for getting the additional money back into the budget for additional steaming time, as it is called. It is \$391 million above the previous year's level.

But, Mr. President, I come back to the statement of the Secretary of Defense. The Secretary of Defense is the one. This \$47.6 million is not something I am conjuring up to give the Navy something they do not need because we have the testimony of the Secretary of Defense and the chairman of the Joint Chiefs of Staff who stated before our committee that the reason that we were having to pull one-half of our carrier task forces out of that Persian Gulf area was because they had to make cuts in operating funds. I think that is absolutely preposterous.

We are saying it is the most important area in the world, that we are carrying the ball for Europe, Japan, and our own interests out of that Persian Gulf and at the same time we have the Secretary of Defense who said, and I shall quote his words directly:

There has been nothing that has changed the military situation to warrant a reduction in the defense budget.

He was referring to this particular area, and yet he was given a budget directive that he reduce that money and he was doing it, and he was taking it out on those Persian Gulf funds.

We may have additional operating money here. We may have additional steaming time money, and I think that is great, and I compliment once again the distinguished Senator from Alaska for his efforts in getting that in.

But I still come back to the fact that without this additional \$74.8 million we are cutting back on our commitment in the Persian Gulf. We are not carrying out the commitment that we had told the Europeans we were going to carry out and that we had told the NATO people that we were going to carry out. We are not carrying out the commitment that we have based some of our requests to the Japanese on.

And this is all for this lack of \$74.6 million while we vote over a \$200-billion defense budget which will set the track for us for a number of years.

I do not know where we can make up this money. I know, I might suggest, in the basing mode on the MX, because I think that one is rather preposterous, and I may have another amendment to offer in that regard later on. The direction we seem to be going with the MX certainly gives us very, very little new security that I see. We are going to stuff a bigger missile, make it an even more attractive target, in a Titan hole that the Soviets already have the geographic coordinates for, and we call it increased security somehow, and it just does not fit. We are trading geographical vulnerability for another even more specified, more specific, bigger in a single spot already targeted missile

they will not have to figure out new aim points, and we call that an increase in our security, and that is over \$2 billion we have in this bill for that, \$2,008,700,000, as I recall, without looking at the figure.

So if we want to place a cut, I think we have some pretty fertile fields in that area, if we are really serious about cutting.

Once again I come back to the fact that these are not my figures I am trying to get \$74.6 million for some odd purpose here for the Navy; they are the figures given by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that our naval forces in the Persian Gulf are, in fact, being reduced by half on that basis, and that basis alone, and that the military situation there and the importance of that area have not changed one whit.

We are handing out, we are giving, all this emphasis around the world of our commitment to the Persian Gulf and how we are representing other people and they have to carry more of this load and, at the same time, we cut our only non-bluff forces, the only combat-ready forces. They are cut back and they are reduced.

We are saying maybe Israel will take a bigger load for us over there when combat starts, and we reduce our naval forces to show our commitment to that area.

We talk to the Saudis about how we are concerned about getting them involved in the Camp David peace process, and we are going to work with them and provide some kind of protection and have backup forces for them in that Persian Gulf. Then we cut them in half.

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

Mr. GLENN. The Senator will yield.

(Mr. WALLOP assumed the chair.)

Mr. STEVENS. Mr. President, I am not sure, we argue about a lot of things, but the \$100 million we restored is the equivalent of 1 day per quarter for each ship involved. This \$74.6 million then by definition is less than 1 day per quarter for each ship involved.

That shows you how far on the margin it is between the Senator from Ohio and this Senator. I do not know how much closer we could come.

The problem I have is that the people who are involved, the authorizing committees on both sides, looked at this and said, "You know, that is not bad. If they have to do something, the Navy has to do something, to contribute to the overall problem of our economy. Let us ask them to steam slightly less per ship per quarter."

I do not know how we get involved in arguments over something like that.

I was just sitting here thinking, Mr. President, about the days I remember on this floor listening to people tell us that we ought never to have a presence in the Indian Ocean. I remember being harassed because I voted for some improvement in a place called Diego Garcia.

Now, all of a sudden, I find we are told we do not have a large enough presence in the Indian Ocean. These battle groups, once they get positioned in places like

the Indian Ocean, take on a life of their own, I am afraid, and it is awfully hard to even figure out why they should be steaming as much as they are. Maybe someone should come out on the floor and ask us what we are doing spending \$2.4 billion in steaming hours rather than to ask us why do we not put \$74.6 million more into steaming hours.

Mr. GLENN. Mr. President, will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. GLENN. Does the Senator not agree that that area in the Persian Gulf where we get 20 percent of our oil from and that Europe gets 50 percent of its oil from, and Japan gets over 75 percent, is probably the single most important waterway in the world, that Strait of Hormuz?

Mr. STEVENS. Ask that again. I am not sure I understood it.

Mr. GLENN. I say would the Senator not agree that the Strait of Hormuz and the approaches through the Strait of Hormuz through which come nearly 20 percent of our oil and 50 percent of Europe's oil and over 75 percent of Japan's oil is probably the most important single waterway in the whole world as far as the industrial free world is concerned?

Mr. STEVENS. I would answer that affirmatively. But I do not know why the American taxpayers ought to be paying to protect the sea routes for the Japanese, for everyone else, that is, going there to the extent that we are, and that was, of course—that is another subject that this Senator was supposed to be in Japan today discussing with members of the Diet, some of the questions about the extent of the Japanese contribution to the defense of the world.

But, as a practical matter, we find ourselves, those of us who support these bills, and my point is, ever being attacked on both sides. I really find it hard to understand the series of amendments that say that this bill has not provided enough money for defense. The Senator—and I am saying this as a friend—has an interesting amendment because it is true we cut \$73 million from the March budget on steaming hours.

But if you look at that bill, we have overall a staggering amount of money, just absolutely a staggering amount of money, to be spent steaming around the oceans of the world to show the flag.

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

Mr. STEVENS. Yes.

Mr. GLENN. Would the Senator propose that we cut back any commitment to protecting that Persian Gulf area?

Mr. STEVENS. No, I do not propose that.

Mr. GLENN. How would the Senator—

Mr. STEVENS. I do not believe reducing the fleet deployments in the Indian Ocean by the amount that has been done—we will have 1½ carrier battle groups there instead of two under the administration's plans. I do not believe that is such a signal to the world that we are abandoning our commitment to protect the lanes through which our oil and the oil of the free world flows.

Somehow or other I would like to find some people starting to talk about when are the others going to pay for this. When are the people who produce that oil going to start paying for some of this protection for those lanes?

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

Mr. STEVENS. When are the Japanese going to start paying for it? When are other people besides our taxpayers going to start to protect the sealanes of the world?

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

Mr. STEVENS. Yes.

Mr. GLENN. There has been no Senator, I think, in this Chamber who has spoken more consistently and more fervently than the Senator from Alaska in this regard for other nations to share a proper burden, the defenses that we all share together.

But I would add this: In my own situation I have spoken out with equal forcefulness and I was in Japan this summer for one of those meetings, the Shimada Conference, where I was doing exactly that, and once again for the umpteenth time talking about the need to get the Japanese away from this self-imposed 1 percent of GNP limit they have imposed upon themselves for so many years.

I presented to that conference a whole series of things where I thought they would not be required to violate this constitutional prohibition against offensive weapons and their own public interest in these areas, and I pointed out six or seven specific areas where they could support us more adequately.

We have done some of the same things with regard to Europe. So I share the distinguished Senator from Alaska's views on this completely that we must push our allies into accepting more of this role.

But I would say that with the vital requirements for military security we have around that Persian Gulf area to try to pull back to some isolationist America concept that we will not put any forces there unless the Europeans put them out and the Japanese put them out just is not in our own self-interest at this point.

I would come back to the fact that while I fully appreciate the increases in steaming time money that have been put in, this is not something I am just trying to restore. We have the testimony of the chairman of the Joint Chiefs of Staff and the Secretary of Defense that this reduction of forces is being brought about solely by this budget reduction. This \$74.6 million is what is causing the carrier forces to be cut in half.

Their testimony. I would also add, was not that we would have one-and-a-half carrier task forces there on the average; it is that they would augment on occasion, if they thought they could do so, and that over the next year's time, it may be an average of as much as 1.2 carriers, and that was the maximum they would go.

So I am not using my figures, I am using the rationale of the chairman of the Joint Chiefs of Staff, the rationale

of the Secretary of Defense, and they are the ones who have said that we do, in fact, have to reduce our carrier task forces over there, and in that most vital waterway in the whole world where we are trying to provide some protection not only for our oil but for Western Europe while we try to convince them to come on stream with more support for our mutual defense effort, and we are trying to get the Japanese to do the same thing.

So I fully appreciate the floor manager's comments on that, because I share them completely in trying to get other people to share these burdens. But it still means that we still have to have two carriers, at a minimum, in that area, as I see it. They are the only nonbluff forces we have in that part of the world.

We can drop paratroopers over in Egypt and we can go over and bomb a practice range someplace, we can go in and land some of the marines off of the carriers over there so that we do have some people around, and those are nice for show time. Those are nice show time military forces.

But the planes that go off daily in that part of the world, armed with guns loaded, with rockets aboard, with bombs aboard, the only ones in that part of the world that really gives security to the Persian Gulf are our carriers, for instance, if there was an attack on the Ras Tanura oil heads. There can be a sneak attack across Oman to give the Saudis a lot of problems. They might or might not be able to counter that attack with the fighter forces that they have.

But I know one thing that would happen. I know that as quickly as that gong went off, that alert gong aboard that carrier, that we are going to have fighters catapulting off that carrier and going up and heading for the Persian Gulf just as fast as they can get there to support those oil heads which are not going to be protected for a lengthy period of time. The Saudis make no claim of having all-weather capabilities in that part of the world, nor a night protection capability. We are the only ones that can provide that kind of security in that part of the world and the security that we have dedicated, the security the President has talked about providing for Saudi Arabia and for other nations in that part of the world, is going to be cut in half.

They are saying that they will try and augment out of the Mediterranean, but you do not take nuclear carriers through the Suez Canal, so we cannot augment, really, unless it is a nonnuclear carrier that happens to be in that area at that particular time on rotation.

So what we are doing, in effect, is we are saying that we are lessening our commitment—this is the Chairman of the Joint Chiefs of Staff and the Secretary of Defense that is speaking, not me. They say that the lack of \$74.6 million, in spite of the increase—and I compliment the Senator from Alaska for having gotten that in—the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say that without this \$74.6 million our carriers will be reduced by half. We have 13 carriers. And if we cannot dedicate two of them to that most important part



of the world, our interests are tied up, the interests of the whole industrialized free world are tied up, if we are to say that because of our budgetary concerns, because of this budget mentality that I support, but a balance sheet mentality applied to this extent to our defense budget and the operating funds for our naval forces, this is just cutting too far. This is just getting in the way of the security of this country. And you cannot just set the security of this country on that kind of a balance sheet mentality. It just flat will not work. That is the reason we are suggesting this.

I repeat again, it is the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that say that is their sole rationale. They were told they had to cut back by this amount and they had to cut back on their operating funds by this amount, and I am trying to restore those funds.

Mr. BOSCHWITZ addressed the Chair. The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I would like to talk a moment on the amendment, although perhaps in a little different light than my friend from Ohio and my distinguished colleague, the majority whip, the Senator from Alaska.

The Senator from Ohio says that we are, in the event this amendment does not pass, cutting the security that we provide for that area in half, at least as it applies to aircraft carrier task forces and ability to provide carrier-based protection. And he talks about obligations and the importance of the Strait of Hormuz, which certainly no one will disagree with, the obligations we have to our friends around the world, including the Saudis, who I find to be very mystifying moderate friends.

Just as we debate today this add-on to the defense budget for the purpose of providing them more protection, I see in the Washington Post that the Saudis are offering the Omanis \$1.2 billion if the Omanis would agree to cancel an agreement which would allow the United States access to its military facilities. Oman is the country in the Persian Gulf that is willing to make available meaningful types of military facilities so that we can provide some protection to the area.

It is my feeling that if effective protection is to be provided to the gulf, it cannot only be naval, it cannot come only from aircraft carriers, but it must primarily come from land-based operations.

Aircraft carriers are in jeopardy if they operate in the Persian Gulf. We sold the Iranians some Harpoon missiles prior to the fall of the Shah. Some of those missiles are still available and would be a great threat to ships in the Persian Gulf, particularly since the deep water suitable for cargo ships is on the easterly, Iranian side.

Mr. President, I am mystified by our friends the Saudis, and this is why I call them our mystifying, moderate friends. They allow their property to be overflowed by the Russians so that the Russians can resupply the South Yemenis, their friends and allies; they allow the Russians to use their ports to

bring in materiel to resupply their clients, the Iraqis; the Saudis will not allow us bases on their soil.

Now, these mystifying, moderate friends of ours are also moving in a most forceful way to prevent us from having base facilities in the neighboring state of Oman, a country with which the Saudis have had frequent conflicts, border conflicts, as recently as 1970-72, and with whom they have had many differences over the years.

While we speak about \$74.6 million in this amendment, the Saudis offer their neighbors \$1.2 billion in order to thwart us, and in order to frustrate our attempt to bring some type of protection to the Persian Gulf area, which we all agree is the oil lifeline of the free world.

Recently, we debated at some length on this floor, and throughout the offices of the Senate, the sale of the AWACS and the F-15 enhancement package to the Saudis. We were told that the Saudis were moderates, and, indeed, they are in that area of the world, when they are compared to some of their neighbors, such as the Iraqis, the Iranians, the Ethiopians, the South Yemenis or the Syrians. In that company, almost anybody is moderate, and certainly, in that company, the Saudis are.

We sold the AWACS and the F-15 enhancements to the Saudis on the basis that they would become part of the pillars of the defense of that area; that there would be an emerging consensus among the nations in that area when we showed our friendship through the sale of our most sophisticated equipment, and that this consensus would lead us to a firmer, more efficient defense of that very vital Persian Gulf region.

And what happened? Here we are debating adding some money to protect their interests and apparently the Saudis do not believe we are doing that at all. They are offering instead, \$1.2 billion a huge sum, to the Omanis, if they will forbid us from having base facilities there.

It has been the official Saudi view that the gulf states must keep a certain distance from the United States, even though the Saudis have not been particularly critical of the relationship of the Russians with South Yemen. It has been the position of the Saudis that they not give us bases at all.

Now, as I said, as we debate this particular amendment, we find that they are trying to frustrate our efforts to protect that region in a meaningful way.

Mr. President, this amendment of \$74.6 million is approximately 1/50th of 1 percent of the overall budget. I would assume that there is enough flexibility in that budget so that the Defense Department could be able to move to defend the Gulf region with another carrier if it desired.

Thus, I am inclined to go along with the administration, but I felt it necessary to speak about our mystifying friends and developments.

Mr. President, I have watched with some interest the amendments which are being offered to the defense appropriations bill. I watched with some in-

terest the Members of the Senate who have, over a long period of time, voted very consistently against defense measures.

And now are voting to increase defense spending, while Members, principally on our side, who have consistently voted to increase defense spending, vote against the recent amendments because the bill before us now encompasses the amount the President has requested. So, we think it is enough.

Also, it was interesting to watch all the amendments offered to the continuing resolution we passed not so many days ago, with everybody establishing a nice record in the event they are going to run for reelection. I "voted against the elderly" and "voted against the sick" in order to maintain the integrity of the budget. This, I am sure, will come back at the time I run for reelection and will be brought to the attention of my constituents. I am sure this vote will, as well.

How can I say I am for defense when I voted against research, when I voted against funds to put an additional carrier in the Indian Ocean? But I will do so, Mr. President, because this is a very small portion of the overall budget. The Defense Department will have flexibility.

Meanwhile I hope that in the Persian Gulf region, our moderate but mystifying friends, the Saudis, will allow us to help them, will allow us to bring a protective coat to their region. Only the Omanis, among the Gulf States, have been cooperative up to this point in achieving those ends. I hope that the actions that I read about today regarding the Saudis will not be repeated and that hopefully they will show a cooperative spirit rather than a divisive spirit in the protection of this vital asset of the free world.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I rise in support of the amendment to restore \$74.6 million the Navy's operating budget to maintain the presence of two aircraft carrier battle groups in the Persian Gulf-Indian Ocean, instead of cutting our efforts to defend that region by at least 25 percent.

At this point, Mr. President, I ask unanimous consent that I be listed as a cosponsor.

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

Mr. LEVIN. Mr. President, this amendment is necessary to prevent the United States from reversing its previous commitment to keep two carrier battle groups in the Indian Ocean—a commitment I supported.

It is necessary to prevent the present administration from reversing itself on this vital issue.

We have already reversed ourselves on many other critical airlift and sealift needs.

As I pointed out yesterday, the administration, in October, reduced by over \$1 billion the amount of money for airlift and sealift which is so desperately needed if we are going to get a rapid deployment force going. This amendment

is needed to correct that kind of deficiency.

I may add that this amendment, like the other amendments, is not some add-on which was dreamed up to bolster our conventional forces. This amendment reflects money which was in the President's March budget. This amendment reflects money which was in the authorization bill adopted by this Senate. This amendment represents money which was in the authorization bill adopted by the House.

It was not until the President in October reduced the amount of money for the Indian Ocean and Persian Gulf steaming days that the authorizing conference at that point, without any public hearings or discussions, simply adopted the reduced figure.

I felt at that time, when we adopted the conference report, we should, when we had the opportunity, correct that mistake. We did not have the opportunity in the conference report because it was not amendable. We have that opportunity today.

Defeat of this amendment would mean that fully half a carrier battle group would leave the very area of the world where the Soviets most directly threaten the peace and the national interests of ourselves and our allies.

There can be little doubt about the importance of this region of the world to the United States, NATO Europe, and Japan. This administration repeated that message at every opportunity during its efforts to convince the Senate to approve the sale of the AWACS radar warning planes and F-15 fighter enhancements to Saudi Arabia.

The Joint Chiefs of Staff, in their annual posture statement for fiscal 1982, also testified to this importance by stating:

The United States has a number of major interests in the region comprising the Middle East, the Persian Gulf, and the northwest Indian Ocean. These interests involve access by the US and its allies to the resources of the area, most notably to oil from the Persian Gulf states—to include protection of transportation routes for the flow of that oil to North America, Western Europe, and Japan; support for friendly regional governments against potentially hostile states and groups; limitation of Soviet power and influence throughout the region; and deterrence of direct Soviet military intervention.

In view of the almost total dependence of Japan and several West European allies on oil from the Persian Gulf, the question of continued access impacts directly on vital political and security relationships with NATO and Japan. This critical need by our allies for secure oil supplies from the Persian Gulf makes close US ties with major producing countries imperative, denotes the importance of unrestrained passage on seas and waterways throughout the region, and establishes the need to prevent hostile powers from directly or indirectly endangering the flow of oil.

Mr. President, the best means by which to deter any threats to these vital searoutes is through the ready presence of naval power in that region. Reduction of our presence there by half a carrier battle group weakens that deterrence.

Defense Secretary Weinberger on many occasions before the Armed Services Committee has testified about how im-

portant it is for the United States to maintain adequate presence in the Indian Ocean.

At his first official appearance before the Armed Services Committee on January 28, 1981, he spoke as follows:

I think we have to increase our ability to do that. I don't have any doubts as to the correctness of the commitment. I hope that there is no misinterpretation or that you feel that anything I say is not clear. I think we need to do more and that we should do more in that area.

I fail to see how we will be improving our capabilities to carry out this commitment by reducing our naval presence in this region.

Let me remind everyone what the Joint Chiefs of Staff say about the Soviet threat to this region:

As the invasion and occupation of Afghanistan attest, the Soviet Union has both the capability and the will to project massive military force into non-European areas on its periphery. Soviet power gravely threatens the security and integrity of nearby nations, and increases the likelihood of direct conflict with the United States. This is especially so in Southwest Asia, where the US and its allies are vitally concerned with continued access to Persian Gulf oil supplies.

I fail to see how we will be better able to deter or defeat that threat if we pull back on our forward-deployed forces in that region.

The administration talked a strong game when it came into office, Mr. President. It recognized and it spoke of the need to maintain the two-carrier battle groups in the Indian Ocean. It added sufficient funds to its March defense budget to maintain this presence.

But, later on, the administration reneged on that commitment and it reneged after both the Senate and the House Armed Services Committees agreed to keep those two carrier battle groups. Both Houses of Congress—both Houses of Congress—had these funds in their original authorization bills that they adopted for fiscal 1982. It was only in October when the administration reneged on this commitment and cut back the funds needed for this presence. Then, and only then, the authorizing conference committee, over a number of objections, including my own, changed the already-approved congressional agreement in this area and eliminated these funds—again without any public debate. It is only because Senator GLENN and a few others have brought this matter to the attention of the Senate that I hope we have a chance today to correct this terrible error in terms of our readiness and our presence in the Persian Gulf.

Mr. President, in addition to reducing our actual combat presence in this area, this cutback will raise serious questions among our allies and the nations in that region about the national commitment we have made to defend our vital interests in the Persian Gulf.

One of the major claims of the new administration was that it would be more consistent and reliable in maintaining our foreign policy commitments than the last administration, which it criticized roundly for what it said was vacillation.

I happened to agree with some of that criticism of the past administration.

Secretary Weinberger, in his nomination hearing on January 6, 1981, stated the following in response to Senator Exon's question about how we were going to convince our allies to increase their own defense spending as we increased ours. Senator Exon asked the Secretary:

Now, if we are going to go into this necessary military buildup, what thoughts or ideas do you have to encourage or insist, if you want to use that word, that our allies carry a heavier share of this burden also?

Mr. WEINBERGER. Well, Senator, I think they should. I think that for the most part they want to. I think there are a number of different ways of going about trying to persuade them or to encourage them to do so. In the first place, I have to say I think that if we had a more consistent foreign policy, if we were viewed as a more reliable ally and an ally who did indeed have the resolution and the will to proceed along this path that you indicate we are going to take and that I agree we should take, then I think we might have a more immediate and favorable response.

I do feel that there has been an uncertainty about America's course and a concern that the policy has moved back and forth somewhat more rapidly and perhaps with less advance consultation than could have been the case. And for that reason I think that one of the ways we would hope to bring about this result, which I fully agree we should try to bring about, would be to try to demonstrate that we had a consistent policy, that we were basically a very reliable and a very strong and a very useful ally, and that in order to increase that strength and usefulness, we needed major contributions from those countries that are basically joined by philosophy and by belief in space and freedom.

So spoke the Secretary about consistency. Cutting back on our battle carrier groups in the Indian Ocean, the most critical part of the world at this moment, does not demonstrate consistency. It does not demonstrate reliability. It instead raises the very uncertainty which this administration spoke about so eloquently earlier this year. Congress should demonstrate to the world, to the Allies and our adversaries, that the United States is as good as its word, that we will maintain our capabilities to defend the Persian Gulf with two battle carrier forces. The way to do this is to adopt the amendment which has been offered by my friend from Ohio.

I thank the Chair and I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I thank the distinguished Senator from Michigan for his very fine statement with regard to this. I have discussed this privately with him. I know we do share views in this regard.

Mr. President, earlier, in our discussion here and our debate back and forth, there has been continued reference to the fact that the steaming time, as it is called, the operating funding budget for the Navy, has been increased somewhat this year—it now is up to about \$2.4 billion—and that this was supposed to take care of this problem. But let me read from some of the testimony that we had in committee in this regard.

When Secretary Weinberger and Gen.



Davy Jones, the chairman of the Joint Chiefs of Staff, were before the Senate Committee on Foreign Relations, we were talking about this situation with regard to, basically, AWACS, but matters pertaining to the Persian Gulf came up. At that point, the chairman, Senator Percy, asked what would happen to our national security and to our economy, both in the United States and in the free world, if a successful raid were made by an adversary, possibly such as Iran, on Saudi Arabia, and their production facilities were hit and crippled.

Secretary Weinberger replied:

Well, Mr. Chairman, we would be hurt. We get a little over 10 percent of our oil from that region.

I add that I think we get approximately what the Secretary said.

Europe would be close to devastation. The Europeans get very much more of their oil.

Assuming a major cut—I assume from your major loss of oil production—Japan would be seriously hurt. They get, practically speaking, all of their oil from that region.

So a serious permanent loss or a serious loss for any length of time of the oil production from that region would have enormously adverse effects throughout the Free World. This is the immediate direct impact. The effect on those nations' views of the United States' reliability as an ally or as a strong power would be almost as devastating.

I think that last part might bear repeating. This is the immediate direct impact. "The effect on those nations' views of the reliability of the United States' reliability as an ally or as a strong power would be almost as devastating."

I add, Mr. President, that reliability and constancy is what President Reagan has stressed as wanting in our relationships with those nations in the Persian Gulf area.

Later in that same hearing, it came my turn to question. I put forth some remarks here about statements that had been made in the Senate Committee on Armed Services that Senator HUMPHREY had conducted. I made the statement to the Secretary of Defense along the following lines that I was glad Senator PELL asked the question he did because I was a little concerned about the President's statement too.

I am not quite sure what we would do. We do not have an RDF in full operation force yet. And it feeds into another question that came up with your last appearance, I believe before the Armed Services Committee, that I wanted to get into a little bit and give you a chance either to correct or expand upon.

I went into a statement about the importance of the Persian Gulf area, where we get 20 percent of our oil, Western Europe 50 percent, Japan 75 percent, and of those totals, about 60 percent comes from Saudi Arabia.

I made another statement that it surprised me when, in testimony the Secretary of Defense had made before the Armed Services Committee in questioning by Senator HUMPHREY, the Secretary was asked what would be the effect upon the fleet in the Indian Ocean of the cut proposed in military spending for 1982 through 1984; and the Secretary indicated that it might be as much as a

50-percent cut—cutting from two carrier task forces to one.

I continue reading my statement at that point.

The transcript that I have goes back and forth. You would have to go down to one carrier group; that was your immediate response. Then there were some other exchanges and you said that the budget cuts you referred to will require us to go down to one carrier group in the Indian Ocean.

"Senator Humphrey. From two at this time? "Secretary Weinberger. Yes."

And it goes on and on. "Senator Humphrey. In the Indian Ocean. This includes the Gulf of Oman, the Arabian Sea?"

"Secretary Weinberger. Yes, sir."

"Senator Humphrey. From two at this time when we were rattling our sword and threatening to defend with force if necessary our vital interests in that part of the world, we are reducing our naval presence, which is our only meaningful presence in terms of projecting force, by 30 or 40 percent, is that correct?"

"Secretary Weinberger. Yes."

Then General Jones came in, saying we can bring ships through the Suez Canal and so on, which is correct. Then there was some discussion about the various percentages. Then you came back to the budget, the importance of the economy and cutting back on expenses and so on.

Well, I was very disturbed by this whole thing. I do not know whether you want to make a comment or not, but I know I wanted to comment on it.

Then, Secretary Weinberger's testimony before the Foreign Relations Committee:

I would be glad to comment. I do not think there was any suggestion that reduction of the defense capabilities was initially the idea of the Defense Department. There has been nothing that has happened since our budget was turned in in March, our revision of the previous administration's budget, that has changed the military situation to warrant a reduction in the defense budget.

There have been some economic problems. There have been some perceptions that it was necessary to make reductions in the defense budget, to work out some sort of equitable sharing of the discomforts. But there has not been any kind of indication from anybody in the administration or anywhere, so far as I know, that either the budget as submitted was too high or that the international situation had changed to require it to be reduced.

I interrupted that with a comment, and then Secretary Weinberger went on after I finished a short statement:

As you know there was an agreement upon a reduction of \$2 billion in the outlays in the defense budget in 1982, which requires a reduction in authorizations of about \$7.5 billion and similar reductions of \$5 and \$6 billion in the next 2 fiscal years.

Now, the perception seems to be around somewhere that these are cuts which can be very easily made and that this is a trifling sum. I remarked elsewhere that only in Washington would this be considered a trifling sum. The cuts do require some reductions.

One of those reductions is going down from a 1½ carrier task force in the Indian Ocean to 1 in the Indian Ocean. There is that reduction of forward deployment of carrier strength.

Before I go on with his statement, I add that we have had two task forces assigned, and the progress we actually achieved that corrected the figures the

Secretary gave was that during that time period we have averaged 1.7 carriers in place.

I continue with Secretary Weinberger's statement:

General Jones correctly pointed out that we can make up for some of this by moving additional forces from the Mediterranean into the Indian Ocean rather quickly. But it is a reduction in capability.

Listen to this:

It is not a reduction in capability that is justified by changes in military conditions or international conditions. It is a change in capabilities which is required by an economic situation that is also very important.

But I do not think there is anything that needs any clarification in that. I think it is a perfectly straightforward position and is not in any way changed from the one that I presented to the Armed Services Committee.

I agree. It was not any change at all. I think it points out that the only reason why we are having half of the carrier forces there that we have been accustomed to having, while we are reducing them at the present time, I presume, is because of this \$74.6 million that the Secretary was required to come up with and which we are trying our best to restore here today.

Mr. President, I should like to submit some additional testimony that was given before the Armed Services Committee. Senator HUMPHREY was questioning Secretary Weinberger, and he asked:

Senator HUMPHREY. Well, it sounds to me pretty draconian. Is not the Navy's budget capable of absorbing these cuts without this reduction in forces?

Secretary WEINBERGER. Senator, there is almost no way in which you can make cuts involving \$2 billion in the fiscal year 1982 and \$5 billion in 1983 without reducing the capabilities of the United States. Now, we believe that what we have with these cuts will enable us to do a very considerably greater amount than we have been able to do before.

But you cannot reduce the budgets of the Defense Department by these amounts, which as I have said on other occasions, it is only in Washington where these would be considered trifling reduction. You cannot reduce them by these amounts without getting into the bone and muscle of the Department's activities.

Mr. President, I suggest that unless we restore the operating funding so that we can at least keep two carriers assigned to the Indian Ocean, we, in effect, are abrogating the responsibilities we have displayed in our discussions with our NATO allies and are giving up the commitments we have made with the Japanese, at the same time asking them to spend more for our collective defense.

It seems to me unwise. I think it is analogous to what I started off with at the beginning of our debate here today: It makes no sense to buy a new car and put it in the garage for a lack of gas money to run it. In effect, that is what we are doing. We are saying that while we have the commitments around the world and we have 13 carriers that are supposed to be available, we cannot afford operating money to put them in the Persian Gulf area, the most important piece of naval geography in the world. To stand before the whole world with

that kind of misconstrued logic does not make any sense to me.

Mr. STEVENS. Mr. President, the bill before us is consistent with the authorization bill. It is consistent with the action taken by the House. We have added the \$100 million, and the total of over \$2.4 billion for fleet steaming hours is more than \$300 million in excess of that provided last year. I think that is the sum and substance of it.

Mr. GLENN. Mr. President, will the Senator use the microphone?

Mr. STEVENS. I beg the Senator's pardon.

I said that we are at the level of the authorization bill. We are at the same level established by the House. We have provided \$100 million more than the President requested in September, \$300 million more than we provided in 1981, for a total of over \$2.4 billion in fleet steaming time.

I see no need to add an additional amount as has been suggested by my good friend from Ohio. For that reason, I move to table the Senator's amendment.

Mr. GLENN. Mr. President, will the Senator withhold the motion to table the amendment? Senator HOLLINGS wishes to speak on this amendment, and I am told he is on the way.

Mr. STEVENS. I do withhold that, and 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be suspended.

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

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the Senator's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Vote.

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

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON) and the Senator from Arizona (Mr. DECONCINI) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

The PRESIDING OFFICER (Mrs. HAWKINS). Are there any other Senators wishing to vote?

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

[Rollcall Vote No. 437 Leg.]

# YEAS—40

Baucus	Glenn	Mitchell
Bentsen	Hart	Moynihan
Biden	Heflin	Nunn
Boren	Hollings	Peil
Bradley	Humphrey	Pryor
Bumpers	Inouye	Randolph
Byrd, Robert C.	Jackson	Riegle
Chiles	Johnston	Sarbanes
Cranston	Kennedy	Sasser
Denton	Leahy	Tsongas
Dodd	Levin	Williams
Eagleton	Matsunaga	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

# NAYS—56

Abdnor	Gorton	Packwood
Andrews	Grassley	Percy
Armstrong	Hatch	Pressler
Baker	Hatfield	Proxmire
Boschwitz	Hawkins	Quayle
Burdick	Hayakawa	Roth
Byrd	Helms	Rudman
Harry F., Jr.	Helms	Schmitt
Chafee	Huddleston	Simpson
Cochran	Jepsen	Specter
Cohen	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Laxalt	Stevens
Dixon	Long	Symms
Dole	Lugar	Thurmond
Domenici	Mattingly	Tower
Durenberger	McClure	Wallop
East	Murkowski	Warner
Garn	Nickles	Weicker

# NOT VOTING—4

Cannon	Goldwater	Mathias
DeConcini		

So Mr. GLENN's amendment (No. 639) was rejected.

Mr. STEVENS. Madam President, it is my understanding the Senator from Maine (Mr. COHEN) has an amendment and following that we have already sequenced the amendment of Senator PRYOR. I would ask that following Senator PRYOR, the Senator from Alabama (Mr. DENTON) be recognized and following Senator DENTON the Senator from Vermont (Mr. LEAHY) be recognized.

Mr. CRANSTON. May I inquire what the Denton amendment is?

Mr. STEVENS. It deals with the Chappy James Flight Training Center in Alabama.

And the Leahy amendment, I do not know what that is. There is no time agreement on them.

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

The Senator from Maine.

## UP AMENDMENT NO. 730

(Purpose: To limit the use of funds for MX basing)

Mr. COHEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself, Mr. QUAYLE, Mr. MATTINGLY, and Mr. RUDMAN, proposes an unprinted amendment numbered 730.

On page 28, line 18, after the word "9,076,906,000," insert the following:

"of which \$354 million shall be available only for Research and Development related to initial deployment of the MX missile in non-superhardened existing silos in a manner compatible with subsequent redeployment in a permanent basing mode to be recommended to the Congress by the President no later than July 1, 1983 which could in-

clude the addition to existing silos of ballistic missile defense, the provision of location uncertainty for offensive missiles and/or defensive systems, and superhardening."

Mr. COHEN. Madam President, the amendment that I sent to the desk and which I now offer, in the words of my colleague from Kansas, might be considered to be a simple amendment.

Mr. STENNIS. Madam President, may we have order so that Senators may hear?

The PRESIDING OFFICER. The Senate will be in order. Those Senators wishing to have conversations should retire to the cloakrooms.

Mr. COHEN. The amendment that I offer is cosponsored by my colleagues, Senator QUAYLE, Senator MATTINGLY, and Senator RUDMAN.

Basically, it is very simple on its face, but nonetheless I think it is a fundamental change in the approach that we are taking to the basing of the MX missile. There are several points which I think most in this Chamber would agree upon: That the basing of the MX missile in a permanent mode is essential to the Nation's defense; that basing the MX or basing any missile, whether it is Minuteman III, Minuteman II, or the Titan in a fixed site is an unsuitable mode for the ICBM force.

We have heard over and over again that this country now suffers a window of vulnerability. And that window of vulnerability is brought about because of the improvements that have been made by the Soviet Union in the targeting capability of their SS-18's and other large missiles that are capable, theoretically, of launching a first strike, a preemptive, so-called surgical strike against our ICBM force and taking out 90 percent or better in that strike.

Therefore, basing our missile force, our land-based missile force, in a fixed mode is unsuitable for its survivability. We have had years of testimony, volumes of testimony, I should say, presented to the Armed Services Committee and others, that in order to have survivability we need some form of deception for mobility, however one would like to classify it.

It also, I think, can be agreed upon that the hardening of missile silos, as has been recommended by the administration on an interim basis, does very little to improve missile survivability, and that such hardening does not reduce the threat of nuclear conflict or strengthen nuclear deterrence.

I would like to point to several comments that have been made before various committees by members of our Military Establishment.

The Chairman of the Joint Chiefs of Staff, David Jones, testified before the Senate Foreign Relations Committee that he had reservations about the practicality of interim basing in superhardened silos. He made essentially the same statement before the Senate Armed Services Committee.

Under Secretary of Defense Fred Ikle and Assistant Secretary of Defense for Development and Support, James Wade, told the Armed Services Committee that basing the MX in superhardened silos



provides a survivability that is "at very best marginal."

The Air Force Secretary, Lew Allen, in response to a comment that putting the MX in superhardened silos—and I am quoting now the Senator from Mississippi (Senator STENNIS)—"Sounds mighty weak to me."

That was a comment that my colleague made during testimony.

In response to that, Secretary Lew Allen said, "You are correct. It has not received a great deal of enthusiasm."

Allen and Lt. Gen. Kelly Burke, the Deputy Chief of Staff of the Air Force Research, Development and Acquisition, told our committee that basing the MX in superhardened silos was not a satisfactory solution to the vulnerability problem and could not insure survivability, although it buys us a little time. Mr. Burke also told our committee that he agreed with the statement made by former Secretary of Defense Harold Brown, that it does not make any difference whether you have a 5,000 PSI silo in the middle of a crater. "That was the basis for my recommendation that we go to MBS."

To come back to Gen. Richard Ellis, he said the answer to the question of whether hardening would really succeed in reducing the vulnerability of the MX to Soviet attack to the extent it would justify this expenditure, "When the last administration was having difficulty coming up with its basing mode, I recommended that by all means continue the development and production of the missile, the MX missile. Until you find a place to put it and decide upon a basing mode, put it in the Minuteman. Now, you are not going to get any more survivability but you are going to get a few more warheads with every survivor. But it was only an interim solution."

He said, "Rather than hardening it, I would rather use that money in some other aspect. We need money across the board in strategic systems. I would rather use the hardening money in some other aspect and depend on the fact that that is just a temporary home for the MX, recognizing that it will not be long."

Ellis, responding to a followup question by Senator NUNN as to whether he had seen any studies that would indicate hardening silos is a realistic and plausible question said, "We have asked that question of the experts many times. The answer I always got was that they never knew how to harden them strong enough in order to protect them against a CP which was believed to be the Soviets."

This document in my hand was sent to every single Member of the Senate, I think. It is called "Soviet Military Power." It was prepared by our Department of Defense. I think it is interesting that we should refer to this document prepared by our experts.

Turn to page 56 and I will read something to you concerning the Soviet military capability, their ICBM force.

On page 56 of this document, prepared by our experts, it says:

The MIRVed versions carry 8 or 10 reentry vehicles (SS-18's). Each warhead of the 10 RV variant has a better than 50-percent chance of destroying a Minuteman silo. When used in pairs against a single target, the war-

heads are even more destructive. The single RV versions of the SS-18, with their large destructive power and accuracy, are capable of destroying any known fixed target with high probability.

Are capable of destroying any known fixed target with high probability.

Later on that very same page, it talks about Soviet advances, what we anticipate will be the capability of the Soviet Union several years ahead. It says the following:

The Soviet missile development program shows no sign of slackening. We expect improvements leading to new missiles and to the modification of existing missile systems. These improvements are expected to continue the trend toward greater capabilities against such hardened military structures as ICBM silos. As the accuracy of future Soviet missiles increases, it would be feasible for the Soviets to reduce the size of the individual RVs and thereby to increase the number of MIRVs carried on each missile.

In essence, this document says that the Soviet Union has the capability of overwhelming any known, existing, fixed targets, Minuteman existing silos; that they expect the accuracy of Soviet missiles to improve in the future, too, as to make even more probable their destructive capability.

With that kind of evidence presented to the committees, it becomes puzzling as to why we have decided on going for a hardening of those fixed silos, whether Minuteman II, III, or the Titan missile silos, why we would opt for hardening of those silos in the face of overwhelming military evidence to the contrary that it buys you very little, that it is of marginal importance.

Also to be considered is whether or not we want to, in my judgment, lower the threshold of nuclear war.

I think inherently in any decision about having fixed silos, we must deal with the question as to whether or not, by putting these new, bigger, more destructive missiles in a fixed mode we thereby lower that threshold and make them much more targetable, much more attractive for the Soviets to attack in a moment of strategic error, miscalculation, and madness. That has to be a factor that all of us must take into account as to whether or not we are going to commit ourselves to a future course of confining and limiting our decision on the basing mode to a fixed, hardened silo.

Mr. PRESSLER. Will the Senator yield?

Mr. COHEN. I yield.

Mr. PRESSLER. I ask to be added as a cosponsor, if I may.

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

Mr. PRESSLER. I visited Minuteman II sites in my home State of South Dakota during the recent recess. Are these the sites you are concerned with?

Mr. COHEN. I am not sure they have made any decision as to which silos they are going to harden. It would be easier to put an MX in a Titan silo but then it becomes more difficult to defend it. From a military point of view, it would be more desirable to put them in a Minuteman silo except that you then have some difficulties in dealing with the SALT II restrictions. So they have made no decision, to my knowledge, on if, in fact, they

are going to put them into fixed silos at all. The administration to date has said that we have to go forward with the missile itself. I agree with that. We do not want to delay its IOC date any longer. Therefore, we have decided to take the interim step.

The interim step would include hardening existing silos or perhaps building new silos to accommodate the MX missile. That is the administration's posture because there has been a substantial amount of criticism directed to the policy, saying we will keep open the policy of going to a deceptive basing mode; we will talk about having a BMD, ballistic missile defense system; we will look at deep basing, at Big Bird, at even the Tridents or a combination missile, the D5.

But their focus right now is on the hardened silos as their interim solution.

Mr. PRESSLER. The report on Soviet military power from which the Senator read was given to me by the Air Force last Friday, when I inspected Minuteman II sites and a launch control facility in South Dakota.

Does that report say that the Soviets presently have the power with the SS-18 to destroy a fixed site missile, such as Minuteman II, Minuteman III, or the Titan, and by putting the MX into such a silo, hardened or whatever, they are easy targets for the Soviets?

Mr. COHEN. It says, "The single RV versions of the SS-18,"—capable of carrying 10 warheads—"with their large destructive power and accuracy, are capable of destroying any known fixed target with high probability."

Mr. PRESSLER. Therefore, Madam President, if we put the MX in the fixed silos, the Soviets would have the capability of destroying the MX.

Mr. COHEN. That is correct.

Mr. PRESSLER. I thank the Senator.

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

Mr. COHEN. I yield to the Senator from Alaska.

Mr. STEVENS. Madam President, I know that there is a number of reservations concerning certain aspects of the deployment of the MX missile. I want to make certain that I understand the Senator's amendment.

As I understand it, the amendment is not incompatible with the present decision of the President with regard to the deployment of the first 100 missiles. Is that correct?

Mr. COHEN. Madam President, would the Senator repeat that?

Mr. STEVENS. As I understand this amendment, Madam President, it is not incompatible with the decision of the President with regard to the initial deployment of the first 100 missiles. Is that correct?

Mr. COHEN. It is not incompatible, Madam President. It changes the emphasis. If I could try to simplify what that amendment says—it is rather technical language.

Basically, the administration has made a decision to proceed on an interim basis with the hardening of silos, keeping open the option of going to a deceptive basing mode, with either offensive or defensive missile, having BMD or deep-based mis-

silos or having a Big Bird or something else. They have kept that option open but have focused on hardening of silos as an interim solution.

What I have proposed in this amendment is to reverse that, to tip this glass of water upside down, saying, with this money you would spend for the hardening of silos, keep open an option to do other things; I would tip that glass of water upside down and say, we are going to take this money to do other things, keeping open the option of hardening fixed silos, but putting the emphasis upon deceptive basing mode, BMD, the Big Bird, whatever the other options are. Basically, this is changing the options from fixed targets or hardened silos to the other options they ought to be doing. It does not foreclose what the President wants, but it does change the entire emphasis.

Mr. STEVENS. Madam President, it is important to me to understand that there is nothing in this which would foreclose the decision the President has made.

Mr. COHEN. What it says is that money for R. & D. purposes—we cannot discuss military construction; military construction is not before us. We are not going to use any of the R. & D. money, the \$354 million, for the purpose of hardening silos. What that money is going to be used for is to explore the other options which a good many other people and I believe ought to be explored. If DOD has other accounts that they want to use to come up with their hardened silos, they can do so; it would not be a violation of this. What this does is send—at least I think so—a strong signal to DOD that we think you are moving in the wrong direction; this is the direction most military experts support and which we feel is the most desirable.

Mr. STEVENS. And is it the position in this amendment that the funds in the bill for R. & D. could be used only in such a way as to be compatible with redeployment of the missile on a permanent basing mode to be recommended by the President, which could include not only the present decision but the other decisions the Senator has mentioned?

Mr. COHEN. That is correct. The finally determined basing mode could include, for example, superhardening. I would hope they would not go in that direction. I would suggest to the Senator that if that is the final suggestion, it be rejected by Congress. What this will do is force the administration to look at other options as opposed to what they are doing now, making a commitment to go forward on the hardening of the silos, saying we will leave open that option for the deep-based missile, the BMD, all these other options.

What I am suggesting is two things: That we change that direction, saying let us go forward on the other options, leaving open as another option the final hardening and move up that date from January 1, 1984 to July 1, 1983. I think the time has come for a decision, instead of dragging out the decision on the MX, that we come to some decision or conclusion on how we are going to base it.

Mr. STEVENS. Madam President, will the Senator let me explore one other thing? That is the date. I do intend to communicate with the Department concerning this matter to see what I might state on the floor concerning the position of the Department on the Senator's amendment.

What led to the date of July 1, 1983? In our appropriations or authorization process that is a strange time of the year. We deal with October 1 fiscal years, or we deal with authorization bills related to October 1. Why has the Senator picked July 1?

Mr. COHEN. Madam President, there are two factors I took into account. One was General Ellis' testimony before the committee that he felt the administration had 15 years of studies on the shelves, that they could accelerate their investigation, perhaps come up with a permanent basing mode for the MX within a calendar year. That was one factor I took into account.

The second factor was that this complies with the Air Force's own program, which calls for a series of phase points in the decisionmaking process. They had tentatively set August 2 as one of the points and July 3 as the other interim point for final decision. This July 1, 1983, date comports with one of their phase points. That is why it was chosen.

Frankly, I would have preferred to move it up to March of 1983, as suggested in a related amendment by Senator NUNN. That would get into our budget cycle authorization before our Senate Committee on Armed Services, or I could have delayed it until December. But I thought July 1 would coincide with an opportunity for our own committees to hear the evidence coming out of DOD. It would comply with the Air Force's own target date as one of their phase points for reaching an interim decision.

Mr. STEVENS. I thank the Senator.

Mr. President, I yield to the Senator from Idaho.

Mr. McCURE. Madam President, one of the concerns that I think has been expressed by many people, I think the Senator from Maine touched upon in his opening remarks on this amendment. That is that the threshold of nuclear warfare has been lowered. Would not the Senator from Maine agree that that threshold has been lowered not by our decision with respect to a basing mode for MX or the development of MX, but that threshold has been lowered as a result of the increased capacity of the Soviets to strike at our ICBM force?

Mr. COHEN. Madam President, I do not disagree with that analysis. The fact that we have this window of vulnerability has come about principally because of the development of more accurate systems by the Soviets, which we in fact have contributed to by allowing the sale or transfer of ball bearings that had for years been banned. We sold them to them under the period of détente. That now makes their missiles much more accurate, which does in fact make our missiles more vulnerable.

What I was suggesting is that we have a number of options open; that if we go into a deceptive mode, that avoids the

reduction of the threshold because it makes it less likely that the Soviets want to attack it. If we go to a fixed mode, then I suggest we do in fact lower the threshold, not because we want to do so.

I agree with the Senator that it is because the Soviets have, in fact, developed a first-strike capability. But that is the situation we find ourselves in.

Mr. McCURE. Would the Senator agree further, Madam President, that that option is not ours? The option is forced by their technological development but, at least, development of a new MX missile gives us greater attack capacity or retaliatory capacity if, indeed, it leaves that silo prior to the time the incoming ICBM will arrive.

So that if it gets out of the silo, the fact that the new missile has greater capacity to destroy is a more effective deterrent weapon than the current generation of missiles.

Mr. COHEN. I do not question that it would be a greater deterrent. If we were to announce that we are now going to adopt, instead of a policy of MAD—or mutual assured destruction—a policy of launch warning, that raises another dimension to the problem of nuclear holocaust.

Mr. McCURE. But, as a matter of fact, inherent in that is the reduction of the nuclear threshold to which the Senator makes reference. I agree with him on that. I think it is unfortunate, but it is a fact.

As a matter of fact, the deployment of the MX, which will give us greater ability to destroy, is in response to their greater ability to knock out what we have to destroy them with. But there are a couple of other factors.

As was indicated in the Senator's reading from the DOD publication, it takes a single warhead SS-18 to give the kind of assured destruction, or multiple warheads of smaller size to give high probability destruction, of a hardened silo site.

Therefore, we begin to restrict the ability of the Soviet Union to use their weapons in different ways. They would have to use the single large warhead or more of the smaller warheads in order to deal with the MX missile in a hardened silo. Therefore, they begin to use more of their weapons for a single purpose and have less available for other purposes.

Mr. COHEN. The only problem is that we are talking about 36 silos. We do not want to double up. The Senator is talking about 70-odd missiles out of an arsenal they have of thousands.

Mr. McCURE. I think there are only 308 SS-18's, if I recall correctly, so we are beginning to use up a large part of the inventory for a single purpose.

Mr. COHEN. Three hundred and eight, with 10 heads.

Mr. McCURE. But if it is 10 heads or a single head, they still have to use one on each site of more than one of the smaller heads.

Mr. COHEN. Or the 19's.

Mr. McCURE. The 19's are not the question we are discussing at the moment with respect to the single capacity.

The other point is that it also limits the range of the choice of weapons which



the Soviets might be able to use to attack our system force. As it is now, with unhardened sites, they can attack it with their strategic submarine missiles as well as land-based missiles. But if you have a hardened ICBM site, that wipes out their capacity to destroy by their submarine-based missiles, and they have to use the ICBM of the land-based force as an attacking force.

Mr. COHEN. All I am suggesting is that because we are changing so few of the silos—in other words, talking about 36, they can overwhelm that by using up very little of their total capacity, so you have not compromised their ability much. It does not buy you very much for the amount of the investment.

Mr. McCLURE. I will not argue that point, but it buys something.

Mr. COHEN. As compared to what?

Mr. McCLURE. It complicates their problem to some degree.

Mr. COHEN. To some degree. But I say that to the extent they have the capacity they have, they could overwhelm that with very little effort.

I will not get into the whole debate of the MPS. But if you are talking about 146 shelters and the Soviets having to use two in order to overwhelm each shelter, you are talking about a significant compromise of how many warheads they have to use as to 70? You are talking about thousands in that case, as to 70 here.

I will not get into a debate on the MPS. That is dead so far as the administration is concerned, the way it was received by the Carter administration.

For us to put the MX, with a considerable investment, into a fixed silo, hardened or nonhardened, buys you very little—something, but not enough to compromise the Soviet strategic capability.

I am suggesting that this establishment of a priority on the part of the administration is misguided. It is wrong. I think the emphasis should be more on the other items on which they have agreed they will keep open an option: Offensive-defensive basing modes, Big Bird, and others.

That should be the emphasis, leaving open the option for a fixed silo, if they come to that conclusion, as a permanent basing mode; but I do not believe they will. You will get more for your money by exploring these other things than by putting your money into the fixed silo.

Mr. McCLURE. I thank the Senator for yielding, and I compliment him for his initiative in focusing the debate in the way it has now been focused, because I think it is a much more constructive discussion than simply MX or no MX.

I wish to underscore a statement the Senator made earlier, and that is that this is in no way intended to delay or defeat the decision to go forward with building the MX missiles.

Mr. COHEN. That is correct. This is designed to allow the MX to proceed on schedule.

Mr. McCLURE. I thank the Senator for his comments.

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

Mr. COHEN. I yield to the distinguished Senator from Texas.

Mr. TOWER. I say to the Senator from Maine that he knows where my sympathies lie in the matter of MX basing.

Mr. COHEN. Texas. [Laughter.]

Mr. TOWER. I have said that we will take it in Texas if that is the optimum place. The fact is that there are other places which are better. But Texans are more patriotic than most and are prepared to put up with some things for the security of the United States that people in other parts of the United States perhaps are not willing to put up with.

I think the deceptive basing option should and must be kept alive. In the final analysis, the great weight of military and scientific judgment is that the deceptive basing mode for the ballistic missile defense system provides us the best probability of survivability of a substantial force to threaten the offensive capability of the Soviet Union.

I know that the Senator from Maine has an amendment that is similar in many respects to an amendment intended to be offered by the Senator from Georgia (Mr. NUNN). I should like to offer my good offices at this point in saying that we might get together on this, knowing that all of us are like-minded people, and see if something can be worked out so that we can bring this matter to an early resolution.

I have spoken to the Senator from Georgia, and he has said that he is willing to parley. He also said to me, "I'm just a little country lawyer." That led me to believe that any parleying done would result in favor of the Senator from Georgia.

Mr. NUNN. I assure the chairman that everything I am doing in regard to the MX is in complete accord with the chairman's original statement.

Mr. TOWER. Somehow, I thought the Senator from Georgia would say that.

Mr. NUNN. I try to follow the lead of my chairman.

Mr. TOWER. I suggest that we have a parley and see if this matter can be worked out to the satisfaction of all.

Mr. COHEN. I say to the chairman that I would welcome the use of his good offices to achieve any sort of agreement with the Senator from Georgia; because I have said, privately and publicly, that the Senator from Georgia, throughout the discussion of the MX, has had in mind only one thing, and that is the security of this country. He has acted throughout our deliberations in the committee in the best fashion to find what the facts are and what the military jurisdictions are or are not.

So I would welcome any effort we can make to achieve a balance or a compromise. We are not that far apart. There is a change in date, there is a slight change in emphasis, but not much.

Mr. STENNIS. Madam President, will the Senator yield, before the Senator from Texas leaves the floor?

Mr. COHEN. I yield.

Mr. STENNIS. Madam President, I did not hear all that the Senator from Texas said with reference to this matter, but I point out that we have come to a rather serious situation here, where we are trying to get legislation on the floor

of the Senate through an amendment to an appropriations bill, a matter here that goes to the very heart, in a way, of this whole question of the MX missile and its basing mode.

We have been working on this for about 5 years, and we have not reached anything firm on it. It is very difficult.

But the President is on the verge now of starting negotiations with reference to having a more effective agreement that will be to the mutual advantage of the parties, of course, of some reduction or some limitation relative to these terrible weapons.

So there could not be anything more delicate, more difficult, and more important, and I just hope that we will not have one iota of any provision here that has any detraction from the President, the Chief Executive's ability to have the authority he needs.

There is no insinuation here that we are trying to limit him in any way.

Is what I have said in keeping with the spirit of the Senator from Maine? I feel that it is, but I just ask here in debate if that is his feeling about it.

Mr. COHEN. Madam President, let me respond to the distinguished Senator from Mississippi that this is not intended in any way to compromise the President's ability to negotiate with the Soviet Union. We all recognize he is moving into those negotiations.

I think a number of us on the committee feel that the plan as presently presented is not the wisest one from the military point of view. What we are trying to do is shift the emphasis by telling the administration and DOD that the MX missile will not have congressional support if they are going to go ahead with a fixed silo base.

That is my judgment, at least, and I certainly will not support it on that basis.

What I am trying to do is give him more of an opportunity to say, "Look, we think this amount of money should be used for those other options that you said you want to explore. Put the money into the exploration of those leaving open for final determination the hardened silo." It is not a compromise. It gives him an option that he may be eager to pursue.

Mr. STENNIS. I thank the Senator.

If I may let me address the Senator from Texas. This is a little out of order, but I did not get to hear all of his statement, as I said.

Senator TOWER stated his purpose here and that was, as I caught it now, the last part, that he thought language could be worked out here on this important point that in no way jeopardizes or detracts from the President's power, position, responsibility, and backing with reference to any conference, meeting, negotiation, or anything else, that he may have.

Mr. TOWER. Madam President, will the Senator from Maine yield to me to respond to the Senator from Mississippi?

Mr. COHEN. I yield.

Mr. TOWER. I do not believe that this amendment would seriously inhibit the President's negotiative position on strategic arms reduction talks. The whole

matter here is really to keep alive other options than simple silo stuffing which has met with a great deal of resistance here on both sides of the aisle.

I think there is some bipartisan discomfort with that particular proposal. I might note that I was probably the first Member of this body to publicly criticize the basing mode plan suggested by the President. However, I want the President to still have this option. It very well may be that ultimately the most survivable system will be one in which there is a mix of the deceptive basing mode, of hardening, and ballistic missile defense, and there are studies that are extant that indicate that this is a good and survivable plan. I think it is one that merits consideration and merits study.

I wish to see these two Senators, the Senator from Georgia and the Senator from Maine, get together because they are not very far apart.

I would not say that the Department of Defense is overjoyed with this, but I think they are prepared to live with it.

Mr. STENNIS. I see.

Mr. TOWER. And I think the important thing is that nothing be done here to jeopardize the missile itself.

This missile is ready to fly in 13 months. It is a missile we should and must have in our arsenal. But I do feel that if serious inhibitions are placed on proceeding toward the determination of a basing mode that resistance will flow to the production of the missile itself and the missile itself will be jeopardized.

I must be convinced that in both the Nunn and Cohen approach that will not be the case because I do not wish to see us so cloud the issue of basing mode that ultimately Members of this body and the House of Representatives might decide that if we cannot come to a determination on it, we should not produce the missile itself. I think that would be a sad thing indeed.

Mr. STENNIS. I do not want that to happen. I think the Senator has clarified this. I hope we can have this conference.

We have two amendments here before us now on this subject. There is a lot of merit in it to a degree, I have to say, but let us get together if we can.

I thank the Senator for yielding.

Mr. McCLURE. Mr. President, will the Senator yield for one question?

Mr. COHEN. I yield.

Mr. McCLURE. I thank the Senator for yielding and I thank the Senator from Georgia and others who are seeking recognition for allowing me to ask this question of the sponsor of the amendment.

If I may address one question to the Senator from Maine, I am a little concerned by one comment that was made by the Senator from Maine and that is that this amendment would be a signal to the administration that it is the signal that Congress is likely to oppose the MX if it is put into a hardened silo role.

Mr. COHEN. That is the ultimate decision.

In other words, it is my personal judgment if we spent \$20 billion or better on an MX missile put into a silo, hard-

ened or not, and that were the solution to the basing mode for an MX it would not receive congressional support in my judgment.

Mr. McCLURE. Let me say to the Senator from Maine for myself I might well be able to accept the thrust of the amendment before us to broaden the options in basing mode, but I would not want my position in support, if that is where I end up in support of this amendment, to be construed as the Senator from Maine has construed it that without that I would be opposed to the MX missile because I am not, and I support the MX missile. I think the issue of whether it is in a silo or in some other basing mode is the issue and I would want it not to be a predisposition of that issue but a genuine broadening of the options.

Mr. COHEN. Let me phrase it a different way. What we have been hearing from the Pentagon for the past 7 or 8 years now I suppose is that with the fixed location of our Minuteman missile force and Titan force because of the increased accuracy on the part of the Soviet missile capability those missiles are now vulnerable to a preemptive strike. It seems to me that if our response is that we are going to put a bigger, more powerful, more destructive missile in those same sites, hardened or unhardened, I could not support that as a decision because it does not give us anything. What it gives us is either a launch under warning strategy, which I reject, or it gives us a target which is more expensive, more destructive, which the Soviets might be encouraged to take out.

That to me is not a viable option.

Now, if it comes in conjunction with something else, super hardening coupled with something else, with some deceptive basing mode, either offensive missiles or defensive missiles, if it comes in combination with other things, then that is another matter.

But what I was suggesting is if all you are going to do is to stuff big missiles in existing silos without hardening and without SALT II, I would not be supporting it. I would rather go with an accelerated Trident or other options rather than putting that much money, that much technology, into a hole at the moment.

Mr. McCLURE. I might say to the Senator, if he will yield for one moment, I understand the Senator's position. However the Senator from Idaho might well have a different position if we develop something better than the hardened silo concept. But there are some advantages to the hardened silo concept worth something to us.

While I may deplore the lowering of the nuclear threshold, I do not believe we have ever said as a nation that we will accept the first strike before retaliating. I would not want this debate to indicate that we have rejected the opportunity or the option on the part of our country to respond by sending our ICBM's in the presence of an attack on our country by ICBM's from another country. I detect a little of that undercurrent here. That is a strategy we have not rejected.

But if we have rejected it, that would be a massive change of policy on the part of our country, and it would say, "We are willing to accept massive destruction in this country and then we will think about whether or not we will retaliate."

Mr. COHEN. Mr. President, if the Senator will yield—

Mr. McCLURE. I do not believe that is our position.

Mr. COHEN (continuing). That has never been rejected, never been ruled out as the principal method of defense in this country.

I would also say the language of my amendment specifically includes the superhardening as an option.

Mr. McCLURE. I understand that and I appreciate it. But I want it to be clearly understood on the part particularly of those who might misjudge our will or our determination or our capacity to respond upon attack that it does not necessarily mean we are going to wait until the surface of this country has been incinerated before we decide whether or not to push our own red button.

Mr. COHEN. That is correct.

Mr. GARN. Mr. President, will the Senator yield for one brief comment? I will not take too long. But as one who has been intimately involved with the MX for about 6 years, I do not have any serious objections to the amendment as long as it leaves the President flexibility, and I am satisfied the Senator from Maine's amendment does that.

However, I cannot totally accept the argument that going to a superhardened silo is worthless. We cannot take the time to get into a lot of detail and talk about classified information, about degrees of accuracy. There is no doubt, however, in my mind, that with a superhardened silo you do buy some additional—not a great deal, additional—survivability. It is better than what we now have because you do require them to increase their accuracy, spend a great deal of money trying to improve that accuracy, hit closer because the additional hardening requires a much more accurate warhead.

I agree that is only marginal, but the President only talked about it as an interim solution. If he talked about that as being all he said, then that is all we would do, I would not favor it. But when it is put in terms of a temporary or interim solution while we are studying additional options—and I think there are some options—and while everybody says they have all been studied, I do not think that is true.

There is some new technology, I think, that can be studied in the next year or two that may seem far out to some people now that could prove to be very promising.

So again I will not raise any serious objection to the amendment as long as it leaves the President the flexibility to study various options and come back to us with a recommendation for permanent basing.

I did want to make the one point, that superhardening as an interim solution does get some additional survivability.

Mr. COHEN. I thank the Senator.

Mr. GLENN. Madam President, will the Senator yield for a question?



Mr. COHEN. I yield.

Mr. GLENN. I am inclined to support the Senator, and for this reason: The methods for hardening to 5,000 psi have yet to be invented. So it hardly makes any sense to be planning that when we still can find no engineers around who can find how to do this yet.

This whole issue of the MX basing mode, I will not be able to participate in the discussion this evening because I have to leave shortly, but I want to bring this up tomorrow and talk about this subject because I think we are off on the wrong track when we replace a geographic location with a geographic site which has already been pinpointed, and we are not going to have them try to figure out new aim points. They already have the aim points already targeted, and when we go that route it is a mistake, and I want to discuss that and some options we should be considering, tomorrow. I cannot be doing that this evening, but I want to discuss it tomorrow. But in light of the fact that 5,000 psi hardening has not been invented, I agree with the Senator.

The PRESIDING OFFICER (Mr. D'AMATO). The Senator from Maine.

Mr. COHEN. I yield to the Senator from Indiana.

Mr. QUAYLE. I thank the Senator and I join him in cosponsoring this amendment.

I am hopeful that we can get together with the distinguished Senator from Georgia because there are only marginal differences between the two amendments. There really is no significant or substantive difference between this amendment and the potential amendment that will be offered by the Senator from Georgia, and I am hopeful we can resolve that.

Mr. President, there is no doubt about it, that there is a bipartisan dissatisfaction with the decision on the MX. This carries across both sides of the aisle. It is not this side or that side, it is bipartisan.

I suppose at this juncture we have three options: First, we can cut out all the funds for MX; second, we can stay on the same course; or, third, we can modify with flexibility the present decision.

The first option to cut out all the funds and do away with the MX at this particular time, with the sensitive negotiations going on, in my opinion, would be wrong.

The second option to just pursue the same course which we basically studied for 15 years with respect to this issue would also be wrong.

We have got to bring pressure on the administration to come up with a basing mode that is going to be acceptable, that is going to be survivable, that is going to be adopted.

The intent of this amendment is twofold. One, as far as an interim basis, we are saying that superhardened silos are wrong. We are not suggesting and we are not precluding that superhardened silos on a permanent basis, on a permanent basing mode, would be wrong. As a matter of fact, it is specifically included in the amendment.

But what is precluded is on an interim basis to go ahead and harden these silos. I want to quote the chairman of the Joint Chiefs of Staff, David Jones, on the hardening of silos. He said:

I remain to be convinced that hardened silos would give survivability. I reserve judgment on whether it would be wise to go ahead with hardening.

Incorporated in that statement is this amendment because as an interim proposition we are not going to allow funds for research and development to be used for superhardening.

The second main point of this amendment is to accelerate the decision on the MX basing mode. Incorporated in the present bill is January 1, 1984. This accelerates it to July 1 of 1983.

The message in this amendment is clear. There is bipartisan dissatisfaction. We are modifying the decision made by the President in hopes that a better decision will be forthcoming and soon, as soon as possible.

But I believe that the course of modifying the present policy decision with a certain degree of flexibility is the proper one, and again I reiterate my hopes that we can come to an agreement, that this will not be a protracted debate, and we can vote on this matter reasonably soon.

Mr. COHEN. I yield to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. I am very much inclined to vote for the amendment of the Senator from Maine and the one to be offered by the Senator from Georgia. I hope that the two can work out an amendment that will be acceptable to each of them.

I have long felt we should have a mobile missile. The problem is the basing mode, and no one has been able to come up with a basing mode on which a consensus could agree.

As I understand the proposal of the Senator from Maine, and I think the same would apply to the proposal of the Senator from Georgia, what you are seeking to do is to encourage a mobile basing mode without eliminating the possibility of going to a hardened site, am I correct in that assumption?

Mr. COHEN. That is correct. That is the intent and the language of the amendment we have offered.

There is some distinction between that and the language of the Senator from Georgia which perhaps can be resolved. But I think that is clearly the intent of the wording of the amendment we are offering.

Mr. HARRY F. BYRD, JR. I think I should say that when the committee hearings were held on this matter earlier and Secretary of Defense Weinberger explained his hardening proposal, I indicated at that time that I would go along with that concept.

But the more I think about it, the more I am included to the view expressed in the amendment offered by the Senator from Maine and the Senator from Indiana and the Senator from Georgia that it would be well to encourage the administration to continue to seek a means to

go in the other direction, namely, the mobile direction, but not foreclose the option of going in the direction which the President has recommended up to this point. I assume that that is in conformity with the Senator's idea.

Mr. COHEN. That is in complete conformity with the Senator from Maine.

Mr. STEVENS. Would the Senator yield right there?

Mr. COHEN. I yield to the Senator from Alaska.

Mr. STEVENS. I have had the conversation I indicated I would have with the Secretary in the Secretary's office. And I am worried about the implication here of the amendment because it limits the \$354 million. There is an addition \$20 million, I am sure the Senator realizes, for long-term options. It is not available for any research concerning super hardening. But as I understand the amendment, the super hardening option would not have any funds available at all.

I think I can defend the amendment that the Senators have presented on the basis of preserving options, but a close reading of this amendment would indicate that none of the \$354 million could be used for the super hardening research. That was not the Senator's intention, was it?

Mr. COHEN. I understand what the Senator's problem is. I believe it was his committee that directed how the other \$20 million was going to be spent, and I certainly do not want to trespass on that.

Mr. STEVENS. That is long-term research, and we decided they ought to have that confined to there.

Now the \$354 million, if you are going to be fair—and I understand the Senator has stated that is his objective, to preserve the other options, location uncertainty, the BMD, as well as super hardening—some of this money ought to be available for super hardening. And I am prepared to recommend it.

Mr. COHEN. I would suggest that we could discuss the figure during the same break that we have with Senator NUNN, Senator QUAYLE, myself and others to try to work out our language differences. We might take the Senator's question into account as far as the amount that would be spent or allowed to be spent for other options.

Mr. HEINZ addressed the Chair.

Mr. STEVENS. One other question if I may continue this. I ask the Senator from Pennsylvania about the date of July 1, 1983. It bothered me before, and it bothers me again now, after having had the conversation, because of the rate of progress as regards research. It is R. & D. And the December of 1983 date has persisted through the whole discussion.

I understand our staff has, in terms of our hearings, carried the December 1983 date through as being the earliest possible time for an acceptable decision time frame, looking to 1984, of course, as the date that was originally assumed to be the key controlling date as far as the MX deployment is concerned.

But I would urge the Senator as he discusses this matter now to look at this July 1, 1983 date. It raises questions

again about our appropriations process and whether we ought not to face the question directly as to this limitation. July 1983 is the beginning of the last quarter of a fiscal year. If you cannot meet them on their December date, at least push it into November or push it into the next fiscal year. Otherwise, we are going to be debating this thing each year now on appropriations bills when it ought to be in the December category or at least beyond October 1.

Mr. COHEN. The only difficulty is, if you are talking about July 1983, if you go by that July date you are effectively precluding Congress from doing anything in 1983. You are already in October 1, 1984. And then you are starting, the beginning of next February 1984, discussing 1985.

All we are trying to do is take expert testimony, such as Ellis, who said we can do it within the calendar year.

Mr. STEVENS. You do not see my point. If something must be done by 1983, to be reflected into the fiscal 1984 appropriations process of this committee, that means we have to have it anticipated by October of 1982. We deal with what happens in the period from October 1, 1982, to September 30, 1983, in 1982. And this pushes the impact of the decision into the previous year, not the following year.

I urge the Senator to think about putting it over into the next fiscal year. It is a fiscal year 1985 problem. That is what it really is, a fiscal 1985 problem. It should not come up in fiscal 1983.

Mr. QUAYLE. Will the Senator yield?

Mr. COHEN. I yield.

Mr. QUAYLE. I do not want to belabor this point, but my preference was to move this up even further than that. As the Senator from Maine said, General Ellis, before our subcommittee on November 12, just recently, said they could do this in a calendar year. So I do not think it is the fiscal year 1985 problem. I wish it was not. I would like to move it forward.

Mr. STEVENS. The deployment is the 1985 problem. The decision here is that the present decision must be made so that there is at least a year's time for deployment. In my opinion, you are really going to force us to inquire in September and October of 1982 what the decision is going to be in July of 1983, instead of waiting for the fiscal year that is in fact the fiscal year that deals with funding for deployment.

Mr. QUAYLE. Move it up to January 1 of 1983.

Mr. COHEN. Why do we not see what we can do with working this out with Senator Nunn and others, as far as what the date should be?

Several Senators addressed the Chair. Mr. ANDREWS. Would the Senator yield?

Mr. COHEN. Yes.

Mr. ANDREWS. I appreciate my colleague from Maine yielding. I think it is important to recognize the timing. Mr. President, if I could point out to my friend from Alaska, the chairman of the subcommittee on which I serve. Timing is extremely important.

If we spend over \$300 million to harden a bunch of silos, to put a 10-warhead missile in a fixed point because we are afraid that the Russians are targeting 3-warhead missiles in a fixed point all we do is step up the opportunity for them to take out 10 warheads at a time instead of 3 warheads at a time.

This whole MX thing borders on the silly. We are buying a Rolls Royce and we do not have a garage to park it in.

I think the amendment that my colleagues have come up with is probably the best we can do to at least point out to the administration that about the last thing we need to do is to spend tens of millions of dollars for a weapon that we do not even know where we are going to put it or how we are going to deploy it or how we are going to use it. That is what it is all about. And the sooner we find out the better off we will be.

Mr. STEVENS. If I may respond to my friend, I do not disagree. I have encouraged the activities of the sponsors to try and see if we could find a middle ground here. But \$354 million for research is a lot of money. You do not crank out that research by the middle of next year. It is going to take some time, particularly when you crank in at least three more options.

They had a date of December for the hardening option. Now we are saying, "Use this money for at least three other options, but come in with a result 6 months earlier."

And I am saying that the time frame for a decision really is not until the next year, anyway. December was the earliest date they told us before. Now July is being cranked in here with research and this money will be increased when you broaden those options. I know that next year they are going to ask for more money, because they will be examining more than one option.

Mr. ANDREWS. Mr. President, if we do not tell them to get their rear in gear, if I might put it that bluntly, we are going to have multibillion dollar missiles coming off the assembly lines that will be obsolete by the time they have gotten around to figure out where to put them.

That is the concern to this Senator and I think it should be of concern to other Members of the Senate. Why start up a production line to crank out a missile you do not have a home for because you are concerned that the missiles we now have are targetable? That does not make too much sense. I would hope we could find some answers for a home for this waif before we start making many more of them.

UP AMENDMENT NO. 731

(Subsequently numbered amendment No. 646.)

(Purpose: To oppose reductions in railroad retirement benefits)

Mr. HEINZ. Mr. President, I sense there is consultation on the part of various parties, so I am going to take this opportunity to offer a perfecting amendment to the Cohen amendment, which I send 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 Pennsylvania (Mr. HEINZ) proposes an unprinted amendment numbered 731 to unprinted amendment No. 730.

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

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

The amendment is as follows:

At the end of the amendment add the following:

Because Congress provided in 1974 for an integrated benefit structure in the Railroad Retirement program which incorporated previously-earned benefits under Social Security in a separate part of the benefit, supported by annual appropriations;

Because last year's appropriation for payment of these so-called windfall benefits under the Railroad Retirement system was \$350 million; and

Because the Senate passed on November 19 an amendment to the second continuing resolution for restoration of full funding of the Railroad Retirement so-called windfall account at an annual rate of \$440 million; and

Because the House and Senate Conferees on the same second continuing resolution agreed to fund the Railroad Retirement so-called windfall account at an annual funding rate of \$395 million;

Because the Railroad Retirement Board has authorized, without warning to beneficiaries, December 1 checks to beneficiaries with no so-called windfall payment; and

Because the Railroad Retirement Board is preparing a second mailing of checks to arrive around mid-December containing a separate payment of so-called windfall benefits; Because this payment will reflect a 33% reduction in the so-called windfall benefit unless the Office of Management and Budget acts within the next 48 hours to authorize a higher benefit;

Because the lowest appropriations level approved by either House for this purpose is \$350 million; and

Because Railroad retirees are now being subject to arbitrary reductions in benefits beyond any authorized by the Congress;

Therefore, it is the sense of the Senate that the windfall payment for December be made at least at the annual appropriation of \$350 million, and that the Railroad Retirement Board should make no further reductions in the windfall payment pending the final decision of the Congress regarding this appropriation.

Mr. HEINZ. Let me take a moment to relax everyone on this amendment. It has nothing to do with the MX, with basing modes. It will not preclude the substitute amendment of my friend from Arkansas. It is an amendment that has to do with railroad retirement.

Now that I have explained what it is about, let me tell you why I interrupt the debate on the MX missile.

Mr. COHEN. You intend to retire the MX to the railroad. [Laughter.]

Mr. HEINZ. Mr. President, we have an emergency facing us with respect to a very large number, some 389,000, retired railroad workers nationwide. Of that 389,000 retired railroad workers nationwide, some 30,000 of this group reside in my home State of Pennsylvania.

The fact is that unless we act affirmatively on the amendment I have sent to the desk, which is a sense-of-the-Senate amendment that we want the Railroad



Retirement Board to continue to fund the so-called windfall portion of the railroad retirement benefit at no less than the level agreed to by the lowest of the two Houses on the second continuing resolution, within 48 hours the Railroad Retirement Board is going to take action that will result in a notice going out that will end up beside everybody's Christmas tree saying that all these people are going to get a 33-percent cut in benefits.

Mr. President, this is a 33-percent cut in benefit that Congress has never authorized. Indeed, Congress has authorized restoration of the full benefit. Just a few weeks ago, on November 19, this Senate adopted the amendment of the Senator from Ohio (Mr. METZENBAUM) by almost a 2-to-1 vote to have absolutely no cut in this so-called windfall railroad retirement benefit.

Before I go further, I want to explain what this windfall benefit is all about. It is really not a windfall at all. That is the name people use for it.

It is a benefit which people actually earn under the law. It was a benefit earned by railroad workers who also had covered work under social security. When the Congress saw a need to change the law back in 1974, it specifically protected the rights of individuals who were already vested under both systems.

The Government's actions toward these railroad retirees in the past few months are really a most unfair example, a bad example, of public policy. What is worse, in my judgment, is that it really represents callous disregard and insensitivity to the needs of these retirees.

Let me take a moment to review the history of this situation.

In July of 1981, these beneficiaries received a badly needed cost-of-living increase to help them keep pace with inflation. Then on October 1, without any advance warning, they received a 21-percent reduction in their so-called windfall benefit. That 21-percent reduction resulted from the creation of a separate windfall account outside the Railroad Retirement Trust Fund, and the fact that the Railroad Retirement Board anticipated that this year's appropriation would continue at last year's rate of \$350 million, which was only 79 percent of the \$440 million needed for full payment of the windfall benefit. In other words, a 21-percent reduction.

In December, these retirees and their families have received what I might charitably call a Christmas message from the Government. What did that Christmas message do—coming as it does right after Thanksgiving when most people, except these railroad retirement beneficiaries, are anticipating, hopefully, a holiday season with some good cheer in it? They get, instead, an unanticipated and unwelcomed, double shock. Their December 1 check contained a 100-percent—temporary, but 100 percent—reduction in the so-called windfall portion of their railroad retirement benefit. And now, unless we take action today and the Railroad Retirement Board and OMB relent within the next 48 hours, they are going to receive a reduced benefit far below the 21 percent that I talked

about a minute ago. It will be a one-third reduction.

Let me say, Mr. President, that that is about as unwelcome and penurious a season's greeting that you could ever expect to have. But yet what do we have? We have at this point an unrepentant Uncle Sam, or maybe I should say an Uncle Scrooge masquerading as Uncle Sam, about to put through an unauthorized one-third cut in these benefits.

Mr. President, I defy my colleagues to provide the American people with a more telling example of fickle and arbitrary Government. The responsibility for this Christmas season fiasco in public policy lies fully with the Office of Management and Budget, as far as I can determine. What they are seeking to do is to impose a 12-percent reduction in benefits which we have never authorized.

On the contrary, what we did authorize by a vote of 61 to 34, a bipartisan vote, was to restore, at least in this body, full funding to this category of retirees, that is to say, the \$440 million level.

What happened in conference was that the House and Senate conferees compromised on the issue. They split between \$350 million and \$440 million. They compromised at \$395 million, roughly what would have amounted to about a 10- or 11-percent reduction from full funding, not a 12-percent reduction in funding.

I am sorry to say it, Mr. President, but there are people downtown, who, contrary to congressional intent, are simply moving in the opposite direction from that in which Congress has clearly indicated it is moving and intends to move.

Unless the Office of Management and Budget reverses its intentions within the next 48 hours the benefits received by these railroad retirees this Christmas will be substantially lower than in previous months.

That is why I have sent a letter to David Stockman at OMB explaining this to him and urging him in no uncertain terms to relent on this policy, and it is why I take the time of my colleagues in the midst of their debate on these other issues of importance to our national security to bring this amendment to the floor at this time.

My amendment would simply make very, very clear the sense of the Senate that the December payments to railroad retirees will not be reduced by one-third, but, rather, will be funded at no less than the lowest level previously agreed to by either body, the \$350 million a year level. We will probably agree to a higher level.

Mr. President, let me make one additional observation. Just a few months ago, the administration and both Houses of Congress agreed, after a lot of debate, a lot of going back and forth, a lot of consideration, that it is bad, wrong-headed public policy to reduce the existing benefits of present retirees. That is what we decided when this body voted, just a month or so ago, to insure the continuation of the minimum benefit under social security to existing retirees. It is that principle that the House agreed on when they passed similar legislation. It represented a change from the reconciliation bill that was passed by Congress

in July or August, and it represented a change by the President as well. The President said he is not going to go along with the taking away of benefits from any existing retirees.

That is the correct decision, Mr. President, and that is the essence of why I am here today, urging my colleagues to observe exactly the same principle.

That principle is that we should not single out a special group of beneficiaries—in this instance the railroad retirees—for a taking away of the benefits that they have earned, that they paid for, that are part of their compensation structure going back beyond 1974. I think that to do otherwise would be to make a totally unjustified and unfair sacrifice of our railroad retirees in the name of some false economy, to simply achieve some arbitrary percentage reduction in appropriations.

It is my view, Mr. President, that the Government has absolutely no business taking back benefits that were lawfully granted under this provision. The Government has no business pulling the rug out from under these people every few weeks. That is what we have been doing.

That is why I offer this amendment at this time, Mr. President, and I call upon my Senate colleagues to hold steadfast to their position of November 19 and to insure that we indeed have adequate and, hopefully, full funding of the railroad retirees so-called "windfall" benefit.

Mr. President, Senator D'AMATO, Senator FORD, and Senator SASSER have asked that they be added as cosponsors. I ask unanimous consent that they be so listed.

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

Mr. HEINZ. Mr. President, I ask unanimous consent that the text of my letter to the Director of the Office of Management and Budget, Mr. David Stockman, be printed in the RECORD.

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

SPECIAL COMMITTEE ON AGING,  
Washington, D.C., December 2, 1981.

HON. DAVID A. STOCKMAN,  
Office of Management and Budget,  
The Executive Office Building,  
Washington, D.C.

DEAR MR. STOCKMAN: This letter expresses my strong opposition to the actions by the Office of Management and Budget to postpone and further reduce the "windfall" portion of the Railroad Retirement benefit. Such actions can only be interpreted as a totally insensitive response to the needs of nearly 400,000 beneficiaries of Railroad Retirement annuities. In addition, I believe that this reduction is entirely inconsistent with the expressed will of the Congress.

In July of this year, these beneficiaries received a badly needed cost-of-living increase to keep pace with inflation. On October 1, without advance warning, beneficiaries received a cut of 21 percent.

In response to this situation, the Senate voted on November 19 to restore full funding of the Railroad windfall benefit. In conference, a compromise was reached between the House and Senate, agreeing to only a 10 percent reduction in the benefit, or funding at a level of \$395 million.

The third continuing resolution provided for funding at last year's level of \$350 million. I now understand that your office has

initiated a plan to further reduce and postpone this benefit. I am now informed that the Administration is allocating to the Railroad Retirement "windfall account" only \$308 million, thereby imposing a 12 percent reduction in benefits below the lowest level appropriated by Congress. In addition, retirees have just received their December benefits with the windfall benefit entirely excluded.

These are benefits which people earned under the law. They were earned by railroad workers who also had coverage under the Social Security system. Congress adopted legislation in 1974 that specifically protected the right of these individuals who were already vested under both systems.

The recent action by your office concerning the Railroad retirement windfall benefits are, in my judgment, unauthorized and perhaps illegal. I urge you to take immediate steps to reconsider this decision and restore the maximum authorized benefit to all current beneficiaries. At the very minimum, I believe that you should permit the Railroad Retirement Board to pay this benefit at the currently appropriated level of \$350 million.

Your sincerely,

JOHN HEINZ,  
Chairman.

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

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

The yeas and nays were ordered.

#### RAILROAD RETIREMENT

Mr. ROBERT C. BYRD. Mr. President, I rise in support of the amendment being offered by the distinguished Senator from Pennsylvania (Mr. HEINZ). The Senate last considered the issue of railroad retirement in November. Senator METZENBAUM offered an amendment to the second 1982 continuing resolution, which would have provided for restoration of full funding of the railroad retirement so-called "windfall" account at an annual rate of \$440 million. The Senate accepted that amendment. In conference, Senate conferees agreed to a somewhat lower funding figure. However, as we all know, that funding measure was vetoed by President Reagan.

There are some 400,000 retired railroad workers in the United States who, about 2 months ago, found their monthly pension checks cut by an average of \$20, when a 21-percent reduction in so-called "windfall" benefits took effect.

In talking of these retirees, for the most part, we are speaking of workers who have depended upon the railroad retirement system for many years. We are speaking of a fixed group of individuals—people who were qualified both for railroad retirement and social security prior to 1974 when the Congress rewrote the railroad compensation law.

When the Congress changed the law, the Congress made a commitment to protect individuals already entitled to both railroad and social security retirement benefits. When the Congress established the separate so-called "windfall" payment benefits account in the 1974 act, it assumed that future appropriations would be adequate to honor its promise to railroad retirees.

I commend the Senator from Pennsylvania for his amendment and I am proud to add my name as a cosponsor. The Congress must never forget its commitment to honor promises of pension income to elderly Americans.

Mr. SASSER. Mr. President, I rise today to address a matter of the most pressing urgency and importance to more than 400,000 railroad retirees across the country who just yesterday received their December checks minus their dual benefit components.

There are slightly more than 1 million beneficiaries of railroad retirement. Of this group, some 400,000 are entitled to benefits due to years of employment under both social security and railroad retirement. They are entitled to these benefits through years of hard work and rightfully deserve the security and protection this annuity provides.

In 1974, the Congress passed the Railroad Retirement Act to address the large deficits incurred by the railroad retirement system trust fund. This act coordinated railroad retirement and social security benefit payments to eliminate certain duplications considered a so-called windfall for dual beneficiaries. For individuals meeting certain vesting requirements, however, the act preserved the pre-1975 dual coverage advantage, in part, by adding dual benefit payments to their annuities. Thus, employees and retirees already eligible were "grandfathered" in under this act.

Under the Omnibus Budget Reconciliation Act of 1981, the dual benefit account was separated from the main railroad retirement account and its funding depended on money appropriated for that benefit from general revenues. This was done after long deliberation and agreement from labor representatives, even though it was understood that the full value of the benefit would be vulnerable to budget cutting during the appropriations process.

For the dual benefit account to be fully funded, the level of appropriation for fiscal year 1982 would have to be \$440 million. The administration, however, requested only \$350 million and the railroad retirement board has been making monthly payments since October 1 on the anticipation that the \$350 million level would be operative for the current fiscal year.

This level has already resulted in a 21-percent reduction in the dual benefit component portion of these checks, creating a great deal of confusion and hardship among the more than 400,000 retirees dependent upon their monthly checks. It has now been brought to my attention that due to uncertainty over the passage of the continuing resolution which expired on November 20, retirees will have the dual benefit portion of their checks delayed another 2 weeks and, therefore, have suffered a 100-percent reduction in this benefit until receipt of these supplemental checks.

Now I am also informed that the Office of Management and Budget intends to further reduce these dual benefits by an additional 12 percent in accordance with

the President's September 24 across-the-board reduction requests. Such a reduction would present these retirees with further hardships in meeting their monthly obligations. The average monthly total annuity amounts to \$331. With the current cutback of 21 percent in the dual benefit component, this average decreases to \$311. To expect these individuals to absorb even further reductions is simply unconscionable. There is no justification for attempting to reduce Federal expenditures at the expense of those who can least afford it. These are individuals who have worked hard and long all their lives and are justly entitled to the benefits they have earned over their working lives.

I have talked with several retirees from my home State of Tennessee and have listened to their plight. I have seen the letters pouring in my office telling of similar stories of hardship and genuine fear and concern over the impact of further reductions. We are talking about elderly Americans who strive to make ends meet and ask nothing more than to enjoy the security and protection they should be afforded in their retirement years.

I would like to make it abundantly clear that it is the legislative intent of this Congress to provide the adequate funding necessary to preserve the current level of benefits under the dual benefit account. Indeed, upon consideration of the continuing resolution this Senate passed an amendment which would have restored this account to its full funding level of \$440 million and in the subsequent House-Senate conference a level of \$395 million was agreed to. It has never been the intention of this body to further reduce the level of funding for this account and there is little justification for subjecting it to the 12-percent across-the-board reductions called for in the President's September address.

Clearly there is no consensus among the majority to abide by these further reductions. Therefore, I would call upon the OMB to refrain from further reducing this account and would call upon the Congress to fully fund this account when we consider the continuing resolution.

Mr. METZENBAUM. Mr. President, I understand that the pending business is the Heinz amendment to the Cohen amendment.

The PRESIDING OFFICER. That is the pending question.

Mr. METZENBAUM. Mr. President, I ask the Senator from Pennsylvania if he is inclined to respond to some inquiries from the Senator from Ohio.

Mr. HEINZ. Mr. President, I will be delighted to respond to any inquiries from the Senator from Ohio.

Mr. METZENBAUM. The Senator from Pennsylvania has offered an amendment in a rather unusual manner, a sense of the Senate resolution, and the amendment is to the Cohen amendment, which has to do with the MX.

My question to the Senator from Pennsylvania is this: Is it the intent of the Senator from Pennsylvania to achieve the objective that was achieved when



the amendment of the Senator from Ohio was adopted the other day, with 34 Members of the other side voting "No" and with the Senator from Pennsylvania voting on my side? Is it the intent to achieve that objective?

Mr. HEINZ. I say to the Senator from Ohio that the purpose of this amendment is to get the Office of Management and Budget to spend money that Congress has appropriated by due process of law. I support, and will do so again, any amendment to restore the full windfall benefit. I supported the amendment of the Senator from Ohio which did that. I think it is a meritorious amendment. Indeed, I believe that is what we should do.

However, the purpose of this amendment is to take cognizance of the fact that the third continuing resolution, the stopgap, to go through December 15, is now the law of the land. While that does not meet either the funding objective of the Senator from Ohio at \$440 million—or my final objective, for that matter—it funds at a level of \$350 million, which is the same level as was appropriated last year.

The problem we have is that the Office of Management and Budget has told the Railroad Retirement Board not to mail out checks based on the \$350 million funding level. What they have told the Railroad Retirement Board is, "Fellows, we are only giving you \$308 million, not \$350 million that Congress by law has authorized and appropriated."

In my judgment, what OMB is doing is certainly unauthorized and probably illegal.

I am not attempting to restore, through my amendment, the \$440 million. We will have a chance to do that on another bill between now and December 15. There will be a continuing resolution or there will be an appropriation bill to which an amendment such as that will be germane.

In the next 48 hours, unless we send a loud, clear message down to Mr. Stockman, what he is going to do is authorize checks to go out in the mail and be received 2 weeks before Christmas, with this additional 12-percent cut, which we have never accepted and which we should not accept.

That is the objective of my amendment.

Mr. METZENBAUM. I understand, and I have no quarrel with the objective.

I am sorry that I learned about this amendment only 5 minutes ago, because I think we might have come up with a better way to achieve the same objective. Having said that, I am not sure that a sense-of-the-Senate resolution will achieve that objective, because it has no binding force in law. All it does is say that that is what we in the Senate think should occur, but it does not necessarily mean that it will occur.

Under those circumstances, I inquire of the Senator from Pennsylvania as to why he does not withdraw his amendment, which is merely a sense-of-the-Senate resolution, and offer an amendment that has the force of law which I am sure he would have to agree even

David Stockman would understand that law is the law.

It is a fact that it may not become the law overnight because it has to go to the House of Representatives and go to conference committee. But be that as it may, a sense-of-the-Senate resolution attached to a bill is not more effective and if anything less effective than an amendment that is in legislation itself.

As the Senator well knows his amendment is in the second degree and therefore not amendable, nor can I offer a substitute for it, but it seems to me if we want to send the message—and I understand he might not want to go to the \$440 million that I had that passed the Senate the other day, although I am not certain why we should not want to do that—then why do we not add this second-degree amendment and give it the force of law rather than merely that which is tantamount to a speech because a sense-of-the-Senate resolution really is nothing more than a speech except it indicates if we have more than 50 Members that it is a majority of the Senate that has so spoken but they have not enacted laws, and our business is enacting laws.

Mr. HEINZ. Mr. President, I am not going to really disagree with the Senator. I prefer something that really has the force of law, but we have a timing problem and the timing problem is that we need to send a loud and clear message today, and there is not anyone in this Chamber who expects the DOD appropriations bill to become law in the next 48 hours. Maybe we wish it would; maybe there are some people who are not going to vote for it and hope it does not. I do not know. I am going to support the bill, I think, unless someone adds a whole lot more money to it like a lot of Members on that side of the aisle were trying to do. The fact is that it is a sense-of-the-Senate amendment, and we could quite clearly define the sense-of-the-Senate amendment as an insistent demand on the part of the Senate that OMB follow the law.

But let me say this to my friend from Ohio. It is true that this is a perfecting amendment and when it is disposed of there is nothing to prevent the Senator from Ohio from offering another perfecting amendment; and the Senator from Ohio could offer a real amendment, one that actually spent money. I thought of doing that myself. But it was my judgment that it would not become law and the House of Representatives probably would not accept it as a nongermane amendment. They have much tougher germaneness rules than we do. We have, happily, practically none in situations like this. So we can debate an issue. We can bring a pertinent issue up in the Senate at any time. The House operates under different rules.

So the Senator is correct when he says I raise this issue in what we all consider to be the greatest deliberative body in the world, and I do seek to get—if possible—the support of not only 61 Members who supported the Senator's amendment, but I hope to get 100 Members of the Senate behind it, because this is a question of

whether or not the Office of Management and Budget is going to obey the law of the land.

Mr. METZENBAUM. Let me ask the Senator from Pennsylvania, who is my good friend, whether or not he is in a position to assure the Members of the Senate that by passing this sense-of-the-Senate resolution the desired result will come about and that the amounts that should be spent will be spent or will the OMB then decide what they want to do with it? Is the Senator in touch with spokespersons for the OMB or for the Railroad Retirement Board and can he give us those assurances?

Mr. HEINZ. Mr. President, let me say that I cannot guarantee that anyone in this town is going to do anything the Senate wants. We are a deliberative body. We pass legislation. There have been, in the past, times when the executive branch has ignored what we have done and people in the executive branch have gotten in trouble when they do that. They are free to do it—if they want to take the burden of getting in trouble with Congress.

So I quite honestly cannot guarantee the Senator or anyone else that any law we pass is going to be fully and faithfully executed by the executive branch.

I know the Senator from Ohio on many occasions has had oversight hearings where he has just taken the administration, Republican and Democratic, over the hot coals demonstrating, I think, quite clearly that, on occasion, they were not following the intent of Congress.

I wish to make sure that we make a crystal-clear example and exhibition of the congressional intent on this matter, coming from this body, where the majority party happens to be the President's own party. This is no signal that could be ignored.

Mr. STEVENS. Mr. President, if the Senator will yield, does the Senator seek a vote on this amendment?

Mr. HEINZ. The Senator does.

Mr. STEVENS. The Senator realizes, of course, if we move to table the basic amendment this one goes with it?

Mr. HEINZ. The Senator is aware of that.

C-130H AIRCRAFT

Mr. STEVENS. Mr. President, I wish to make a record here that I believe is important to the committee and to the Senate.

We have recommended \$109.5 million for the purchase of eight C-130H aircraft. That funding allowance is the same as approved by the House, but it is our committee's intention that all eight aircraft are to be procured for the Air National Guard and Air Force Reserve. That is what the request was for.

We find that there is some indication from the other body that four of these would be delivered to the Marine Corps.

This would be a highly unusual procedure of asking the Air Force to buy transports ostensibly for the Air National Guard and Air Force Reserve and then have them delivered to the Marines.

We disagree with the recommendations that have been made by the other body. The Air Guard and Reserves badly need

all eight of the air transports. That was the intent of the authorization.

We are informed that an additional \$12 million would be needed to finance the modifications and split basing costs if these aircraft went partly to the Air Guard and Reserves and partly to the Marines.

We will take this matter up in conference, and it is our purpose here to discuss the matter so that the committee's recommendation to the Senate will be understood because several Members and the public have contacted our committee concerning the intention of the committee to deal with the eight C-130H aircraft. They are for the Air National Guard and for the Air Reserve.

#### NAVY'S UNDERGRADUATE JET FLIGHT TRAINING SYSTEM

Mr. STEVENS. Mr. President, I have discussed with the Senator from New York a question of the engineering contract that deals with the new jet flight training system, the VTXTS, and I would be happy to yield to him. I understand he has a statement he wishes to make and have my comments on that statement, is that correct?

Mr. D'AMATO. That is correct.

Mr. STEVENS. I yield to the Senator from New York.

Mr. D'AMATO. Mr. President, on Thursday, November 19, 1981, Secretary of the Navy John Lehman announced award of a \$300,000 sustaining engineering contract to the team of McDonnell Douglas/British Aerospace/Sperry to begin prefull-scale development of the Navy's new undergraduate jet flight training system, VTXTS. This selection effectively ended competition for a program which will cost at least \$2.1 billion.

I believe that development should be continued on a competitive basis, at least through the end of prefull-scale development. This is a major program, one which will have a 20-year life cycle cost of at least \$5.5 billion. It will result in the development and procurement of approximately 300 new jet trainer aircraft for the Navy, and flight simulators, training programs, maintenance manuals, and everything else needed to operate the Navy's pilot training program after students graduate from the propeller-driven T-34C aircraft.

This system will replace the Navy's present fleet of jet trainers, which is composed of aging T-2 and TA-4 aircraft. These new aircraft will be used to train pilots to land on aircraft carriers. They must be strong enough to withstand a lifetime of carrier landings, which are best described as controlled crashes. They must be fuel-efficient, because they will receive very heavy use. They must be easy to maintain, even in the corrosive salt water environment they will face at sea onboard carriers.

In the past, when we have decided the winner of major competitions to build multibillion dollar systems, we required that competition be sustained even through full scale development. I cite as examples the A-9/A-10 flyoff and the YF-16/YF-17 flyoff. Now, the Navy has terminated the competition. I do not think this is a wise decision. It is certainly not supportive of the spirit of the

many statements made in this body and by the administration on behalf of more competition in Government procurements rather than less competition.

It has been clearly established that open competition is one of the best ways to control costs and to provide a major incentive for quality work and timely completion of contract obligations. In the VTXTS program, the Senate has an unsurpassed opportunity to demonstrate a real commitment to the concept of increased reliance on competition in Government contracting. We can move from the realm of rhetoric to real control over program direction.

In the VTXTS program, prior to Secretary Lehman's announcement, there were five teams of contractors competing for the right to build this airplane for the Navy. The competitors were Rockwell, the team of Northrup and Vought, the team of Lockheed and Dassault-Dornier, the team of Grumman, Beech Aircraft and Link, and the team of McDonnell Douglas, British Aerospace and Sperry. The winning McDonnell Douglas entry is based on a heavily modified version of the existing British Aerospace jet trainer called the "Hawk."

When asked how the competitors' proposals compared, the Navy stated that they were all closely matched—no proposal was clearly superior or inferior to the others in the competition. Further, the Navy felt that there was no gross underbidding on the part of any of the competitors to "buy in." The Navy examined all bids, and made roughly the same adjustments to all to conform to the contractor's proposals to the Navy's best estimates of what the competitors could in fact do if they were selected to build the airplane.

In that heated competitive environment, I am concerned that the Navy has prematurely terminated competition. I think that the selection of one contractor to go forward with the program at this point will result in a less disciplined program, one which will have a higher probability of uncontrolled cost growth and unplanned delay. The Navy states that because the program is not in the Navy's current program objective memorandum, it will have to be intensively and effectively managed to meet criticisms within the Department of the Navy and Congress so it can be funded.

While I believe that such intensive management will have beneficial effects, I do not believe it can take the place of the effects that the spur of continued competition would provide. The problem is that bureaucratic displeasure and congressional ire can be managed and contained by a well-orchestrated lobbying and Government relations campaign. A competitor is not subject to such devices. So long as a viable alternative is present, the Navy would have the very real threat of selecting another contractor to complete the system. There is nothing quite like the real possibility of the loss of the whole ball game to force a contractor to shape up and perform properly. Again, I believe we have an obligation to the taxpayers of this country to make sure that we get a dollar's worth of defense for every dollar we spend on defense. Keep-

ing this program on a competitive basis would go a long way to proving to the people that we are serious about this, and are acting to make sure it happens.

Finally, I am concerned that insufficient attention has been paid to the fact that 43 percent of the work to be done on the program will be done overseas in Great Britain if McDonnell Douglas, British Aerospace and Sperry go forward to build the entire system. This would send almost \$1 billion in aerospace business to a foreign company, to the detriment of our defense industrial base, our economy, jobs, and our balance of payments. I will not disguise the fact that I think that would be a bad mistake.

The fact that almost a billion dollars of aerospace business would be sent overseas under this award was reportedly not even a consideration in the determination of the winners in this contract competition. Now, this was a close competition. We have all become too familiar with the economic effects surrounding business decisions on plant closings. We know about ripple effects, and how many additional jobs can be lost when those manufacturing jobs are lost.

By one estimate, this program could result in more than 9,000 direct jobs in the United States, and more than 37,000 jobs overall. Can we afford to export that business? I do not think so. At the very least, we must keep one other contractor in competition for this program, so that there is a chance that he might prevail. This makes especially good sense when you realize that continued competition will produce a much better defined program, both in terms of technical risks and in terms of costs.

True, the winner now may turn out to be the winner then, too—but at least we will be able to be sure that we have a winner, not just the product of a somewhat arbitrary selection from among a crowded and closely matched field of competitors.

Further, I am assured that there was no offset agreement between the United States and Great Britain involved in this source selection. If a different contractor should finally win this competition, we would be breaking no agreements with the British.

Mr. President, I ask that the conferees the Senate appoints on H.R. 4995 seek language in the conference report which would require continued competition in this program, and would encourage the Navy to reprogram the money which would be necessary to sustain another contractor in the program at least through the end of the pre-full-scale development phase.

This report language would not require any new spending authority. It is estimated that the Navy can maintain a second contractor in this competition for less than \$25 million, only a part of which would have to be obligated and expended during the current fiscal year. I strongly believe that the potential cost savings and quality improvements which would be the product of continued competition in my opinion more than justifies the relatively small expenditure involved.

I would like to pose to the distinguished Senator from Alaska the question in



terms of the kind of competition, and would it not, in his opinion, be prudent to bring up increased competition and to invest a small amount of money, some \$25 million, when we are talking about a program which in its full life cycle will be more than \$5 billion?

Mr. STEVENS. Mr. President, I think the Senator from New York has raised an interesting point with regard to this VTXTS program. We have discussed it previously and he has told me of his conversation with the Office of the Secretary.

I want to assure him that I will do all I can to urge the Senate conferees to insist on the language in the conference report that he seeks, and that would be language that would encourage continued competition in the program at least through the prefull-scale development phase of the bidding process and the contract-award process.

Mr. D'AMATO. I thank the Senator from Alaska. I think if we do that and are able to accomplish it, we will be saving possibly hundreds of millions of dollars by keeping this competition alive and well, so to speak, so that the American public and our armed services get the most for their dollar.

#### STATUS OF AMENDMENTS

Mr. STEVENS. Mr. President, there is a meeting going on off the floor on the one technical amendment dealing with the MX. But I wonder if I might inquire if there are other amendments we might take up while that drafting is going on? I have yet to see the B-1 amendment, having been ready for that battle now for 3 days, and I am hopeful that it will come up. Perhaps we should just go to third reading and not even engage in that activity, but I think that is a pious hope.

May I inquire what the amendment is of my good friend from Arkansas?

Mr. PRYOR. I might say to my good friend from Alaska that I do have an amendment which is a little more severe than the amendment offered by the distinguished Senator from Maine (Mr. COHEN) and the distinguished Senator from Indiana (Mr. QUAYLE) and, possibly, the Senator from Georgia (Mr. NUNN).

Mr. STEVENS. Is it on the same subject?

Mr. PRYOR. It is on the same subject, MX basing.

I do have another amendment I would say to my friend from Alaska dealing with sole-source and dual-source contracting by the Pentagon, and I wonder if he would like to discuss that amendment for a spell?

Mr. STEVENS. I do not feel under the circumstances of negotiations going on off the floor that we ought to deal with the Senator's amendment that would be a substitute for either the Cohen or Nunn amendment.

Mr. PRYOR. I would certainly agree with that.

Mr. STEVENS. But I do not see that there should be any disagreement to proceeding with the other amendment of the Senator if he wishes to present it at this time.

I ask unanimous consent that the pending amendment be set aside temporarily so that we might take the amendment that is to be presented by the Senator from Arkansas, with the full understanding that when that amendment is disposed of we will return to the pending amendment.

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

(The remarks of Mr. PRYOR are printed after the treaty votes, by unanimous consent.)

The PRESIDING OFFICER (Mr. RUDMAN). The Chair would advise Senators that we do have an order to vote on the treaties at 4:20 p.m.

Mr. STEVENS. That is what I was going to remind the Senator and the Senate of; that we do have a vote scheduled for 4:20 on the floor for treaties.

#### THE TWO EXTRADITION AND TWO MUTUAL LEGAL ASSISTANCE TREATIES

Mr. PERCY. Mr. President, the Senate has before it today for its advice and consent two extradition treaties and two mutual legal assistance treaties. I know of no opposition to any of these agreements which were unanimously approved by the Committee on Foreign Relations and which have the administration's full support. Reports on each treaty have been prepared and are available to every Member at his or her desk.

Mr. President, it has long been established that the United States can demand the return from a foreign country of a fugitive only when it has an extradition treaty in force with the country where the fugitive is located. Under U.S. law, the United States can surrender a fugitive to a foreign country only on the basis of an extradition treaty (18 U.S.C. 3184). Since 1842, the United States has negotiated extradition treaties with about 90 countries. These treaties have become increasingly important in law enforcement as modern transportation has enabled criminals to operate on an international scale and to flee more easily from country to country. In an average month, the United States receives about 8 requests from treaty partners for the surrender of fugitives found in this country, and it requests the return to the United States of about 14 persons to stand trial or to serve sentences under previous convictions. The volume of extradition cases has grown substantially in recent years, and this trend is continuing.

Both the United States-Colombian and United States-Netherlands extradition treaties now before the Senate identify the offenses for which extradition will be granted, establish procedures to be followed in presenting extradition requests, enumerate exceptions to the duty to extradite, specify the evidence required to support a finding of a duty to extradite, and set forth administrative provisions for bearing costs and legal representation.

Section-by-section analysis of both extradition treaties are included in the committee reports prepared for each agreement. The analyses were provided

to the committee by the U.S. delegation which negotiated the treaties and which was composed of representatives from the Departments of State and Justice.

Mr. President, the mutual legal assistance treaties recently negotiated with Colombia and the Netherlands cover mutual assistance in criminal matters and represent the third and fourth of their kind for the United States. The first was the Treaty on Mutual Assistance in Criminal Matters Between the United States and Switzerland; the second was the Treaty on Extradition and Mutual Assistance in Criminal Matters with Turkey.

One commentator writing about the Swiss treaty noted:

The United States has shown a new pragmatic willingness to engage in concerned action in order to fill the growing need for an international practice with respect to legal assistance in criminal matters. The United States is thus moving to fulfill its obligations as a member of the world community as well as to extend the reach of its own proceedings.<sup>1</sup>

Many of the provisions in the new agreements derive from the Swiss and Turkish treaties.

The new treaties are intended to meet the diverse needs of the numerous enforcement agencies that may be involved in criminal proceedings. Where mutually agreeable, informal procedures will be employed to obtain evidence and/or testimony. Where informal procedures are inappropriate, formal requirements have been established through which the treaties' objectives of legal assistance can be achieved.

Both treaties will address a variety of criminal activities, including drug trafficking, fraud, the avoidance of American securities law, evasion of American taxes, and the financing of organized crime. In this context, both the Departments of State and Justice believe that mutual legal assistance treaties provide an effective mechanism for U.S. enforcement agencies seeking the assistance of foreign governments in obtaining information related to pending investigation or proceedings in the United States.

The U.S. delegation has also provided the committee with section-by-section analyses for both mutual legal assistance treaties under consideration at this time. As with the extradition treaties, the analysis of each agreement can be found in the appropriate committee reports which are available at the desk of each Senator.

Mr. President, in consideration of the strong bipartisan support for both the extradition and mutual legal assistance treaties now before this Chamber, I recommend that the Senate give its advice and consent forthwith to all of these agreements.

#### EXECUTIVE SESSION

##### TREATIES

The PRESIDING OFFICER. Under the previous order, the hour of 4:20 p.m. hav-

<sup>1</sup> Johnson, Paul W., "Judicial Assistance-Criminal Procedure," Harvard International Law Journal, pp. 349-364, at p. 350.

ing arrived, the Senate will now go into executive session to conduct one rollcall vote to count as four rollcall votes on the resolutions of ratification to four treaties, Executive Calendar Nos. 20, 21, 22, and 23.

The question is on agreeing to the resolutions of ratification.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

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

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), and the Senator from Arizona (Mr. DeCONCINI) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), and the Senator from Arizona (Mr. DeCONCINI) would each vote "yea."

The yeas and nays resulted—yeas 96, nays 0, as follows:

[Rollcall Vote No. 438—Treaty Doc. No. 97-7, 439—Treaty Doc. No. 97-8, 440—Treaty Doc. No. 97-11, 441—Treaty Doc. No. 97-16]  
YEAS—96

Abdnor	Glenn	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hart	Packwood
Baucus	Hatch	Pell
Bentsen	Hatfield	Percy
Biden	Hawkins	Pressler
Boren	Hayakawa	Proxmire
Boschwitz	Hefflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Harry F., Jr.	Humphrey	Rudman
Byrd, Robert C.	Inouye	Sarbanes
Chafee	Jackson	Sasser
Chiles	Jepson	Schmitt
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stennis
Danforth	Laxalt	Stevens
Denton	Leahy	Symms
Dixon	Levin	Thurmond
Dodd	Long	Tower
Dole	Lugar	Tsongas
Domenici	Matsunaga	Wallop
Durenberger	Mattingly	Warner
Eagleton	McClure	Weicker
East	Meicher	Williams
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	
Garn	Moynihan	

#### NOT VOTING—4

Cannon	Goldwater	Mathias
DeConcini		

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

#### EXTRADITION TREATY WITH THE KINGDOM OF THE NETHERLANDS

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Extradition Between the United States of America and the Kingdom of the Netherlands (Netherlands), signed at The Hague on June 24, 1980.*

#### EXTRADITION TREATY WITH THE REPUBLIC OF COLOMBIA

*Resolved (two-thirds of the Senators present concurring therein), That the Senate*

advise and consent to the ratification of the Treaty of Extradition Between the United States of America and the Republic of Colombia, signed at Washington on September 14, 1979.

#### MUTUAL LEGAL ASSISTANCE TREATY WITH THE REPUBLIC OF COLOMBIA

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Mutual Legal Assistance Between the United States of America and the Republic of Colombia, signed at Washington on August 20, 1980.*

#### TREATY ON MUTUAL LEGAL ASSISTANCE WITH THE KINGDOM OF THE NETHERLANDS

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty of Mutual Legal Assistance Between the United States of America and the Kingdom of the Netherlands, together with a related exchange of notes, signed at The Hague on June 12, 1981.*

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolutions of ratification were agreed to.

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

The motion to lay on the table was agreed to.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Without objection, the Senate will now return to the consideration of legislative business.

### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1982

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. STEVENS. Mr. President, as I understand it, the Senator from Arkansas is going to discuss his amendment which deals with the prospect of an advocate for competition at the Department of Defense. Following that, we return to the amendment that was offered by the Senator from Maine (Mr. COHEN), and following that, there is an amendment to be offered by Senator PRYOR again. Then there is one to be offered by Senator DENTON, and then one to be offered by Senator LEAHY.

So we do have a full schedule here. I hope we will be able to get some time agreements. I am more than willing to forgo the concept of a motion to table if we can get a reasonable time agreement, so that Members will know when the vote will take place.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. ROBERT C. BYRD. Mr. President, we have not agreed to that sequence of amendments; have we?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. Is the order entered?

Mr. STEVENS. Yes; it was not any time agreement. It is a sequence.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. I failed to notify the minority leader, but we did make that

agreement when several Senators were seeking recognition at the same time.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I have no quarrel with that, except that it might accommodate the Senate if, from time to time, other Senators were able to call up their amendments outside of the sequence which has been mentioned.

I am working on a time agreement on this side, and I have discussed it briefly with the manager of the bill and the majority leader. I hope we can arrive at a time agreement that will see us complete action on this measure no later than a given hour tomorrow.

However, I hope we will not sequence any other amendments at this time, because it may expedite the actions on the entire measure if we do not lock ourselves in too tightly with sequential ordering of amendments.

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

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I agree with that. I think that now there is a good chance we can arrive at a unanimous-consent agreement for a time certain to finish action on this bill. I regret to say that I think it probably will not be tonight. But in order to get to a time certain tomorrow, we will have to work this afternoon and for a while tonight.

So I urge Senators to consider that our work is not done for this day. Negotiations will continue, and we will try to have a further announcement a little later as to a time certain for final passage.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized.

#### PRICE COMPETITION AMENDMENT

Mr. PRYOR. Mr. President, I should like to discuss an amendment that I plan to submit at the proper time and proper place in the proceedings. I want to discuss a very extensive and chronic abuse of defense procurement; namely, the lack of effective and meaningful competition for the goods and services that the Department of Defense buys.

I could not, in good conscience, see a \$209 billion appropriation bill with new obligational authority go through this body without at least a discussion of some \$150 billion of that, which is going to be targeted for hardware purchases, operation and maintenance, and research, development, test, and evaluation, and look more critically at how all these dollars are going to be actually spent.

Today, about 70 percent—not 7, but 70 percent—of the DOD procurement dollar is awarded on a sole-source basis, where only a single supplier is involved, or on the basis of factors other than price competition. That is hard to believe, but it is true, according to the General Accounting Office. Several studies have shown that DOD could reduce the prices it pays by as much as 25 to 30 percent through greater use of competition.



Mr. President, I am not alone in expressing concern over this matter. In early November, the Committee on Governmental Affairs, under the distinguished leadership of Chairman ROTH, completed a series of hearings on the defense acquisition process. Throughout those hearings witness after witness, as well as my colleagues on the committee, lamented the absence of competition in DOD procurement.

I believe we in the Congress should translate these concerns into concrete action and commit DOD to specific goals for increasing its use of price-competitive procurement and require DOD to establish full-time advocates for competition to assure that no opportunities for obtaining competition are neglected.

Let me highlight the dimensions of the problem confronting us and the reasons why that problem exists.

#### TYPES AND EXTENT OF COMPETITIVE PROCUREMENT

As Senators know, Mr. President, DOD uses formal advertising and negotiation as the two basic procedures for purchasing goods and services. The Armed Services Procurement Act of 1947 requires DOD to procure by formal advertising whenever it is feasible and practical. According to the act, when a procurement is formally advertised, contracting officers should award the resultant contract without negotiation to the responsive and responsible bidder whose bid will be most advantageous to the Government, price and other factors considered.

The 1947 act also establishes 17 exceptions to the use of formal advertising, which provide DOD contracting officers with the authority to negotiate. Generally, contracting officers must develop written justifications supporting a decision to negotiate rather than to formally advertise.

While formal advertising always involves price competition, negotiated awards may be either competitive or noncompetitive. In cases where formal advertising is neither feasible nor practical, contracting officers may negotiate with two or more qualified suppliers for the best price or the best design and/or technology within acceptable price range. In the first instance, the negotiated award is price competitive; in the second, price is not the foremost consideration. In either instance the award is referred to as "competitively negotiated" since more than one potential supplier is involved. If negotiations are conducted with only a single supplier, however, the award is noncompetitive and is commonly referred to as "sole source."

Mr. President, I have prepared an exhibit which compares DOD contract awards in fiscal year 1979 by three categories: First, formally advertised with negotiated; second, competitive with noncompetitive; and third, price competitive. I ask unanimous consent to have the table that I have prepared printed in the RECORD.

There being no objection, the table

was ordered to be printed in the RECORD, as follows:

DOD CONTRACT AWARDS FOR FISCAL 1979		
	Amount (billions)	Percent of total
Formally advertised negotiated awards:		
Formally advertised.....	\$4.1	6.6
Negotiated.....	58.0	93.4
Total.....	62.1	100.0
Competitive versus noncompetitive awards:		
Formally advertised.....	4.1	6.6
Negotiated on basis of price.....	12.7	20.5
Negotiated on basis of design/technical factors.....	5.8	9.3
Subtotal competitive.....	22.6	36.4
Sole-source follow-ons to original award negotiated on basis of price or design/technical competition.....	10.8	17.4
Other sole source.....	28.7	46.2
Subtotal noncompetitive.....	39.5	63.6
Total competitive and noncompetitive.....	62.1	100.0
Extent of price competition:		
Price competitive: Formally advertised or negotiated on basis of price competition.....	16.8	27.1
Nonprice competitive: Negotiated on basis of design/technical competition or on sole source basis.....	45.3	72.9
Total.....	62.1	100.0

Source: GAO (PLRD-81-45, July 29, 1981).

Mr. PRYOR. Mr. President, although formal advertising is preferred by law, formally advertised awards accounted for less than 7 percent of the total \$62.1 billion of DOD procurement. The remaining 93 percent represented negotiated awards.

Although the Congress has consistently advocated maximum use of competition, most of the DOD procurement dollar was awarded without competition. Of the total \$62.1 billion, only 36 percent represented competitive procurements while 64 percent represented noncompetitive procurements.

When we focus on the noncompetitive awards, we see that about 17 percent of total DOD procurement represented something known as sole-source "follow-ons." In these cases, the contractor is the sole supplier by virtue of having been selected during a previous award made on the basis of price, design, or technical competition.

I want to point out, Mr. President, that by some strange logic DOD often lumps such sole-source follow-ons with competitive awards. For example, during the recent hearings of the Governmental Affairs Committee, defense officials, proclaiming their diligence in promoting competition, asserted that:

... The majority of our funds continue to be awarded either as a direct result of competition, or in follow-on awards where the source was competitively selected. ...

Mr. President, such statements, by including sole-source follow-ons under the rubric of competitive procurement, defy commonsense and distort the true picture. The distinction between competition during the initial stage of a program

and the lack of competition during the remaining stages—product development, full-scale production, and product support—is quite important, but is often and conveniently neglected by those who claims that defense is highly competitive.

In addition to sole-source follow-ons, we see within the noncompetitive category that the single largest chunk of the DOD procurement dollar was awarded sole source without any previous competition. These types of procurement actions accounted for about 46 percent of the total \$62.1 billion.

Finally, when we focus on price competition we see that only 27 percent of the DOD procurement dollar was formally advertised or competitively negotiated on the basis of price. Over 70 percent was nonprice competitive; that is, the awards were sole source or competitively negotiated on the basis of design or technical factors.

Mr. President, these statistics demonstrating a lack of price competition in fiscal 1979 are not isolated examples. Rather, they are part of a trend. In a report issued on July 29 of this year, the General Accounting Office stated that between 1972 and 1978 the proportion of DOD awards that were price competitive declined by 8 percent. The GAO also noted several studies indicating that as much as 25 percent can be saved through competition.

Whatever the precise figure, we can be sure that the potential savings from competition are enormous. We also can be certain, based on long experience, that the lack of meaningful price competition contributes mightily to a procurement environment conducive to rapid cost escalation. As of June 1981, for instance, the estimated acquisition costs of 50 major weapon systems had escalated by an average of 118 percent over original estimates.

Procurement authorities agree that much of this escalation is attributable to the monopoly position of sole-source contractors, where there is little incentive to hold down costs. Given the administration's call for a military budget which, net of inflation, will total nearly \$300 billion by 1985, we can only expect cost escalation and overruns to continue unless action is taken to inject meaningful competition in defense procurement.

#### REASONS FOR LACK OF COMPETITION

Mr. President, I recognize that there are circumstances under which true competition is impractical and DOD may have no alternative to sole-source procurement. For example, as a result of the 1973 oil embargo and the Federal Government's fuel allocation system, DOD had to negotiate most of its fuel purchases noncompetitively. Thus, its competitive fuel procurements dropped from 90 percent of fuel obligations in 1972 to only 45 percent in 1978.

Nevertheless, there is ample evidence that DOD is missing legitimate opportunities for maximizing price competition

and is not fully exploring competitive alternatives.

In its July 29 report, the General Accounting Office pointed out that when a proposed procurement appears to be noncompetitive, the DOD contracting officer is responsible not only for assuring that competition is not feasible, but also for taking actions to avoid subsequent noncompetitive procurements. In short, noncompetitive buying should occur only when all attempts to obtain competition have failed. Both GAO and the Office of Federal Procurement Policy have reported, however, that competitive opportunities are being missed because:

First, DOD procurement officials lack or do not take the time to develop purchase descriptions needed to invite competitive bids. This often occurs in cases of repetitive buys, such as spare parts, where the lack of a purchase description effectively precludes competition from alternative sources having the capability to meet the product or service requirements.

Second, Product specifications are written too restrictively and exceed minimum needs. This discourages competition from suppliers whose products do not exactly meet specifications but could probably meet the need in a satisfactory manner. In this regard, I am reminded of the case of Julie Research Laboratories, a small entrepreneurial firm that has sought without success over the past several years to sell calibration equipment to the Army. During our recent hearings on the defense acquisition process, it was clear from the evidence presented by the Army Inspector General that whatever the true merits of Julie's equipment, the firm was not given a full and fair opportunity to compete for Army contracts. It is ironic indeed that while DOD tells us that it believes in competition, it systematically discouraged a small and eager firm from competing in a market sorely in need of additional suppliers. How many other firms are suffering Julie's fate?

Third, Contracting officers acquiesce to the specific procurement requests of headquarters, technical personnel, or end users without performing market analyses to determine whether alternative suppliers exist. In the case of headquarters requests, the boss-employee relationship naturally inhibits or prevents contracting officers from strongly objecting to sole-source awards. In the case of technical personnel or end users, contracting officers often feel incompetent or reluctant to second-guess expert judgments about the availability or capability of potential alternatives.

Fourth, Sole source contracts are awarded in response to unsolicited proposals without justification as to why the good or service could not be obtained competitively. In some instances, contract work arising from unsolicited proposals is actually begun before a contract is signed. This practice is contrary to sound procurement procedure and makes it extremely difficult to stop work or to develop alternative sources for the good or service.

In addition to these reasons for missing competitive opportunities, I believe

that DOD is not taking fullest advantage of opportunities to dual source its procurements. Under dual sourcing, annual DOD buys of a given weapon system or piece of equipment are split between two suppliers, based on the quality and cost of their performances in prior years. By cultivating two sources, dual sourcing increases competition, thereby providing suppliers with an incentive to control costs. A recent study of procurements in which DOD used dual sourcing showed that unit costs were reduced by an average of 30 percent as a result of the incentives that competition provides.

Dual sourcing also helps to broaden the defense production base. This is an important benefit considering the erosion of that base in recent years and the magnitude of the administration's proposed increases in defense spending. According to the Congressional Budget Office and other authorities, the defense buildup is likely to precipitate substantial inflation in defense costs, given the comparatively small production base over which procurement dollars can be spread.

As I noted earlier, about 17 percent of the defense procurement dollar is represented by sole-source follow-on awards. It is this type of procurement which I think is particularly ripe for dual sourcing. At a hearing last October, I asked the question of whether the Army should dual source production of the M-1 tank. Chrysler Corp., the declared winner over General Motors during an earlier competition, is today the only tank producer. The Army plans to buy more than 7,000 M-1 tanks over the next few years; many, many more will be purchased thereafter as the M-1 assumes its position as our main battle tank. Why should Chrysler retain its monopoly over M-1 production? Why must competition cease once a winner is declared?

I was pleased to see in the November 18 Wall Street Journal that the Army is asking itself these same questions. According to the Journal, the Army is studying the feasibility of dual sourcing not only M-1 tank production, but also production of the tank's turbine engine. Significantly, a major factor behind this study is the Army's concern over the rapid escalation in the tank's cost and the potential for greater cost-efficiency that dual sourcing could provide.

Mr. President, I recognize that dual sourcing may not be effective under all conditions. One must carefully weigh the additional investment needed to secure a second source of supply against the potential price reductions that competition can bring. But dual or multiple sourcing is standard commercial practice in the private sector. I am convinced that DOD has not fully explored dual sourcing opportunities in its procurement programs.

#### AMENDMENT PROVISIONS

Mr. President, I intend to propose an amendment to assure that DOD is committed to increased competition and no decreasing the use of price-competitive opportunities.

First, the amendment would require DOD to establish and report to the Con-

gress specific quantitative goals for increasing the use of price-competitive procurement. The goals would be expressed as percentage increases in total procurement spending to be accounted for by price competitive actions in fiscal year 1982 compared with fiscal 1981. To assure that we all understand the baseline for DOD's goals, the amendment would also require DOD to report its fiscal 1981 procurement actions by specific categories of competitive and noncompetitive awards.

Second, the amendment would require DOD to establish and report to the Congress a policy on the use of dual sourcing, including the conditions under which an analysis of the cost and benefit of dual sourcing should be performed by contracting officials and the methodology of the analysis. The amendment would also require DOD to identify those weapon system programs for which dual sourcing is currently employed.

Third, the amendment would require DOD to appoint at each of its major procurement offices an individual to serve as a fulltime advocate for competition. While present regulations in theory make each contracting officer responsible for maximizing competition, the sad reality is that there is no clear responsibility and accountability for competition and contracting officers are acquiescing to the sole-source procurement requests of headquarters, technical personnel, or end-users. They advocated correcting this condition by assuring that opportunities for competition are not lost or foreclosed by restrictive need statements, unnecessarily detailed specifications, poor procurement action, or by arbitrary agency action.

Finally, the amendment would require DOD to report to the Congress any specific actions, in addition to those required above, that will be taken in fiscal year 1982 to increase the use of price competitive procurement.

In conclusion, Mr. President, let me emphasize that we all recognize the importance of a strong national defense. An effective procurement system—one which assures that we have the military equipment and services we need, when we need them, where we need them, and at a cost we can afford—is critical to a strong defense posture. This amendment would strengthen our defense procurement because it would commit DOD to concrete action for increasing competition in procurement spending.

#### UP AMENDMENT NO. 732

(Purpose: To require information regarding competition in procurement)

Mr. PRYOR. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arkansas (Mr. PRYOR) proposes an unprinted amendment numbered 732.

Mr. PRYOR. Mr. 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 61, following line 14 insert the following:

"The Secretary of Defense or his authorized agent is directed to—

"(a) Submit to the Appropriations Committees of the House and the Senate a written report which:

"(1) Disclose for each of the military services and the Department of Defense as a whole the number and dollar value of the procurement actions taken during the fiscal year ending September 30, 1981, by each of the following procurement award categories:

"(A) formally advertised;

"(B) negotiated competitively on the basis of price;

"(C) negotiated competitively on the basis of design or technical factors;

"(D) negotiated noncompetitively as follows on procurements previously awarded on the basis of price, design, or technical competition; and

"(E) negotiated noncompetitively without previous price, design or technical competition;

"(2) Identifies specific percentage improvement goals to be achieved by the Department of Defense with respect to the proportion of total defense procurement expenditures to be awarded by formal advertising or by negotiation based on price competition during fiscal year 1982 compared with fiscal year 1981;

"(3) Sets forth the Department of Defense policy on the use of dual sourcing for obtaining price competition, including the circumstances under which contracting officials are required to analyze the potential benefit and cost of dual sourcing a product or service procurement and the methodology of the analysis;

"(4) Identifies those weapon system programs for which dual sourcing procurement is presently being used; and

"(5) Provides a detailed description of all other specific steps which the Department of Defense intends to implement during fiscal year 1982 to obtain increased price competition and reduce the use of noncompetitive sole-source procurement; and

"(b) Appoints at each major Department of Defense procurement office an individual to serve as a full-time advocate for competition to ensure that opportunities for price competition are not lost or foreclosed by unnecessarily detailed product or service specifications, restrictive statements of need for the product or service, poor procurement planning, or other arbitrary or inappropriate procurement office action which would have the effect of unnecessarily restricting or precluding competition for award of a contract."

Mr. PRYOR. Mr. President, I ask unanimous consent that the name of the Senator from Michigan (Mr. LEVIN) be added as a cosponsor of this amendment.

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

Mr. STEVENS. Mr. President, my good friend from Arkansas and I served together on the Governmental Affairs Committee. I am certain it will be no surprise to him for me to say that this is the kind of legislation that should come from the Governmental Affairs Committee. It does create a whole new concept for the Department of Defense. It would require a new office in each procurement office, that being a full-time advocate for competition.

It is my feeling that this is legislation on an appropriations bill. It has nothing to do with any specific item that is before us in terms of a request for funding for the Department of Defense, and

I make the point of order that this is an amendment which is legislation on an appropriations bill, and I ask the Senate to rule that it is.

Mr. PRYOR. Mr. President, I raise the defense at this time that this amendment is germane to the House language.

The PRESIDING OFFICER. Under rule XVI, paragraph 4, if the defense of germaneness is raised, the Chair must submit the question to the Senate for a vote.

Mr. STEVENS. Mr. President, I inquire of the Chair: A vote to sustain the point of germaneness would be an "aye" vote?

The PRESIDING OFFICER. The question will be whether or not the amendment is germane. The Senator is correct.

Mr. STEVENS. I say that my vote will be "no," because I do not believe it is germane. We should not invade the jurisdiction of individual committees. I ask the Senate to sustain the position of the committee, that this is legislation on an appropriations bill, and vote "no."

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, Is the amendment germane? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona (Mr. DECONCINI) would vote "yea."

The PRESIDING OFFICER. Is there any Senator in the Chamber wishing to vote?

The yeas and nays resulted—yeas 44, nays 50, as follows:

[Rollcall Vote No. 442 Leg.]

YEAS—44

Andrews	Eagleton	Matsunaga
Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Grassley	Mitchell
Boren	Hart	Nunn
Bradley	Heflin	Peil
Bumpers	Hollings	Proxmire
Burdick	Huddleston	Pryor
Byrd	Inouye	Randolph
Harry F., Jr.	Jackson	Riegle
Byrd, Robert C.	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Cranston	Kennedy	Tsongas
Dixon	Leahy	Williams
Dodd	Levin	Zorinsky

NAYS—50

Abdnor	Danforth	Hatch
Armstrong	Denton	Hatfield
Baker	Dole	Hawkins
Boschwitz	Domenici	Hayakawa
Chafee	Durenberger	Heinz
Cochran	East	Helms
Cohen	Garn	Humphrey
D'Amato	Gorton	Jepsen

Kasten	Percy	Stennis
Laxalt	Pressler	Stevens
Long	Quayle	Symms
Lugar	Roth	Thurmond
Mattingly	Rudman	Tower
McClure	Schmitt	Wallop
Murkowski	Simpson	Warner
Nickles	Specter	Weicker
Packwood	Stafford	

NOT VOTING—6

Cannon	Glenn	Mathias
DeConcini	Goldwater	Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 44 and the nays are 50. The Senate having voted the amendment is not germane, the amendment falls for that reason and the point of order of the Senator from Alaska is moot.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, that does not have to be reconsidered, does it?

The PRESIDING OFFICER. The motion to reconsider would be in order.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 731

Mr. STEVENS. Mr. President, it is my understanding that there is a pending amendment in the second degree of the Senator from Pennsylvania (Mr. HEINZ) to the amendment offered by the Senator from Maine (Mr. COHEN). I ask unanimous consent that the amendment in the second degree be considered an amendment in the first degree and it be set aside until such time as the Senator from Pennsylvania calls it up.

The PRESIDING OFFICER. Is there objection?

Mr. HEINZ. Mr. President, reserving the right to object, does the Senator from Alaska intend that it be considered as offered to another part of the bill?

Mr. STEVENS. It would be my intention that it would be considered as being offered at the foot of the bill and to be called up at any time that the Senator from Pennsylvania wishes to raise it. It is a sense of the Senate resolution. It is subject to points of order. I cannot waive those now. But I will protect the Senator for his ability to raise that issue again as an independent amendment.

Mr. HEINZ. Mr. President, further reserving the right to object, at the present time this amendment is not amendable. Would the Senator be agreeable to modifying this unanimous-consent request that it be considered amendable?

Mr. STEVENS. This Senator would ask that the Senator's amendment, which presently is in the second degree, become amendable when it becomes an amendment in the first degree. But, again, as I have stated, I have been asked not to waive the points of order and I do not make that request.

Mr. HEINZ. I have no objection to that request.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the distinguished Senator add me as a cosponsor?

Mr. HEINZ. Mr. President, I have no objection to the Senator from Alaska

adding my request to the minority leader's request.

Mr. ROBERT C. BYRD. I was asking the Senator from Pennsylvania if I might be added as a cosponsor.

Mr. HEINZ. Mr. President, I ask unanimous consent that the Senator from West Virginia (Mr. ROBERT C. BYRD) be added as a cosponsor.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection to modifying this amendment to make it at the end of the bill? Without objection, the entire request is so ordered.

Mr. STEVENS. Mr. President, the Senator from Massachusetts has cleared an item with the majority leader. It is a resolution. I yield to the Senator from Massachusetts.

#### THE MURDERS OF SIX AMERICANS IN EL SALVADOR

Mr. KENNEDY. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 250) expressing the sense of the Senate with respect to the murders of six Americans in El Salvador.

(The cosponsors are as follows: Mr. PELL, Mr. HATFIELD, Mr. DODD, Mr. CRANSTON, and Mr. TSONGAS).

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

There being no objection, the Senate proceeded to consider the resolution.

#### UP AMENDMENT NO. 733

Mr. KENNEDY. Mr. President, the Senator from Illinois (Mr. PERCY) has an amendment to that resolution. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), on behalf of the Senator from Illinois (Mr. PERCY), proposes an unprinted amendment numbered 733.

Mr. KENNEDY. 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:

Between the second and third paragraphs of the resolution insert the following:

Welcomes the Government of El Salvador's recent request for U.S. technical assistance in carrying out these investigations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) on behalf of the Senator from Illinois (Mr. PERCY).

The amendment (UP No. 733) was agreed to.

Mr. CHAFEE. Mr. President, what is the resolution?

Mr. KENNEDY. Mr. President, the resolution notes that 1 year ago today there were four Catholic missionaries and two lay workers that were murdered in El Salvador. The resolution requests that the Government of El Salvador use all

of the resources of that government to further the investigation into these killings and that the U.S. Government will cooperate in every way possible to see that those that were involved in this murder and assassination are brought to justice. This is the anniversary of those killings and we have seen little progress. This is a sense of Senate resolution that hopes that justice will soon be done.

Mr. CHAFEE. I ask I might be added as a cosponsor.

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

Mr. KENNEDY. Mr. President, today, December 2, 1981, is an anniversary; but unlike so many anniversaries, this is not a happy one. For on December 2 last year, four American Catholic women missionaries were murdered in El Salvador. These four dedicated women—Sisters Ita Ford, Maura Clarke, Dorothy Kazel, and Ms. Jean Donovan—went to El Salvador to help the common people of that country—people who have become the innocent victims of brutality and violence in that land torn by civil strife. These women gave of themselves to the people when they were alive and ultimately they, too, became victims of the fighting.

Then on January 3, two American labor representatives, Michael Hammer and Mark Perlman, were also murdered. These two were working on El Salvador's land reform program and had been sent to that country by the American Institute for Free Labor Development. They were gunned down in cold blood at the San Salvador Sheraton Hotel along with Jose Rodolfo Viera, head of El Salvador's Agrarian Reform Institute.

Mr. President, 1 year later the persons who were responsible for the murders of the missionaries have still not been brought to justice. At the time of the murders, the Carter administration called on the Salvadoran Government to immediately investigate the murders and to prosecute those responsible. I joined with many of my colleagues in this Senate in making similar appeals to the Salvadoran Government. In September I spoke with the president of El Salvador, Napoleon Duarte, who was visiting Washington, and I emphasized how important it was for his government to pursue the investigation and to bring to justice those responsible for the murders. I have been in continuing contact with the families of the missionaries, who also met with President Duarte and made their own personal appeals. Yet, the Government of El Salvador has still not taken the necessary actions.

Mr. President, all too often as time passes, the issues seem to merge together. The stark brutality, the heinous crime, and the profound grief appear to fade away. The grief may fade for those of us who did not know the missionaries and the workers personally, but the grief remains real and deep for their friends and families. The issues may merge for those who hope the world will forget; but they remain vivid for those of us who believe that justice must prevail.

For this reason, I am introducing today a resolution which expresses the sense of the Senate with respect to the

murders of these six American citizens. Senators PELL, HATFIELD, DODD, CRANSTON, TSONGAS, and others are cosponsoring this resolution, which reminds the administration and the Salvadoran Government that we have not forgotten the tragic death of Americans who have sacrificed their lives in helping the people of El Salvador, and to renew our call that the Government of El Salvador complete its investigation and prosecute those responsible for the murders. I strongly urge both the Government of El Salvador and our own administration to respond to this sense of the Senate resolution.

Mr. PELL. Mr. President, as a cosponsor, I rise along with my colleague from Massachusetts to commemorate this sad and tragic event that occurred a year ago on an isolated country road in El Salvador. The brutal murders of Maryknoll Sisters Ita Ford and Maura Clarke, Ursuline Sister Dorothy Kazel, and layworker Jean Donovan by elements of the Salvadoran security forces shocked this Nation into an awareness of the senseless turmoil in the beleaguered nation of El Salvador. We hardly had time to react to the deaths of the churchwomen when a month later we received the news that two American agrarian reform specialists, Michael Hammer and Mark Perlman, were gunned down in the coffee shop of their hotel, along with the head of the Salvadoran land reform program.

Collectively as a nation, we still have not recovered from the shock of the heinous murders of these American citizens who had dedicated their lives to improving the lot of the people of El Salvador. Our shock is compounded by a collective national frustration over the Salvadoran Government's failure to bring to justice those responsible for the murders of these six Americans. We share, as a nation, the sorrow and frustration felt by the families of these valiant Americans.

The Salvadoran Government continually for this past year has been requested to take the steps necessary to finally have justice be served. We fail to understand, however, even given the problems within the Salvadoran legal system, why the Salvadoran Government, after 1 year, cannot resolve this issue given the compelling evidence against the suspects from the ranks of the security forces and the extreme right-wing.

The Salvadoran Government should regard this resolution and these statements commemorating the deaths of these fine Americans as a renewed and strong appeal for justice. The Salvadoran Government seeks the support of the American people, but that becomes a very difficult proposition while these cases go unresolved. An essential element of this support must be the Salvadoran Government's performance in seeing that justice is done—justice for the families, justice for the American people and justice for the people of El Salvador.

Mr. ZORINSKY. Mr. President, 1 year ago, we were horrified at the news that four American churchwomen were found brutally murdered on a road in El Salvador. A month later we again were stunned when two American land reform specialists were murdered at point-blank



range by a gunman in the coffee shop of their hotel. I and some of my colleagues responded to these tragic events and to the grief felt by the family members of the victims, as well as the American people, by sending letters to the Salvadoran Government and to administration officials to insure that the Salvadoran Government would bring to justice those guilty of these brutal crimes.

Today, a year and many letters, communications, congressional hearings, private conversations, and personal contacts later, these cases go unresolved. They go unresolved despite the heavy weight of evidence against prime suspects who are members of the Salvadoran security forces and members of the extreme right-wing of El Salvador. Would they go unresolved if the Salvadoran Government was doing absolutely everything possible, using every legal means, to bring these cases to a just solution?

The expressions that are being made today commemorating the deaths of these dedicated Americans who gave their lives in El Salvador should be read by the Government of El Salvador, as well as by the administration, as a sign that the people of this country have not forgotten. It should be read as a sign that the full support of the American people for the Government of El Salvador will not come until that government fulfills its obligations in bringing to justice those guilty of these murders. It should be read as a sign that the American people cannot fully support the policies of an administration that does not do everything possible to see this matter to a just solution. For the sake of the families of the victims, as well as our Nation's self-respect, those responsible for these murders must be brought to justice.

Mr. DODD. Mr. President, I rise in support of the resolution offered by my distinguished colleague from Massachusetts and I congratulate him on his efforts to keep this issue before the public.

This resolution serves to remind all of us that a year ago this month six American citizens met violent death in El Salvador. While these deaths shocked and stunned our Nation, the tragic fact is that for the people of El Salvador "death is a way of life." And in order to understand better the phenomenon of political violence in El Salvador, I want to talk briefly about the murder of the American churchwomen and about the Salvadoran military and security forces.

These forces, in my view, are living proof of Lord Acton's admonition that "power tends to corrupt and absolute power corrupts absolutely." As evidence of this, one has only to understand that the four American churchwomen who were raped and murdered on December 2, 1980 were raped and murdered by members of the Salvadoran National Guard.

In El Salvador, all of this is an open secret. The names of the guardsmen are known. They were known within 24 hours of the crimes, in other words, Salvadoran authorities know who these individuals are and they have known for a year. They know them by name, rank and serial number. Similarly, the U.S. Govern-

ment knows who they are. But both the Salvadoran Government and the U.S. Government also know that the chances of the guardsmen ever being tried and prosecuted are virtually nonexistent.

Without belaboring the point, the fact of the matter is this: The Salvadoran legal system simply does not work.

So as we mark the first anniversary of this heinous crime, we regrettably must recognize that in a very real sense nothing has happened to bring those responsible before the bar of justice. And if the past is any guide to the future, nothing will happen.

To put this tragic case in broader perspective, it is necessary to multiply the violent deaths of the American churchwomen and the violent deaths of the American Labor-Land Reform experts by several thousand in order to get some idea of the level of political violence that confronts the people of El Salvador. During the last 2 years, for example, it is estimated that anywhere from 20 to 30 thousand Salvadorans have perished. The human waste and the human tragedy stagger the imagination—no less than the fact that the Salvadoran judicial system has yet to produce a single conviction for any of them.

Just as disturbing, Mr. President, is the fact that whatever the level of violent deaths actually is, all observers agree—with the sole exception of the Salvadoran military—that well over half of these deaths can be attributed to right-wing military and paramilitary elements. Some suggest that even 75 and 80 percent cannot be dismissed out of hand.

All of this suggests, Mr. President, that because of the large measure of influence which the United States has over the Government of El Salvador, it is incumbent on the Reagan administration to exercise that influence in a way that will insure strict civilian control of the Salvadoran military and security forces. Until this happens, I am convinced there will be no end to the political violence that plagues that unhappy land.

Mr. President, I hope the pending resolution will be adopted overwhelmingly.

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

The resolution, as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

#### S. RES. 250

Whereas one year has passed since the brutal murder in El Salvador of four American missionaries in December 1980;

Whereas two American labor representatives were mercilessly slain in January 1981;

Whereas these violent acts were perpetrated against American citizens who were in El Salvador only to serve the people of that nation;

Whereas the efforts of the Government of El Salvador have so far failed to bring to justice the individuals responsible for these murders: Now, therefore, be it

Resolved, That the Senate:

Expresses its deep concern over the failure of the Government of El Salvador to bring to justice those responsible for the murders of the six Americans;

Urges the Government of El Salvador to use every legal means available to bring about a just and expeditious resolution of these cases;

Welcomes the Government of El Salvador's recent request for U.S. technical assistance in carrying out these investigations.

Urges the Administration to press for such a just and expeditious resolution.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS, 1982

The Senate resumed consideration of the bill.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. As a result of moving the amendment of the Senator from Pennsylvania to another place in the bill, the amendment in the first degree of Senator COHEN is now the pending amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, it is my hope that the Members of the Senate will listen to this amendment. It has been worked out on, I think, a very admirable, bipartisan basis. I commend the Senator from Maine (Mr. COHEN) and the Senator from Georgia (Mr. NUNN) and all those who have worked on this matter.

Again I can state that I have been in touch with the Secretary and with Dr. DeLauer. I cannot say that they are overjoyed at the direction of this amendment, but I think they understand the reasoning behind it. I do believe the Senate will be very interested in the proposal that is to be made now to the Senate.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

#### UP AMENDMENT NO. 734

(Purpose: To limit the use of funds for MX basing)

Mr. COHEN. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself, Mr. NUNN, Mr. QUAYLE, and Mr. RUDMAN, proposes an unprinted amendment numbered 734 as a perfecting amendment to unprinted amendment numbered 730.

On amendment UP-730, in the first line, strike all after the word "which" and insert the following: "\$334,000,000 shall be available only for Research and Development related to initial deployment of the MX missile in non-superhardened existing silos in a manner compatible with a permanent basing mode which could include the addition to existing silos of ballistic missile defense, the provision of location uncertainty for offensive missiles and defensive systems, and superhardening and subsequent deployment in a permanent basing mode to be recommended to the Congress by the Secretary of Defense no later than July 1, 1983."

Mr. COHEN. Mr. President, I will just say a few words and then yield to my colleague, the Senator from Georgia (Mr. NUNN).

This amendment has been the result of an effort made between Senator NUNN, Senator QUAYLE, Senator RUDMAN, myself, and others to arrive at a consensus in terms of what this Senate feels the objective is of providing for an interim and long-term basing mode for the MX missile. This language was arrived at to accommodate the objections raised by Senator STEVENS and also I think would give added emphasis to the points that will be made in a few moments by my colleague Senator NUNN.

Essentially, what we are saying with this amendment is that the Senate wants the administration to go forward with the completion of the MX missile on schedule, without delay, but that, in the interim, rather than using the bulk of the money, some \$334 million, solely for R. & D. on hardening of silos in a land-based mode, what we would be doing would be to tell, in essence, the administration that we want a broadening of their investigation to mobility, BMD, ballistic missile defense, and any of the others the administration is now willing to consider.

We want the administration to go forward with the principal consideration of those, leaving open the option ultimately of having a hardened silo but only if it is in connection with some mobility or some deceptive mode.

That, in essence, I think is what the Senator from Georgia has expressed a desire to achieve. I believe it is a consensus on this side of the aisle.

With that, Mr. President, I yield to the Senator from Georgia for any comments he would care to make in connection with the amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, on this issue I did not have an opportunity to voice my general opinion a few minutes ago when the dialog was going on, so I will take just a few moments by way of background before discussing the specific amendment.

Let me first commend the Senator from Maine for what I think is a most important step taken in the Senate in consideration of this appropriation bill because this step is going to send a very strong signal on the basing mode of the MX.

The issue on the MX is one of survival, survival of the missile, and also survival of strategic stability in the world.

In my view, the President has come forward with several initiatives in the strategic field which should be commended. I will address these subjects in more detail tomorrow, but certainly before saying anything negative, I want to commend the President for taking the initiatives on the so-called communication, command; control (C-3). The C-3 initiatives are stabilizing and increase survival. I think they add to the overall deterrence as well as stability.

I also say the same thing about the President's initiative on the Trident II (D-5) missile program. It adds to stability as well as survivability.

With those positive comments, let me say that I think the proposal to put the MX in fixed superhardened silos is the

most ill-advised and ill-conceived portion of the President's strategic program. I have been very much concerned about that basing mode and remain so.

It also raises serious questions about expending over \$5.6 billion for what I would call self-deception. The experts who have testified before the Armed Services Committee, and I am sure other committees have had similar testimony, agree that the Soviets today have the combination of yield and accuracy necessary to overcome the levels of hardening contemplated. The MX simply is not survivable in existing silos, whether they are hardened or unhardened. This fact is confirmed by every expert witness who has testified, and it includes also not only governmental witnesses but also knowledgeable outside witnesses, including the Air Force and our intelligence community. The one exception to this testimony is the Secretary of Defense, and I must hastily add that is an important exception because he has made the final decision here. He is the only exception I have found to this testimony that an MX missile in a fixed, superhardened silo is vulnerable and not survivable.

There is considerable doubt in my mind about the wisdom of proceeding with an MX program at all if we cannot, at some point, come up with a reasonable opportunity for survivability of the missile. It has now been established by the Department of Defense, on at least a preliminary estimate, that hardening as they envision it will cost about \$5.6 billion for 40 missiles, which is what we call the maximum hardness option. It is my strongly held view that this expenditure and this hardening will not provide any additional survivability unless it is done in connection with some form of mobility, some form of deception, or some form of ballistic missile defense.

So this hardening option the President has proposed in the initial stages, and it is still the President's proposal, in my view, raises serious questions, not only about the survivability of the MX missile, but even more importantly about the overall strategic deterrence and about the survival of some form of stability in the international nuclear equation.

I have been unable to find one scintilla of evidence or analysis which supports the opinion of the Secretary of Defense on this subject.

Mr. President, I ask unanimous consent that a letter and an official DOD point paper on the MX silo hardening, which includes the cost estimates, be printed in the RECORD at this point.

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

OFFICE OF THE UNDER  
SECRETARY OF DEFENSE,

Washington, D.C., November 18, 1981.

HON. SAM NUNN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR NUNN: In the Armed Services Committee hearing of 27 October 1981, you asked me if we yet had any figures or studies indicating the degree of hardening of Minuteman or Titan silos that would be achievable and the cost of that hardening. I regret

not having provided you this information sooner, but we have been working with the Air Force to obtain cost figures that we could defend in the manner you expect. The attached paper presents such information for your consideration.

Again, I am sorry for the delay and I hope this input will be useful to you.

Sincerely,

JAMES P. WADE, Jr.,  
Principal Deputy.

M-X SILO HARDENING

Air Force has developed options to fulfill guidance—

- 18 M-X in Superhard Titan II silos;
- 36 M-X in Superhard Titan II silos;
- 40 M-X in Superhard Minuteman silos;
- Basing costs vary (FY 82 \$).

[Dollar amounts in millions]

System	Titan		Minuteman
Option.....	18	36	40
Cost:			
R.D.T. & E.....	\$2.8	\$2.8	\$2.1
Production.....	2.5	3.6	2.0
MCP.....	.9	1.4	1.5
Total.....	6.2	7.8	5.6

Higher costs for Titan II Options due to the need for additional command and control equipment and, in the 36 case, duplication of facilities as more than one location is required.

Three basic Minuteman programs have been considered—

Reconstruction of silos for maximum hardness;

Reconstruction of silos for about the same hardness level as existing Minuteman silo;

An austere program which does not involve reconstruction and results in lower hardness levels for those silos in which M-X would be deployed.

Basing cost.

	Austere program	Minimum hardness program	Maximum hardness program
R. & D.....	1.6	1.9	2.1
Procurement:			
Silos.....	.7	.9	1.1
Off-site.....	.5	.7	.9
Construction:			
Silos.....	.03	.3	.6
Off-site.....	.87	.9	.9
Basing subtotal.....	3.7	4.7	5.6
Total program <sup>1</sup> .....	17.5	18.5	19.4
Per silo cost (millions):			
Silo procurement.....	17.5	22.5	26.8
Silo construction.....	.7	7.3	15.8
On-site total.....	18.2	29.8	42.6

<sup>1</sup> Includes \$13.8 billion for 100 operational missiles.

Mr. NUNN. Mr. President, getting to the question of stability, since the MX system would certainly pose some serious threat to the Soviet's large ICBM force, I think we have to ask the question about Soviet perceptions. Would the Soviets believe, if we combine the command, control, and communications improvements, with an MX deployment in a vulnerable position—and I think we have to look at that combination—if we do that, the crucial question I have is whether the Soviets will conclude that this Nation has gone to a policy of launch on attack.

I do not believe that is the goal of this administration. We have always had the option of launching under attack and no



one has ever excluded that. But to go to a policy of launch on attack, or even to have a program that implies we are going to that kind of policy, I think has most significant ramifications in terms of stability.

If the Soviets do perceive that—and I believe the amendment of the Senator from Maine in which I have joined, will go a long way toward showing that this Senate does not believe that should be our position—if we were to be perceived as to be moving in that direction, then the question has to be asked, would the Soviets then shift to a similar launch on attack posture themselves and thus dramatically lower the nuclear threshold? Would an accidental nuclear war become more likely without a survivable MX system?

The answers to these questions have to be addressed. We have asked these questions in unclassified sessions with several different experts. Dr. William Perry, former Under Secretary of Defense directly addressed these questions. I want to quote from this testimony before the committee in answer to my question about the consequences of putting the MX in a non-survivable mode, whether it is an open or a hardened silo. That was the question. In reply to that question, Dr. Perry stated:

We would be doing nothing, in effect, different from what the Soviets have already done, which is putting a big, high yield, accurate missile in a relatively unprotected silo. It would seem to me that they cannot conclude anything about our motives any different from what we might conclude about theirs. There would be symmetry in the situation.

Continuing the quotation:

My concern with that is if we have this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves—

And those are key words, if they do not go to a survivable system themselves—“then that simply increases the hair trigger on both sides.”

Dr. Perry goes on to say:

I am more worried about their side because that now means that if there is some ambiguous message that gets into that warning center and they feel they are going to lose what to them is more than three-fourths of their strategic forces in an attack, then that puts a hair trigger and I do not know how good their warning system is.

Continuing the quote:

I do not know how good their assessment center is. I don't have that much confidence in our own from the point of view of occasional false alarms.

Continuing the quote, and I think this is one of the most important statements that has been made before our committee on the whole question of the MX and the basing mode:

I have lived through some false alarms in our system and in each case we had the luxury of being able to ride out the false alarms because we knew our system. First of all, our ICBM's were not susceptible to attack and, secondly, even if they were, we still had the bulk of our forces in submarines and bombers. So we were able to ride out the false alarms in our own system. I am very concerned about putting them in a position where they will feel that they don't have that luxury when I don't know how reliable

their computers are and how susceptible they will be to sending out false alarms.

Mr. President, to put it in language that I think people can understand—and admittedly, this is an oversimplification—what Dr. Perry is saying, as I interpret it—and this is not a quote from him, I make that clear. He is saying that if we go to a position that is perceived by the Soviets as being launch on attack—that is, we do not protect our hard target missiles and render them at least to some degree vulnerable—and if then, they decide that they are going to do the same thing, that they are going to leave their missiles in a vulnerable position, we have together—and make no mistake about this—the Soviets led off in this overall equation. But together, we have lowered the nuclear threshold. We have placed a hair trigger on the nuclear forces of the United States and the Soviet Union.

No longer would we be in a position of simply worrying about computer failure in this country and the flight of geese into radar coverage in this country. We shall have to start worrying, if that scenario were to unfold, about computer failure in the Soviet Union and about geese flying over the Soviet Union.

So, Mr. President, this is not a matter of small consequence. I went on to pose a question to Dr. Perry about the non-survivable ICBM's on both sides, if that would not involve both countries in a situation where we have lowered the nuclear threshold. He responded in the affirmative.

Mr. President, I shall not take much more time. I did want to give background on this. I think that, to put it in a proper context, we can back up to October of 1980, before we had all of this debate about the MX basing mode, and this was at the time the MX was going to be put into what we believed at that time was a relatively invulnerable position. In a letter to me dated October 20, 1980, Gen. Richard Ellis, former Strategic Air Command commander, provided the following description about what is destabilizing in the strategic area. I think we all need to realize that this letter was written long before this debate, it was written at a time when the MX was going to be put in a survivable mode. Let us hear what General Ellis said at that time.

Of course, at that time, he was comparing continuing the Minuteman force in the vulnerable position or going to a mobile deceptive MX system. I quote from Gen. Richard Ellis, SAC commander:

The most destabilizing strategic situation that can be devised is one in which a major weapons system of a superpower could be destroyed in a surprise attack by another superpower. To use such a vulnerable system before it was destroyed might then become an attractive military option. For this reason, the Soviets could consider a vulnerable Minuteman force as a first-strike, use-it-or-lose-it system, since it could not survive an all-out attack.

The MX—

Again in the context of October 20, 1980—

on the other hand will be able to ride out a Soviet attack. Therefore, it is both a less

tempting and less threatening element in the United States force.

Mr. President, the MX is no longer in that position unless we are able to persuade the administration to change the announced programs. I know that that is not going to come all at once.

I do not pretend that this amendment will absolutely require that, because it is still a matter of the administration making, themselves, that kind of decision. But what this amendment will do that Senator COHEN and I and Senator QUAYLE and others have carefully structured is that it will send a strong signal that whatever R. & D. is expended, that is fenced in in this amendment—and it is the largest portion of the R. & D. for this system—that money will have to be spent in a way that is compatible with mobility, with deception, or with a BMD defense. It makes it plain, as I see it, that the U.S. Senate is not satisfied with the President's proposal on superhardening or on putting missiles in a fixed silo absent—and this is the key—absent a plan, a basing mode plan that has the elements of deception or mobility or a BMD defense, or some combination thereof.

So, Mr. President, that is the essence of the amendment as I understand it. I am delighted to join with Senator COHEN and Senator QUAYLE in what I think is a very important step by the Senate.

Mr. McCLURE. Mr. President, will the Senator from Georgia yield for a question?

Mr. NUNN. I am glad to yield.

Mr. McCLURE. Mr. President, the Senator from Georgia, at one point in the conversation, suggested that we do not want to indicate that we had adopted a policy to retaliate on attack.

Mr. NUNN. Correct.

Mr. McCLURE. The English language is sometimes a strange language to communicate in, because oftentimes, we assume that if it is not one thing, it must be the opposite of the same thing.

Mr. NUNN. Mr. President, I hope I made it plain that we have never rejected the option—the option—of possibly, under conceivable circumstances, launching before our missiles were destroyed. I know this is the Senator's question, but there is a tremendous difference between having a policy that indicates that to the world and having that as an option, which I think all people concerned would agree would be a very difficult option to implement.

Mr. McCLURE. I appreciate the Senator's response, Mr. President, but to make it abundantly clear, if I may, it is not that we have adopted a policy not to retaliate in the event of attack or to fire on attack?

Mr. NUNN. I would not want to answer that question with a yes or no, because my understanding is that our whole strategic system has been designed to avoid having to be forced into a policy position of launching under attack. I would hope that we would continue to have our systems design including but not limited to the MX in a way that does not force us into that policy. But it is my understanding that every Secretary of Defense, including the previous Secretary and this Secretary of Defense, has made

it clear that we would not foreclose the option of taking that step under some conceivable circumstances.

Mr. McCURE. Mr. President, if I could rephrase that so that at least my own understanding is clear, is the Senator saying that we are not by any means, in this action being taken here today, adopting a policy of fire on attack—

Mr. NUNN. Absolutely.

Mr. McCURE. But equally, we are not now articulating a policy of the opposite, that says we will not retaliate or fire on attack? That is still an option which is open to us to exercise within the realms of our technological capacity as well as the judgments that we would have to make at that time.

Mr. NUNN. Again, Mr. President, I would prefer, and I am not avoiding the Senator's question, but this is such an important area that I prefer to put it in my own words. What I would say is that I do not believe the President or the Secretary of Defense are going to a launch-under-attack policy, even if this amendment is not passed. I believe that the perception of this program, however, could very well lead one to conclude that combining the C-3 improvements with the vulnerable position of the MX could lead one to believe that we are changing our policy.

It has been my interpretation of the policy of the country for many years and it is my continuing interpretation that we design our systems, we set forth our overall strategic plan in a way that does not force us to move into a launch-on-attack policy; but every Secretary of Defense has made it plain that we do not and in some circumstances, in a preemptive way, preclude that as an option. I must say that it is a very, very difficult and a very, very tenuous option and I would not want the word to go out that we are moving toward a launch-on-attack policy.

Mr. McCURE. Mr. President, I thank the Senator for yielding. I understand the care with which he has stated his position. I should like to be equally careful in stating mine that I do not think we have ever had a policy that said we will not launch on attack. We have tried to adopt systems and defensive capabilities as well as offensive capabilities that will allow us a different option; and that we indeed hope to be able to maintain that. It is my—

Mr. NUNN. We have never had a policy that precluded that option under some conceivable circumstances, but I think every Secretary of Defense has informed every President that that would be a very difficult option to implement.

Mr. McCURE. Yes. I certainly do not disagree.

I think the only area where the Senator from Georgia and the Senator from Idaho might have any disagreement on this particular issue is as to what is the measurable change and what is brought about in terms of perceptions.

The real difficulty we have today is that our ability to avoid a launch-on attack is compounded by the survivability question, and that survivability question is brought on not by our own actions at

the current time but by the actions of the Soviet Union in developing more powerful weapons that reduce our ability to survive the initial attack.

I agree with the Senator from Georgia that we want to reassert our capacity to survive even under the increased capacity of the Soviet Union, so that we do not have to be faced with that choice. That is the thrust of the amendment. I do not disagree with that thrust at all.

However, I do not want to send the wrong signals, that somehow what we are doing is anything other than a response to the fact that the Russians have already increased their capacity to destroy our counteroffensive capabilities. Certainly, to the extent that we put a stronger, more potent, more threatening weapon in a silo, it may induce the Russians to be more concerned about it and, therefore, more likely to affect their own perception of attack.

But the real destabilizing question, the thing that has brought into question whether our weapons are survivable, is the increased capacity of the Soviet missile structure.

Mr. NUNN. The Senator is correct in the statement about the cause of the beginning of this. The Soviets have deployed systems that have enough megatonnage and increasingly enough accuracy to put our own land-based ICBM systems in threat.

There is an important point: If we should go to a launch-on attack as a policy, we have to worry about our computer failures and our false alarms, and that is bad enough. But if the Soviets should go to a launch-on attack as a policy, then we have to worry about their false alarms and their computers. I think all of us in this world would be much better served if both powers tried to design their forces so as to minimize the chance of miscalculation.

I see the amendment of the Senator from Maine as reaffirming the longstanding and existing policy. I do not see this as in any way changing the policy. I see it as reaffirming it, and I see it as a step toward minimizing any perceptions that might go out that a policy itself is being changed.

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

Mr. NUNN. I yield.

Mr. COHEN. As I understand the Senator from Georgia, he is saying that if we, in fact, go forward with the MX in a fixed silo, a hardened silo, with nothing more than that, what we are doing is either adopting the policy which the Senator from Idaho has suggested or we are perceived as having done that. In either case, it does not matter, in terms of the ultimate danger posed to both countries.

But that will do one of two things. It will either convey the impression to the Soviets that we have gone to that policy, thereby lowering the threshold, thereby tightening the grip on the trigger, or it will force them into a deceptive base mode of their own. That is the chance we take.

We may go to an MX system which has the capability of taking out their fixed silos, and that may force them

into submarines, adopting a different strategy with respect to their own equivalent of Triad. It may force them into a system for their SS-18's. But it may do what the Senator is suggesting—that is, tightening the finger on the hair trigger—and that is a posture which is frightening to both sides. I think we are trying to avoid that by saying that whatever mode is adopted in the long run, it should be combined with some method of deception, something other than having a large, powerful, destructive missile in a very vulnerable silo.

Mr. NUNN. I agree completely with that statement. The Senator has summed it up very well.

Mr. McCURE. I do not disagree at all. I wish the Soviet Union had been that concerned about our perceptions when they greatly increased the capacity of their ICBM's to knock out our ability to retaliate.

Mr. NUNN. I agree. The Soviets started it. As Dr. Perry said, what we are doing is moving to the same form of symmetry, but both of us together, if we are not very careful, are lowering the nuclear threshold.

Mr. COHEN. Mr. President, I ask unanimous consent to have the names of Senator MATTINGLY and Senator KASTEN added as cosponsors of the amendment.

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

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

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

The yeas and nays were ordered.

Mr. GARN. Mr. President, I will not oppose this amendment. However, I do not think it is necessary. I think we are drifting far, far away to one part of the very complex and very complete strategic alternatives that the President sent to us.

I should like to go back a little, so that we do not lose sight of the problem—a little history on the MX. For one reason or another, I have lived with it and never spent as much time on any other issue since I have been in the Senate. For 6 years, I have been living with MX.

In 1975, it was very apparent to many people that there was a growing missile gap at that time. A lot of people did not believe that. The window of vulnerability was being talked about at that time. The MX was being discussed, from underground railroads to you name it. There were all sorts of alternatives.

I felt very strongly at that time, 6 years ago, that there was no single best alternative and that as long as we tried to find one that would suddenly, in one fell stroke, solve all the problems of vulnerability with the Soviet Union, we would not find it.

So I went to the White House in the summer of 1976 and said to President Ford: "I understand the problems of deciding on a basing mode. It is difficult. But, for heaven's sakes, decide to build the missile."

In 1967, we made a unilateral decision that we would deploy no more ICBM's than 1,054—553 Minuteman II, 447 Minuteman III, and 54 Titans. Now we have 53 Titans to their 1,053. The Soviet Union had about 500 missiles at that time. We



unilaterally stopped, and they continued to build. In 1981, we still have 1,053, and they have more than 1,600.

So, unilateral restraint has not conditioned them to make any concessions at all or to pull back. Those are all the silos we have. We still have a Minuteman II, a Minuteman III, and Titan.

Three years ago, we closed down the only ICBM production line in the entire free world, while the Soviet Union continues to operate four, and while they build the SS-16, SS-17, SS-18, SS-19, and SS-20 for Europe. The SS-18 has 10 warheads; the 19 has 7; and the 17 has 4. We still have a Minuteman II with three.

So, for a change, we have been arguing about a replacement while they have built four, and they have three or four more in advanced stages of development; and we are still arguing about an MX, one replacement.

So I thought that President Ford should at least decide to build some missiles. Let us get on with the missile while we take years, if necessary, to decide on the basing mode. He decided not to decide on the B-1 that summer and to wait until after the election of November 1976, and also on the MX, assuming that he would be elected. He was not elected.

President Carter came into office and canceled the B-1, cut off one leg of the triad, and left us with the B-52. He took 3 years to decide whether or not to complete the missile.

So now we have gone all these years without making any decisions.

If anybody had told me in 1975 that 6 years later we would still be debating MX and what to do with it, while the Soviets continue to build all these missiles, I would have said:

No. Congress would not be that irresponsible. It simply would not sit back and let the Soviets do this year after year, while we try to pick one perfect method for deploying it.

So in 1977 as a member of the Armed Services Committee we put in report language that required President Carter or requested that he make a decision as soon as possible.

In 1978 there was an amendment that they make a decision by September 30, 1978. The House of Representatives ruined that amendment by putting a barn door amendment to it that if they could not decide by September 30 every month they could report to Senator STENNIS why they had not, and so they did. We got a letter from Secretary Brown every month saying, "These are the reasons we have not yet made a decision."

So when they finally did they picked the most expensive Rube Goldberg vulnerable system that it was possible to pick, 4,600 holes in the desert, 200 missiles. Let us hide them from the Soviet. Do not worry about that they can build more warheads by two than any shelter we can build.

Here we have gone through all of these years, at least 6 years that I have been involved in it, starting and stopping and arguing about how we should base it, and there is one major point I wish to

make without regard to any of this debate today, and I am certainly not going to get back involved in debating various basing modes on this day, but it is the importance of not hindering the development of that missile while we still try and find some viable way to deploy it; otherwise, the problem just gets worse and worse. So that missile should be built. It should have been under construction a long time ago. It is one compared to three or four or five or six that the Soviet Union is building.

So I hope none of my colleagues with their differences of opinion on basing modes or how it should be deployed will make the mistake of in any way hindering the development of the missile itself.

The final point I wish to make about why I feel that this amendment is unnecessary, although I am not going to object to it, is I think we are missing the point that we finally have a President who addressed the whole spectrum of strategic.

Senator NUNN said it well: CQ, command, control, and communications, the D5 missile for the Trident and a whole range of options, and no one seemed particularly interested to look at the broadness of his strategic package.

All we have heard about is MX and B-1 like nothing else existed. Maybe they should learn a little bit about command, control, and communications. I do not read about the D5 missile, the improved accuracy, and the improved capability of our sea-based force. We should read something besides B-1 and MX. There is a broad ranging proposal that is the best one I have seen since I have been in the Senate from any President, Republican or Democratic, to address the whole broad range rather than saying an MX will deter the Soviet Union by itself, or a submarine by itself, or a B-1 by itself.

We need that broad cross section of deterrence to keep the Soviets from attacking.

The original concept of a triad, I think, is still workable and we need to preserve those legs of the triad on the theory that the Soviet Union could not possibly attack all three at the same time, nor could they defend against all three. As long as we keep those three legs of the triad strong I do not think they will dare attack us as they would if we continue to weaken, if we do not have the B-1, if we do not have the MX in some form.

So my point is this: I will vote for the amendment that is before us, but I am saying that everyone seems to forget that there is a broad range, and before the press runs out of here and says this is a repudiation of the President's program, which I expect from a lot of them, look at the broad range of what he has offered that is not even controversial and remember the fact that he did not say that this was a permanent basing mode for MX. If it was, if we were being told that the solution is simply to put it in hardened silos, period, I would not be supporting it. It is an interim temporary recommendation while we once again attempt to make a permanent decision and there are some new alternatives that have not been studied that I think merit further study before a final basing decision is made.

The President did talk about BMD. He did talk about deep base, deep underground, and others. So this amendment, the way it has been worked out, essentially says continue to look at all of them, not just concentrate one one, and that is fine, because I think that is the President's intention all along, and I think that is what his message said.

That is the only reason I say I think it is unnecessary. If you want to firm up the President and say study these alternatives for a permanent basing mode, but I want to make it very clear it was a temporary recommendation, stress the importance of getting on with the MX missile after all these years while the Soviets have built so much and recognize that there is no one single solution, that we must have a broad variety of all of these areas that the Senator from Georgia has commended the President for focusing on the entire program and not just one part of it.

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

Mr. GARN. I am happy to yield to the Senator from Maine.

Mr. COHEN. I will not disagree with anything he said today, and I think Senator NUNN agrees that the President should be commended for the entire package.

In line with what the Senator said, this amendment does not delay the missile. It keeps it going on schedule. Even more importantly it accelerates it because we, as the Senator, wish to see something done. We actually accelerated the time for the ultimate determination to be made from 1984 to July 1, 1983. So we wish to see it move along and actually wish to see it faster.

Mr. GARN. I understand. As an author of the amendment to try to get the decision made in 1977 and 1978, I understand that part of it. I am not averse to speeding it up. I just wanted to make clear the magnitude of the President's proposal, the broad scope, and the fact that this was only an interim recommendation from him anyway and that is essentially what this amendment is saying, go ahead and do what you told us you would do. We want a permanent basing mode as soon as possible. This is in essence what the Senator is saying.

Mr. COHEN. That is right. This is not repudiation by any means of the President's proposal.

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

Mr. GARN. I am happy to yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, the Senator from Utah has emphasized an extremely important point in drawing the attention of the Senate to the President's overall program. The President did make an MX decision. He made a number of decisions relative to strategic policy and as the Senator from Utah has indicated, it is a comprehensive policy.

There is a piece here or there that I might argue with him about around the table but the overall policy is the most comprehensive strategic policy this Nation has had in a long, long time.

Mr. President. I ask unanimous consent to have printed in the RECORD the fact sheets related to the entire policy

that has been provided by the administration.

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

[Schmitt Fact Sheet]

#### THE REAGAN STRATEGIC PROGRAM

##### OVERVIEW

##### Introduction

Over the past few months, we have developed a comprehensive plan for revitalizing our strategic deterrent.

This program will end the relative decline of U.S. strategic capabilities and will put the United States in a position to reshape the U.S.-Soviet strategic competition in the years ahead.

##### Objectives of program

The Reagan program will, within the next four to eight years, redress the most serious weaknesses in our current posture.

Communications and control systems will be improved to make sure we could communicate with our strategic forces, even after a nuclear attack.

Our TRIAD of land-based ballistic missiles, bombers, and sea-based missiles will be strengthened and modernized as soon as possible, ending long-standing delays in some of these programs.

The Reagan program will determine, to a large extent, U.S. strategic capabilities into the next century. Not since the Eisenhower years has an Administration proposed a nuclear program of such breadth and scope. We have used this unique opportunity to mold a strategic force that will meet the objectives of our strategy and serve as a coherent instrument of national policy.

The Reagan program will create a deterrent to Soviet action against us that is far more secure and stable than exists today.

The Reagan program will increase Soviet incentives to negotiate genuine arms reductions. And, if we must, the proposed program will put us in a good position to strengthen our forces further in response to unconstrained growth in Soviet weapons.

##### Five elements of program

There are five mutually reinforcing elements of the Reagan program:

Improvements in communications and control systems;

Modernization of strategic bombers;

Deployment of new submarine-launched missiles;

A step-by-step plan to improve the strength and accuracy of new land-based missiles, and to reduce their vulnerability; and

Improvements in strategic defenses.

Each of these elements will be discussed in more detail in the following pages.

##### Capabilities and costs of program

The Reagan program stresses survivability and endurance. Compared with today's forces, we will, by 1990, roughly double the number of U.S. strategic weapons that could survive a Soviet nuclear attack on our country. We will be able to communicate with these forces during an attack, immediately following an attack, and, if necessary, for extended periods afterwards. These improvements will greatly strengthen deterrence of nuclear war by denying the Soviets any realistic prospects, however they may define them, of gaining an advantage by initiating the use of nuclear weapons.

The Reagan strategic program is affordable; it fits within the fiscal guidelines announced recently by the President. In the early 1960's, when we built many of the nuclear forces that still exist today, the U.S. spent over 20% of the total defense budget on strategic forces. Now, as we modernize our entire arsenal, we anticipate spending less than 15% of the defense budget on strategic forces in each of the next five years. To help fund new initiatives, some obsolescent forces will be retired, with little effect on overall capabilities. Thus, we plan to modernize strategic forces and still meet our other commitments, including strengthening the Rapid Deployment Force, enhancing conventional and theater nuclear capabilities in Europe, expanding our naval and air power worldwide, and ensuring that our armed forces have an adequate supply of well-trained men and women.

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#### THE REAGAN PROGRAM FOR COMMUNICATIONS AND CONTROLS SYSTEMS

##### DESCRIPTION

We will improve the survivability, performance, and coverage of radars and satellites used to warn us of a Soviet missile attack and to assess its size and scope.

Mobile ground terminals for processing data from our warning satellites will be deployed, and the satellites themselves will be upgraded to improve survivability.

Warning satellites and ground-based radars will be improved to give better estimates of the size and objectives of a Soviet missile attack.

Additional PAVE PAWS surveillance radars will be deployed to improve coverage of potential Soviet submarine operating areas to the southeast and southwest of the United States.

We plan to upgrade the survivability and capability of command centers that would direct U.S. strategic forces during a nuclear war.

E-4B airborne command posts will be deployed to serve the National Command Authority in time of war.

EC-135 airborne command posts serving military commanders will be hardened against nuclear effects and will be equipped with upgraded satellite and very low frequency/low frequency communications.

We will deploy survivable communications that link command centers with all three legs of the TRIAD.

Very low frequency/low frequency communications receivers will be developed and installed on strategic bombers to ensure their reception of orders.

We will upgrade communications to deployed submarines.

A new satellite communications system will be developed providing extremely high frequency communication channels that would ensure two-way communications between commanders and forces.

We will initiate a vigorous and comprehensive R&D program leading to a communications and control system that would endure for an extended period beyond the first nuclear attack.

##### REASONS FOR PROGRAM

Strategic communications and control systems are needed to ensure that we could employ our nuclear forces effectively, which is essential to a credible deterrent.

Timely warning would be needed to ensure survivability of our alert forces; assessment of the attack would be needed to select an appropriate U.S. response.

Mobile command centers that could survive an initial attack would be needed to ensure that we have the means to direct a retaliation, even if our fixed command centers were destroyed.

Survivable communications links would be needed to ensure the reliable dissemination of orders to our ICBMs, bombers, and submarines.

Over the past decade, we have not modernized communications and control systems fast enough. As a result, these systems are not as survivable as we would like, and they could not operate reliably over an extended period after a Soviet attack, if that proved to be necessary.

The Reagan program will significantly improve the survivability and endurance of strategic communications and control systems. These improved systems will be as strong as the modernized forces they support.

#### THE REAGAN BOMBER PROGRAM

##### DESCRIPTION

We plan to develop a variant of the B-1 bomber and deploy 100 aircraft. The first squadron of B-1s will be operational in 1986.

We will continue a vigorous R&D program for an Advanced Technology Bomber (the so-called "stealth" aircraft). This bomber, under current plans, will be deployed in the 1990s.

Newer B-52s (G and H models) will be modified to carry cruise missiles. Selected aircraft will be modernized to provide added protection against the effects of nuclear explosions (particularly electromagnetic pulse effects) and to improve their ability to survive against Soviet air defenses (by installation of additional electronic countermeasures equipment.)

Older B-52s (D model) will be retired in 1982 and 1983.

Over 3000 cruise missiles will be deployed on B-52Gs, B-52Hs and B-1s. The first squadron of cruise missile-equipped aircraft (B-52Gs) will be operational in 1982.

Existing KC-135 aerial tankers will be outfitted with new engines to increase airborne refueling capabilities.

##### REASONS FOR TWO TYPES OF NEW BOMBERS

There is a general consensus on the need for new strategic bombers. The only issues are which bombers to build and when.

The previous Administration planned to rely on B-52s in the 1980s and to develop the Advanced Technology Bomber for the 1990s. This represented a willingness to accept risks associated with an aging and potentially vulnerable B-52 force, and risks associated with the uncertain schedule and unproven capabilities of the Advanced Technology Bomber.

The Reagan Administration believes the B-1 is necessary to bolster our strategic forces during the critical 1980s, and the Advanced Technology Bomber is needed to provide high confidence that our bombers will be able to penetrate Soviet air defenses into the next century.

The U.S. must depend heavily on bombers (and sea-based forces) in the 1980s while we take steps to strengthen our land-based missiles. We can't afford to wait until the 1990s for a new bomber.

The B-1 will be available in significant numbers by 1987 in accordance with the Congressional mandate; the Advanced Technology Bomber will not be available until the 1990s.

Building the B-1 will allow time to develop an Advanced Technology Bomber that really works. There are currently technical and operational uncertainties about the Advanced Technology Bomber. We believe these uncertainties will be resolved during development and that the Advanced Technology Bomber will be a very effective aircraft when ultimately deployed. Without the B-1, however, there would be pressures to accelerate the Advanced Technology Bomber, which would increase program risks and possibly result in a less capable aircraft being deployed.

Building two bombers will stimulate competition and give the Defense Department the flexibility to adjust bomber procurement in accordance with any changes in estimates of the cost and effectiveness of the two aircraft.

The B-1 will be able to penetrate Soviet defenses initially and will make a good cruise missile carrier and conventional bomber after the Advanced Technology Bomber is deployed and all B-52s are retired in the 1990s. If we did not build the B-1 now, we



would have to start development of another aircraft in the late 1980s or early 1990s to replace B-52s as cruise missile carriers. Thus, over the long run, we would not save much money, and we would postpone once more the deployment of a needed modernization program.

#### THE REAGAN PROGRAM FOR SEA-BASED FORCES DESCRIPTION

We plan to continue construction of Trident ballistic missile submarines at a steady rate of one per year, including one submarine in 1981 (the contract is under negotiation), one submarine in 1982 (partially funded by Congress in the FY 82 budget, the remainder will be funded in the FY 83 budget), and one submarine per year in 1983 to 1987.

We will develop a larger and more accurate, sea-launched ballistic missile—known as the Trident II or D-5 missile—for deployment on Trident submarines beginning in 1989.

We will deploy several hundred nuclear-armed sea-launched cruise missiles on general purpose submarines beginning in 1984.

#### REASONS FOR PROGRAM

Sea-based forces currently represent the most survivable leg of our strategic TRIAD. The Reagan program expands and further strengthens these forces.

The new D-5 missile will carry more warheads and/or larger ones than current C-4 submarine-launched missiles, nearly doubling the capability of each Trident submarine. By increasing the payload of each Trident, we will be able to avoid a reduction in sea-based capabilities when large numbers of existing Poseidon submarines reach the end of their service lives and must be retired in the 1990s.

The new D-5 missile will also have much better accuracy than current sea-based missiles. This will allow us to use sea-launched missiles to attack any target in the Soviet Union, including their missile silos.

To deploy highly accurate nuclear warheads at sea in the near term, we plan to put cruise missiles on existing attack submarines. These missiles will be particularly valuable as a strategic reserve force, a key part of our deterrent posture. Deployment of nuclear sea-launched cruise missiles to strengthen our strategic reserve and to deter the use of nuclear weapons against our naval forces worldwide, does not diminish the critical need to deploy Ground-Launched Cruise Missiles and the Pershing II ballistic missile to counter the massive Soviet buildup of theater nuclear forces in Europe.

#### THE REAGAN STEP-BY-STEP APPROACH TO ICBM MODERNIZATION DESCRIPTION

The so-called Multiple Protective Shelter basing scheme for the MX missile will be cancelled.

We will continue to develop MX and deploy at least 100 missiles.

We will pursue R&D on three promising long-term basing options for MX. The development programs will be structured to allow us to select for deployment one or more of these options by 1984.

Continuous Airborne Patrol Aircraft. A survivable long-endurance aircraft that could launch MX.

Ballistic Missile Defense. Active defense of land-based MX missiles.

Deep Underground Basing. Deployment of MX in survivable locations deep underground.

In the near term, we will deploy a limited number of MX missiles, as soon as possible, in TITAN or MINUTEMAN silos that will be reconstructed for much greater hardness to nuclear effects.

Although specific base locations are still under review, the most likely site for the initial MX deployment is an existing TITAN base.

All aging TITAN missiles will be deactivated as soon as possible.

#### REASONS FOR CHANGING THE MX PROGRAM

The previous Administration planned to conceal MX by moving the missiles among thousands of relatively soft shelters in Utah and Nevada (Multiple Protective Shelter basing). This scheme has serious military drawbacks and does not solve the basic problem, which is the current vulnerability of the MINUTEMAN and TITAN force.

A program to deploy 100 MX in 1,000 shelters would not be survivable against today's threat, much less the Soviet forces that are likely to be deployed in the mid-1980s.

By the same token, a program to deploy 200 MX missiles in 4,000 shelters has only one significant difference from the 100 in 1,000 plan: it is more expensive (but no more survivable). The more shelters or holes we build, the more Soviet missiles will be built. They can build missiles as fast as we can build shelters, at about the same cost to both countries.

Any ground-based scheme ultimately would require a ballistic missile defense for survivability. But, today, ballistic missile defense technology is not at the stage where it could provide an adequate defense against Soviet missiles. For the future, we are not yet sure how well ballistic missile defenses will work; what they will cost; how Soviet ballistic missile defenses—which would almost certainly be deployed in response to any U.S. missile defense system—would affect U.S. and Allied offensive capabilities; and what would be the political ramifications of altering the ABM Treaty.

While it is not the determining factor, it should be noted that Multiple Protective Shelter basing has strong environmental opponents who would use every available tactic, and there are many, to delay MX deployment.

We believe there are promising alternative basing modes for MX, and vigorous R&D programs will be initiated on three possibilities. We are hopeful that one or more of these alternatives will give far greater survivability than Multiple Protective Shelter basing. We plan to choose among these long-term basing options as soon as sufficient technical information becomes available, and in any event, no later than 1984.

The MX missile itself will be ready in 1986, well ahead of its long-term basing. Meanwhile, initial deployment in existing ICBM silos is the only way to avoid delaying MX. We cannot afford to put off MX, a much stronger and more accurate missile than MINUTEMAN, and continue the decade-long pattern of postponement, vacillation, and delay. Early deployment of MX will break the Soviet monopoly on prompt counter-ICBM capabilities.

While not a long-term solution, reconstructing silos (by adding more steel and concrete to help withstand nuclear explosions) would force the Soviets to develop more accurate missiles and might well keep them from achieving a high confidence counter-MX capability until the late 1980s, by which time we will have a better system.

#### THE REAGAN PROGRAM FOR STRATEGIC DEFENSE DESCRIPTION

We plan to upgrade, in coordination with Canada, the North American air surveillance network. The plan will include some combination of new over-the-horizon backscatter (OTH-B) radars and improved versions of the ground radars that exist today.

We will replace five squadrons of aging F-106 interceptors with new F-15s.

We plan to buy at least six additional AWACS airborne surveillance aircraft for North American air defense to augment ground-based radars in peacetime and to provide surveillance and control interceptors in wartime.

We will continue to pursue an operational anti-satellite system.

Research and development on ballistic missile defense will be vigorously pursued.

As discussed under ICBM modernization, we will expand ballistic missile defense R&D for active defense of land-based missiles.

We will develop technologies for space-based missile defense.

An expanded, cost effective, civil defense program will be developed in coordination with the Federal Emergency Management Agency.

We will pursue other related programs and objectives.

#### REASONS FOR PROGRAM

We have virtually ignored strategic defense systems for over a decade. As a result, we have large gaps in the North American air defense warning network; our strategic air defense interceptors are obsolete; and our anti-satellite and ballistic missile defense programs have lagged behind the Soviets.

The Reagan program ends these years of neglect. We have taken the first steps toward restoring credible strategic defensive forces. In the years ahead, we plan to continue our review of strategic defense to determine what additional steps may be needed.

Mr. SCHMITT. Mr. President, I believe the Senator from Utah would agree that that will add some balance to the discussion we might have had up until now.

In the context of the MX discussion, it is important to note that first there is a decision to produce the MX missile. The Senator from Utah mentioned that the deciding began in 1975, I think. The actual initial planning for MX began in 1960, for crying out loud, and then there was a significant movement in the direction of follow-on to the Minuteman in the mid-1960's.

The Senator may also recall as a footnote that it only took us I believe 30 months to produce and begin deployment of the Minuteman system.

It is now 21 years and it will be I guess 26 years before we reach the IOC of this particular missile system. That is unbelievable. If one wonders why we are having trouble doing anything defensively for ourselves and the free world it is because somehow we lost track of how to get anything accomplished.

Mr. President, it is clear that there has been a decision to produce the MX missile and, second, a decision on an interim basis to base this missile in existing silos until such time as another permanent basing mode is determined.

Right, now, Mr. President, the Soviet Union must be very concerned, and must begin the allocation of resources based on a variety of deployment schemes any one of which, or several of which, the United States may select. I think that that in itself is a positive outcome of the President's strategic policy.

We not only get a relatively new, only 26-year-old, missile system coming on line, although significantly improved over the earlier concepts obviously, but we will have a number of options to ex-

ercise. I hope we exercise several of those options because each one of them requires a different response on the part of the Soviet Union. Unfortunately, I find we continue to put attributes of strategic policy, our own attributes of strategic policy, on the Soviet Union rather than looking at the reality of what is driving their policy.

The Soviet Union is, as the Senator from Idaho indicated, forcing the United States in the direction of considering a launch-on-warning far more than we ever have in the past. It is their improvements not only in accuracy but in total missile capability that have degraded the effectiveness of our deterrent force.

In addition, the production of the MX provides us with a new booster system, an important new booster system, that will have other applications besides those under discussion here today.

By initially basing the MX in silos rather than multiple protective shelters, the MPS mode of deployment, a great deal of money is saved, money that could be used for missile defense and for a variety of other defense and deterrent purposes.

An emphasis, Mr. President, on missile defense begins a very, very important movement, philosophical movement, in our strategic policy; namely, a movement away from a policy based on mutual assured destruction of the past toward a much more rational and much more moral policy of assured protection, not here but now clearly visible on the horizon.

This protection not only would cover our military assets, but also our human and economic assets through the technology that would be developed along such a path.

Clearly related to the decision, the strategic decision, of the President, as has been indicated here this afternoon, is the President's decision to allow for increased expenditures for command, control, and communications, the so-called C<sup>3</sup> functions of defense, and to make this a far more vital aspect of our national defense than we have allowed it to be in the recent past.

Mr. President, while superhardening does not seem to this Senator to make a great deal of sense in the total context of the President's strategic policy, funding for studying this alternative and its potential benefits, including whatever it forces the Soviet Union to do with regard to planning and allocation of their resources, should not be precluded. As I interpret the amendment offered by the Senators from Maine and Georgia, it does not preclude that consideration. If I thought it did, I would have to oppose the amendment because I think it would, in fact, undercut certain aspects of the strategic policy articulated by the President.

Mr. President, finally, I think it is impossible to over-emphasize the importance of beginning the systematic allocation of resources for the protection of the defense and economic and human assets of the United States. BMD, so-called ballistic missile defense research and development, is just a small part of what should be done. It must be linked to a

wide variety of technological advances in communications, in control, in command systems, in detection systems, as well as moving toward a much more advanced overlay style system. This overlay system will, in part, if not entirely, on the development of directed energy weapons, both airborne and spaceborne, that will eventually offer the free world and all of mankind the option of making these missiles of mass destruction obsolete.

I hope we all recognize in the President's strategic policy which I have introduced into the record in the form of fact sheets, that we do now have a clear option to move along the path of protection and of eventually making large proportions of these weapons of mass destruction obsolete and, therefore, unnecessary.

Mr. President, to summarize arguments in favor of most aspects of the President's policy, arguments put forth by the Senator from Delaware (Mr. ROTH) and myself to the President September 25, 1981, I ask unanimous consent that our letter to the President be printed in the RECORD, and also a more general discussion of these issues in the form of an op-ed piece authored by myself and Senator ROTH published in the Washington Star—I think we would remember the Washington Star—on June 18, 1981.

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

U.S. SENATE,

Washington, D.C., September 25, 1981.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: On July 2, we wrote to you expressing our concern about the Multiple Protective Shelter (MPS) basing mode for the MX missile and proposing an alternative "strategic program" addressing U.S. defense needs for the 1980's. In light of your recent decision to cut-back on the growth of the defense budget over the next three years, we urge you to once again consider our silo-basing proposal as an alternative to any MPS basing mode for the MX missile.

In the previous letter we noted that the basing debate itself has drawn attention from the need to define the best overall strategic defense policy for this country. That strategic policy will not be served well by deployment of the MX missile in an MPS basing mode if, at the same time, cuts are made in vital related programs such as command, control, and communications (C<sup>3</sup>) programs. Nor will that policy be served well if we delay pursuing programs which will move U.S. policy from one based on Mutual Assured Destruction (MAD) to a policy based on defending our military, economic, and human resources.

The key elements in our proposal are as follows:

1. Complete the R&D and production of the MX missile as a necessary addition to our strategic arsenal.

2. Base 200 MX missiles in converted Minuteman and Titan silos. This would result in a net increase of 1,800 deployed re-entry vehicles of greater accuracy, with full operational capability by 1986—4 years ahead of MX/MPS.

3. Protect one field of MX missiles with a low altitude ABM defense, within the ABM Treaty limitations. While such a defense will not be fully effective, it will increase the survivability of those MX missiles, provide

us with operational experience with an ABM system, allow us a capability to expand the ABM system quickly should the Soviets decide to breakout of the Treaty, and signal the Soviets that we are prepared to proceed with ballistic missile defense. In addition, R&D on non-nuclear overlay ABM defenses should be accelerated.

4. Commit adequate funding of the Trident II (D-5) SLBM so that its projected schedule is maintained.

5. Accelerate a number of other strategic programs such as Minuteman upgrades, early warning upgrades, C<sup>3</sup> upgrades, improved navigational programs, etc.

Not emphasized in our previous letter, but of increasing importance, is the value of the MX missile in any land based deployment as part of a total "launch on warning" system. In concert with improved space-based attack warning systems and ground-based attack warning systems and ground-based attack verification analysis, the increased boost capability of the MX permits consideration of launching warheads to orbit if an attack has been launched against us—in effect, a fail-safe mechanism. Once the Soviets believe we can and will implement a launch on warning capability, the window of vulnerability will be slammed shut.

Together with other ongoing weapons programs, such as deployment of large numbers of cruise missiles and R&D on space-based lasers, we believe that this approach will serve our strategic requirements well into the 1990's. This proposal will also save over \$15 billion between now and FY 1987 while deploying other important weapon systems earlier than currently planned. Much of the savings occurs in the FY 1983 to 1985 time frame.

At this time the case for any MPS basing mode is not convincing, public opinion is opposed to it, and the cost is too high, especially within the context of a balanced budget. We believe that our proposal would be supported by the Congress because it addresses our vulnerability earlier than other alternatives, saves money, and puts more strategic weapons in the field. Moreover, by adequately funding R&D for future, non-nuclear space-based defenses, this proposal brings closer the day when weapons of mass destruction may become obsolete. Finally, by demonstrating a real commitment to a strong defense now, it encourages the Soviets to consider real weapons reductions in arms control negotiations.

Thank you for your continued efforts to insure our national security and for your consideration of our proposal. We are at your disposal to discuss these matters further if you so desire.

Sincerely,

WILLIAM V. ROTH, Jr.,  
HARRISON H. SCHMITT,  
U.S. Senators.

#### A BETTER WAY TO DEFEND OURSELVES

(By HARRISON H. SCHMITT and  
WILLIAM V. ROTH)

The Reagan administration and the Congress must solve the problem of our strategic military vulnerability. For the first time in history, the threat of a successful first strike against our missile forces holds our foreign policy hostage to Soviet ambition.

The Carter administration's solution was to deploy 200 MX missiles in 4,600 Multiple Protective Shelters (MPS) in Utah and Nevada. This six to nine thousand mile so-called "race track" basing system is an ill-considered scheme of monstrous economic and societal proportions, and of questionable technical validity.

The staggering cost will preclude development of more promising state-of-art strategic weapons needed to ensure peace and security.

A consensus has emerged in this country



to strengthen N.S. national defenses. But the days when we could afford to spend almost limitless amounts on defense are behind us. Every dollar spent must buy the maximum real military capability, and must be weighed against its long term impact on the economy.

The U.S. needs a new strategic policy for the rest of this century, not continued reliance on weapons of mass destruction and the strategic policies of the last two decades.

We must begin moving away from the doctrine of Mutually Assured Destruction (MAD) and begin defending our freedom. In brief, we must take advantage of America's technological superiority to leap-frog the Soviet Union and develop strategic weapons that will make weapons of mass destruction obsolete.

#### SAFETY IN DIVERSIFICATION

Although achieving this goal will take years, we must begin now by concentrating on two areas: defenses against ballistic missile attack and diversification of our own strategic threat to the Soviet Union.

Allocating \$40 to \$50 billion at a minimum for the MPS basing of the MX missile will divert budget resources from these urgent tasks.

The immediate issue is how to make a sufficient number of U.S. ICBMs invulnerable to a first strike. Only ICBMs can be successfully used against hardened Soviet missile sites (as opposed to population or economic targets.) But the 1,000 silo-based Minuteman missiles—the core of U.S. hard-target retaliatory forces—are now too vulnerable to a pre-emptive strike to present an effective deterrent, largely because of the now highly accurate Soviet ICBMs targeted against them. MX missiles deployed in 4,600 shelters by the early 1990's will be similarly vulnerable (in the absence, of course, of enforceable limitations on the growth of Soviet missile forces.)

The answer to this dilemma is to begin work on Anti Ballistic (ABMs) to protect our fixed silo fields, and to place more capable missiles, such as the MX with 10 MIRVED warheads, in those or new silos. Even a limited, low altitude ABM system could protect enough missiles to assure sufficient retaliatory capability to deter a Soviet first-strike. At the same time, we should accelerate work on a more sophisticated nonnuclear intercept system, such as lasers, to stop incoming missiles out in space or soon after launch. Fortunately, the technology base is in hand for such systems.

As the second element of a new strategy, we should accelerate diversification of our means of retaliation. Besides relying on a combination of land-based MX and Minuteman missiles, we should speed up the development and deployment of the Trident II submarine-launched missile, which will be the first sea-based ICBM capable of destroying the hardened Soviet ICBM force. We should also proceed with development and deployment of sea, air, and land-based cruise missiles. These weapons are relatively inexpensive, mobile (hard to detect and destroy), and available technology can make them highly accurate.

A number of other programs that take advantage of U.S. technological superiority are also important. For example, we should pursue our superiority in space. Space-based defenses offer the potential for the U.S. to "gain the high ground"—not to base offensive weapons of mass destruction, but to enhance our defenses against weapons of mass destruction. Examples are early warning satellites to provide our decision makers with more time to react and reliable satellite communications for submarines.

Technology is our margin of superiority over the Soviets in strategic systems. We ignore it at the peril of ourselves and mankind. Economically, MPS basing of the MX would require the expenditure of tens of billions of

dollars in 1983 and 1984 at precisely the time when other absolutely necessary defense expenditures must be made and the total federal budget must be brought into balance. In effect, MPS basing would imprison the defense budget and a balanced total budget.

The program we propose offers numerous advantages:

By using existing silo fields and protecting them with ABMs, we announce that the U.S. no longer accepts the MAD doctrine of annihilating innocents as our only deterrent philosophy. By deploying a hard target capability at sea, we move weapons of mass destruction further away from our people and our territory, and add immeasurably to deterrence.

The Soviets cannot find and target our submarines in the open ocean with any real assurance of success;—by diversifying the threat we present to the USSR (land-and-sea-based ICBMs, and sea-, air-, and ground launched cruise missiles), we force the Soviets to bear a greater economic burden by spending billions of dollars on an array of inherently expensive defenses; and—by presenting the Soviet Union with these dilemmas, and the U.S. willingness to do what is necessary for its own defense and that of its friends, we will, more than any wishful thinking, bring them to the conference table to talk about real arms control.

#### SAME OR FEWER DOLLARS

This program to correct our strategic vulnerability and regain the initiative can be pursued with the same or fewer dollars than would be expended for the proposed MPS basing scheme.

Many of the programs outlined are already planned for the 1980's, but at funding levels that are far too low to be successful. The astronomical cost of an MPS would force delay or postponement of many of these systems.

The United States defense and public sector budget cannot afford to be held hostage to such a plan. We cannot afford to find ourselves more vulnerable to Soviet threats at the end of the '80s than we are now. Moreover, the taxpayer should not have to accept such unnecessary expenditures.

Mr. SCHMITT. I thank the Senator from Utah for his courtesy and the Senator from Alaska for allowing me to proceed.

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

Mr. STEVENS. Mr. President, will the Senator yield for a tactical question?

Mr. SCHMITT. I am happy to yield to the Senator.

Mr. STEVENS. Mr. President, the Senator from Arkansas has an amendment that would prevent any money for interim deployment. The Senator from Maine and others here have this amendment we are discussing now.

I wonder if it is possible that we have the discussion on the amendment of the Senator from Arkansas—as he points out his discussion would be about the same matter—and get an agreement when we might be able to vote first on the modified Cohen amendment. It is the Cohen-Nunn amendment, is it not?

Mr. COHEN. That is correct.

Mr. STEVENS. Then if that is agreed to I would then, as I told my good friend, move to table his amendment. If it is not agreed to we would have an up-and-down vote on his amendment at that time. Is there any problem with that?

Mr. COHEN. I have no problem.

Mr. STEVENS. Mr. President, will the Senator inform me how much longer he might be involved in this discussion?

Mr. COHEN. I have no further requests for time. Senator NUNN, do you have any objection?

Mr. NUNN. That sounds reasonable to me. I am agreeable to handling it that way.

Mr. STEVENS. I am just trying to facilitate this.

Mr. NUNN. Will the Senator get into the debate on the Pryor amendment now and the Nunn amendment?

Mr. STEVENS. We have debate on the Pryor amendment now, let the Senator from Arkansas describe what his amendment is, and get an order that it be in order to discuss that now and then we would have back-to-back votes on the Cohen amendment and then, if necessary, on the Pryor amendment.

Mr. GARN. Mr. President, reserving the right to object, and I will not, I would simply make the point before we do that that the Senator from New Mexico waited patiently over and over again through several of us speaking, so I would not object, Senator STEVENS, if the Senator from New Mexico could finish his remarks, and then I think we would be happy to do that. But he simply has waited for a long, long time, deferred to me, to Senator McCLURE and many others, and I just would not object if he could finish his remarks and then we would be happy to proceed along the lines stated by the Senator.

Mr. STEVENS. I did not have any intention of interrupting for the purpose of asking a unanimous-consent agreement. I just wanted to see if it was possible. I shall clear it, and I thank the Senator from New Mexico, who had the floor, for yielding to me.

Mr. LEVIN. I wonder, Mr. President, if I could ask the Senators from Maine and Georgia—the Senator from Georgia is within earshot—to clarify their amendment for me.

Let me repeat, I am wondering if the Senator from Maine, Mr. President, might be willing to clarify this amendment for me, and I also ask the question of the Senator from Georgia and, in fact, let me ask the Senator from Georgia first: Is it your intention in this amendment to stop the expenditure of these funds, these identified funds, for research and development of a super-hardened silo basing mode, these funds that are identified?

Mr. NUNN. Is the Senator posing that question to the Senator from Georgia or the Senator from Maine?

Mr. LEVIN. I would like both of the Senators to answer it because I, frankly, am uncertain. I heard the Senator from Georgia indicate this is a change from the President's program. I heard the Senator from Maine say that it is not in any way a change from the President's program.

Mr. COHEN. If the Senator would yield, I think I said a repudiation of the President's program. It does, in fact, work a change. Does the Senator want to know exactly what the change is?

Mr. LEVIN. I would like to frame a question, because I think I heard both

Senators speak on it. My question is this: Can this money be spent to harden those silos, for R. & D. for silo hardening? That is my question.

Mr. COHEN. Of the \$334 million, the answer is no.

Mr. LEVIN. Now, I wonder if the Senator from Georgia agrees with that. I hear the Senator from Illinois saying he does not agree with that interpretation. I am not sure what this language means. But I would like to be sure from both prime cosponsors here that this money cannot be used for R. & D. to harden silos. Would the Senator from Georgia agree with the Senator from Maine on that point?

Mr. NUNN. That is correct.

Mr. LEVIN. Why can we not just say that real nice and simply in this amendment.

Mr. NUNN. Has the Senator from Michigan tried to get a majority vote on an amendment around here?

Mr. LEVIN. Yes, I have. Not with a lot of luck, but I have.

Mr. NUNN. You have to negotiate language that sometimes becomes rather complex in order to get everyone on board an amendment. I think this is what this one has gone through.

Mr. LEVIN. I appreciate that. I have negotiated some language myself. But I do not think we want to obfuscate the intent of the two Senators here.

Mr. COHEN. First of all, there is no intent to obfuscate. The Senator from Alaska raised the point. This amendment does not preclude the administration from doing R. & D. to deal with the possibility of long-term hardening of silos, provided it is in conjunction with the point the Senator from Georgia has raised, some mobility, some deception. That has never been our intention to preclude that. What we have said is that of this \$334 million, that money will be spent on these other options.

Now, there is still money available in the appropriations bill to explore Big Bird. There is still money to explore deep basing. There is still some \$20 million to explore R. & D. for hardening if, in fact, that becomes a long-term proposal of the administration.

We have clearly, I think, expressed that as our intent to allow that. But what we are saying is of this \$334 million that will be used, that is the bulk of the money on the other options.

Mr. LEVIN. I thank the Senator from Maine. Let me ask another question.

The President has announced an interim program of R. & D. to hardened silos. He called it an interim program. Let us use that. It is as good a word as I know.

As I understand the Senator from Maine, his amendment, and the Senator from Georgia, this money cannot be spent on R. & D. on that interim program of hardened silos? Is that correct?

Mr. COHEN. That money that is specified, \$334 million, that is correct.

Mr. LEVIN. That is the money which was in this bill for that purpose in the President's program.

Mr. COHEN. There was more money in the budget.

Mr. LEVIN. Any other money?

Mr. COHEN. I was just saying there is another \$20 million that can be used for R. & D. purposes, not for military construction in this bill, for long-term R. & D., with a go for that ultimate solution. That is correct.

Mr. LEVIN. My words were: On the President's interim program, not on the long-term program. My words were: Is there any other money in this bill that the Senator from Maine knows about for the President's interim program, R. & D. money for fixed silos?

Mr. COHEN. Not to my knowledge.

Mr. STEVENS. Will the Senator yield?

Mr. COHEN. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. There is an additional \$20 million there that can be used on interim if they wished to do so related to the R. & D. for hardening.

Mr. LEVIN. That would be on the interim program on fixed silos, is that correct?

Mr. STEVENS. Right.

Mr. LEVIN. Is my understanding, therefore, correct that the money which is being prohibited for that purpose constitutes \$334 million of \$354 million?

Mr. COHEN. That is correct.

Mr. LEVIN. And I am wondering if the Senator from Georgia would agree with that.

Mr. STEVENS. It is \$375 million, and that is already earmarked \$21 million for long term.

Mr. LEVIN. I thank the Senator from Alaska. But I am talking about the interim program. In all my questions, I think I have tried to make clear that we are talking about the President's interim program for R. & D. on fixed silos.

Mr. NUNN. I would say to the Senator from Michigan that what we are attempting to do here is send a strong signal to the administration that we want any interim program to really, in effect, merge with the permanent program, at least in the planning stage, so that any kind of hardening or any kind of fixed silo location on the MX will be compatible with deception, mobility and/or a BMD defense. It is a compatibility thing.

If the Senator is asking the question, though, whether there is any money here that can be used for superhardening, the answer is that a large portion, a great large portion, \$334 million out of \$354 million, is fenced in as I have described it. There is \$20 million that is not fenced in that could conceivably be used by the administration any way they would desire.

Now, one of the difficulties here is, of course, determining how much money would it really take to do the R. & D. on a fixed silo or a superhardened silo. We have never gotten from the administration a breakdown of how much of this money was going to be used on a superhardened silo. But I would say to the Senator that I would submit it would be very difficult for them to proceed very far with \$20 million for that purpose.

Mr. LEVIN. I will try to restate it as clearly as I know how, because I do think we ought to know what we are do-

ing. I think this is the most critical program and I think we ought to be clear. I know the problems of working out an agreement and I appreciate them. I am not trying to upset them.

What the Senator from Georgia, as I understand it, is saying is that we have fenced in, in this amendment, the Senator has fenced in in this amendment \$334 million of the approximately \$354 million that was in this budget at the President's request for an interim program of fixed silos, hardening fixed silos.

Mr. COHEN. If the Senator would yield, that is not precisely correct: \$354 million in the President's interim program was principally focused upon the fixed silo, but then the less included options were explored, the BMD and the other things. What we have tried to do is say you will spend that \$334 million on the other options. So the President's program originally had the option, as well, but the principal focus of the President was on the fixed silo, with an ability to move to others. We said, "No, we want the others in first, the \$334 million. You have the option of ultimately going to the fixed silo." We changed the emphasis.

Mr. LEVIN. I understand that. I heard the Senator when he introduced the amendment. It is not just changing the emphasis, you are prohibiting flat out the use of \$334 million for R. & D. on this interim hardening of these fixed silos. Is that correct?

Mr. COHEN. Yes.

Mr. LEVIN. I understand from the last answer from the Senator from Georgia that that is correct. Am I correct in saying that was the Senator's statement?

Mr. NUNN. I apologize to the Senator. I was listening to another conversation. I will have to ask him to repeat that question. I know that is an inconvenience.

Mr. LEVIN. I am not sure that I could, so I think I will settle for the statement from the Senator from Maine.

Mr. DIXON addressed the Chair.

Mr. LEVIN. I have one other question, and then I will be happy to yield to my friend from Illinois.

Is it the intention of the sponsors of this amendment that the money be spent in a way which is compatible with arms control agreements entered into by the United States?

(Mr. SYMMS assumed the chair.)

Mr. NUNN. I can answer that question. As the Senator from Michigan knows, I raised that point in the Armed Services Committee. I was concerned, and I remain concerned, that the administration's plan to go to superhardening on these silos would possibly violate SALT I and SALT II. We had testimony on that from the head of the Strategic Air Command. We were supposed to get some answers back from the administration on that. That question was posed to the Secretary of Defense in open session, as I recall it, and he said that in his opinion it did not. But, again, as in the instance of hardening, he did not give us anything to back that up.

So where we are on that subject is that we have the head of the Strategic Air Command saying that in his opinion it



would require some renegotiation of SALT I and SALT II if we went to a hardening of the Minuteman silos. This amendment does not touch that subject. This amendment was not designed to touch that subject. That is another bag of worms. And I in no way believe that this amendment touches that subject.

But it remains a matter of concern to the Senator from Georgia, not only from the point of view of a possible violation by the United States, but even more importantly, that provision that limits the size of the launches and adjustment to launch missiles and launchers and, by implication, silos.

That provision was inserted by us, the United States, as a way to moderate the Soviet overall thrust in the very significantly and fast-moving modernization program. In other words, that provision was placed in SALT I and SALT II, as I understand it, for our benefit. So it gives me concern.

I know the Senator from Maine would agree that this amendment does not affect that question one way or the other, except I would say this amendment does discourage going to superhard silos on an interim basis. It takes away most of the money that could be used for that purpose so in that sense indirectly it makes that event less likely on an interim basis.

Mr. LEVIN. Mr. President, I want to try to phrase a question to both Senators at the same time so I can get an answer. I think we have come most of the way in clarifying the one issue, but I want to pin it down a little more. Until then, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. May I say, Mr. President, in response to the distinguished Senator from Michigan earnestly as I know how, that I must say that I do not draw the same conclusion as my distinguished friends, the Senator from Maine and the Senator from Georgia, concerning what this amendment does. I think this amendment is better than the bill in its present form, but I think this amendment is a good example of the practice we engage in too often here, of dealing with unprinted amendments on matters of the greatest importance to the country when we do not understand what the amendment does.

I have the amendment in my hand. Here is what I think the amendment does: Instead of permitting the appropriation of \$354 million to harden those silos, it says, "You shall have \$334 million for research and development." That is true.

Here is what it says: "Shall be available only for research and development related to the initial deployment of the MX missile in non-superhardened existing silos in a manner compatible with the permanent basing mode." That is all right initially.

Then it says, "which could include" and then it names several things. What is one of the things it names? "Super hardening and subsequent deployment in a permanent basing mode," and so forth, to be recommended to the Congress on July 1, 1983.

I say to you that while I congratulate the Senators who offered this amendment on at least saying we should study other things, mobility and a variety of other things, that this does, in fact, say that the administration, if it wants to go forward, can go forward with the super hardening of the silos as presently planned.

Mr. NUNN. Will the Senator yield?

Mr. DIXON. I do yield.

Mr. NUNN. The Senator is correct. The term super hardening is used at the end, but you have to read that in connection with mobility and deception. I have no objection to R. & D. being done, although I am very dubious about the results of it. I have no objection to R. & D. being done on a long-term basing mode that would include superhardening, mobility, deception, and BMD as a package. I do vigorously object to an interim super hardening kind of solution. The two are quite different.

There was a proposal that would have involved superhardening and mobility and deception as a long-term permanent solution.

This is designed carefully not to preclude that.

Mr. DIXON. But may I say to my distinguished friend, and this is a matter of where honorable people disagree with what the amendment says—again I suggest that the unprinted amendment is the wrong way to approach this serious problem—I would suggest as a lawyer that this is written in the disjunctive sense which could include several different alternative things, one of which is superhardening in subsequent deployment in a permanent basing mode.

Mr. NUNN. The Senator has to read the words "permanent basing mode" in front of that and you have to read the superhardening after the words "permanent basing mode." The superhardening goes with the permanent basing mode but it also goes with mobility and deception and BMD and defense. But you are correct that these funds are not prevented from being used for long-term permanent basing modes that would include as one of its elements superhardening.

Mr. DIXON. May I simply say that I think that the amendment of the Senator from Arkansas that simply takes out the \$354 million all together is a better proposal to this problem in sending the proper message.

Mr. NUNN. If the Senator will yield, I want to make it clear that the \$334 million cannot be used for superhardening. It can only be used for non-super-hardening silos. This is all R. & D. We are not talking about any construction at all. We are talking about research.

Mr. DIXON. I understand that. But the question of the Senator from Michigan was about R. & D. He said it could be used for R. & D. I say it can be used for R. & D. That is the only point I want to clarify here.

Mr. NUNN. It can be used for R. & D. on non-super-hardened silos but that non-super-hardened silo has to be compatible with a long-term basing mode that could include mobility and also include deception and BMD and super-

hardening. The object here is to prevent an interim superhardening. I think that is what the amendment does. That is what it is to do. But it is not to preclude long-term superhardening in the event that is deemed to be compatible with mobility, deception, and BMD. This money cannot be used for R. & D. on super hardening, this \$334 million. The \$20 million could be.

Mr. LEVIN. Will the Senator from Georgia yield for one more attempt? I wonder if I can have the attention of the Senator from Maine also. I think I can phrase the question properly.

Is it a correct interpretation of the amendment to say that it flatly prohibits the expenditure of any of the \$334 million on R. & D. on superhardened silos as a part of any interim program prior to July 1, 1983.

Mr. NUNN. The Senator is correct.

Mr. COHEN. It is for during the fiscal year. July 1, 1983.

Mr. LEVIN. The Senator from Maine would agree with this, with that modification?

Mr. COHEN. I do.

Mr. LEVIN. I thank the Senator.

Mr. PRYOR. Mr. President, I would like to ask a couple of questions in a moment, but first I would like to make a short statement, if I might, to inform my colleagues that either sometime this evening or perhaps in the morning, whatever the time situation might become, I do plan to offer a substitute amendment to the Cohen-Nunn amendment. My amendment, I can guarantee my colleagues, is going to be a very, very simple amendment to understand because it takes away all of the \$354 million for the interim basing mode.

Mr. COHEN. Will the Senator now tell me whether it will be a printed or unprinted amendment, to satisfy my curiosity?

Mr. PRYOR. To satisfy the Senator's curiosity, I think it will be a printed amendment by that time, but it will be so simple, it will not have to be printed. I can guarantee that.

Mr. NUNN. Will the Senator yield for just 10 seconds?

Mr. PRYOR. I am happy to yield.

Mr. NUNN. Mr. President, in answer to the question Senator LEVIN posed, I did not pay careful enough attention to his tables because he put 1983 in there. Senator COHEN asked for this fiscal year. I am informed by usually reliable staff that this money is available for obligation for a period of 2 years. That is up to September 30, 1983. That is the nature of an R. & D. account.

Does the Senator from Maine agree with that, that Air Force R. & D. title V is available for obligation to September 30, 1983?

Mr. COHEN. It can be obligated to then, Mr. President.

Mr. NUNN. So that would be the answer.

Mr. DOLE. This amendment is of particular interest to me and to the people of Kansas, because of the possibility of the MX being based in the Titan silos in the Wichita area. While I do not think we know yet what the most desirable basing mode for the MX should be, this

amendment, as I understand it, does leave open all the options for MX basing, including super hardening of Titan silos if that turns out to be the best long-term decision. It may be helpful to encourage, as this amendment does, looking hard at other options earlier than has been planned.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, will the Senator permit me to interrupt for a brief moment?

Mr. PRYOR. I would be proud to yield.

Mr. BAKER. Mr. President, I am advised that we have now cleared on both sides of the aisle a unanimous-consent agreement to vote at 7 o'clock on the Cohen perfecting amendment to the underlying Cohen first-degree amendment. If that is correct and if the minority leader is prepared to put that request at this time, I am prepared to do so.

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

Mr. BAKER. Mr. President, I ask unanimous consent that a vote in relation to the Cohen perfecting amendment occur not later than 7 p.m. and that the time between now and 7 p.m. be equally divided between the author of the amendment and the minority leader.

Mr. PRYOR. Reserving the right to object, Mr. President, if the majority leader would answer a question, please: Am I correct in saying that my substitute amendment would then be the amendment first in order when we proceed in session tomorrow?

Mr. BAKER. Mr. President, I do not believe I am in a position to answer that question.

The PRESIDING OFFICER. Are there any objections?

Mr. LEVIN. Reserving the right to object, Mr. President.

Mr. PRYOR. May I rephrase that question? After the disposition—

The PRESIDING OFFICER. If the Senator will suspend, the Chair states that the order was that the Senator from Arkansas will be recognized after the disposition of the first-degree Cohen amendment. We are talking about the second-degree amendment—the majority leader is asking for unanimous consent on the second-degree Cohen amendment.

Mr. PRYOR. Mr. President, I am simply asking this at this time. Could I ask unanimous consent—I shall not do this unless both leaders agree—that my substitute amendment be made the first order of business after the disposition of the Cohen amendment?

Mr. BAKER. Mr. President, I think there is no misunderstanding as to the intent of the parties. Let me put this unanimous-consent request and ask the special attention of the author of the amendment as well as the distinguished Senator from Arkansas.

I ask unanimous consent that the previous order be modified as follows: That the Senator from Arkansas be recognized for the purpose of calling up a substitute amendment to the Cohen first-degree amendment immediately after the disposition of the perfecting Cohen amendment which is now pending.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Reserving the right to object, and I personally do not object, Mr. President, I want the distinguished Senator from Arkansas to know that this will allow another perfecting amendment in the second degree to come in ahead of his substitute and be voted on ahead of his substitute. Is that agreeable with him?

Mr. PRYOR. I do not think that would interfere in any way. I just want to protect myself and protect those colleagues who have cosigned my amendment with me and make certain that we get a vote on this amendment. I hope actually that it can be an up or down vote, but we do not need to go into that issue at the moment.

Mr. ROBERT C. BYRD. Further reserving the right to object, Mr. President, the Senator would not be guaranteed that he would get a vote on his substitute before the amendment in the first degree, however, because it is a perfecting amendment.

Mr. PRYOR. That is satisfactory.

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

Mr. BAKER. Mr. President, I further ask unanimous consent that the vote on the Cohen perfecting amendment now pending occur at not later than 7 p.m.; that the time between now and 7 p.m. be divided equally between the author of the amendment and the distinguished minority leader or his designee, and that the control of the time be in the usual form.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and I shall not, it is my understanding that the distinguished majority leader has reference to the amendment in the second degree.

Mr. BAKER. Yes, Mr. President, it is a perfecting amendment, which would be a second-degree amendment.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. BAKER. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I have the control of the time on this side. I yield such time as he may desire from the time I control to the distinguished Senator from Arkansas.

Mr. PRYOR. I thank the minority leader. I was just going to make one or two points, Mr. President. Those one or two points simply relate to where we are with regard to the MX missile at this point.

Mr. President, we are talking here, and I am not talking against the amendment offered by the Senator from Maine and the Senator from Georgia because, frankly, I think this amendment probably, as my colleague from Illinois and other colleagues have expressed this evening, makes a bad situation a little bit better. I do think that the amendment I shall offer tomorrow, striking the \$354 million from the basing mode system, the interim basing mode, is our best choice.

First, I feel strongly that what we are really talking about with the Cohen-Nunn amendment is a continuing resolution, another continuing resolution, this time not on the budget, but a continuing resolution on the MX missile program.

We are operating in a period of nondecision, one nondecision after another.

Mr. President, we have been studying and working on the MX missile for the past decade. We have spent almost \$4 billion—not \$4 million, \$4 billion—studying how to build and where to put the MX missile. We are still not much farther along tonight, 10 years later, or 12 or 13 years later, than we were when we started on the MX missile program. It is a situation that I find deplorable. It is a situation which I hope that the U.S. Senate and the House of Representatives will take under consideration to the extent that we will remove this basing mode funding. If we need to, if we want to come back in the spring with a supplemental, when we have some answers to these questions that we are going to be raising in the next several hours of this debate, then let us come back with a supplemental.

What we are doing here, Mr. President, is, once again, trying to buy the illusion of strength in spending some \$354 million—for what? For additional studies. That is what it is all about.

In all due respect to my colleague from Georgia, my colleague from Maine, and those others who support this position—and I might even end up supporting that position if it comes to that—I can only say to my friends, and I am not going to speak more than just a few moments because we do have a short period of time before the vote, we are talking about \$354 million for additional studies. We are talking about the fact that we are still spending for the MPS study \$750,000 each day for work that is not being performed because of the October 2 decision made by the President. That is the crazy, insane situation that we find ourselves in at this point, at this juncture, at this late hour, before Christmas, trying to go home and trying to somehow or other limp feebly along and make a decision, this evening or tomorrow, that is going to commit us 30 years in the future with regard to our global nuclear policy. That is exactly what we are doing, Mr. President.

We have just completed a study on the MPS system that cost \$900 million. As I said, those expenditures are still going forward.

We are just continuing, if I may say this, trying to find a way in these last remaining hours of this session to show to the American people that at least we are doing something. What that something is, appears to me to be, that we are going to spend another \$354 million to add to the already \$4 billion that we have spent on the MX missile program.

What we are also going to end up doing, I am very afraid, Mr. President—and I do not know exactly what this amendment does. I know my friend from Illinois has raised some good objections and some justifiable concerns. But I have a fear that unless we take some position in the next several hours on the basing mode of the MX missile, we are going to be putting our most valuable missile in our most vulnerable positions. To me, that is the danger of having this debate at this time. That is why I will attempt, at the proper time, to remove the entire



\$354 million for the interim basing mode system, as announced by the President on October 2.

Let us take time. Let us take the opportunity we have to take this money out of the budget. If we need to, we can come back in the spring with a supplemental, after we have looked at this matter.

Only 60 days ago, on October 2, the President made this momentous and historic decision. We have not had time to study it. The Chairman of the Joint Chiefs of Staff and the Secretary of Defense are in open disagreement about this matter today. We find that before committee after committee and session after session and witness after witness. Even the Secretary of the Air Force, who is charged with deployment of this MX program, did not even know of this decision until it was made.

That is the type of atmosphere in which this decision was made. That is the type of environment we have created for ourselves.

It is exactly the reason why we have no business committing 1 cent to a system of basing an MX missile until we have better answers, until we have at least a consensus among those individuals who are in charge of these programs.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Who yields time? Time is controlled by the Senator from Maine and the minority leader.

Mr. PRYOR. Mr. President, if I am not mistaken, the minority leader yielded me as much time as necessary. I will be glad to yield to the Senator from Illinois.

Mr. DIXON. Mr. President, I congratulate the Senator from Arkansas on his remarks, which I share.

I support the MX missile. I think hardening of the silos in permanent basing modes, as presently contemplated, invites disaster and is a terrible mistake.

I believe the Senator from Arkansas is taking the right approach in striking the \$354 million from this bill. That is the proper message to send to the administration and to the country.

This amendment, in my view, will permit the continuation of research and development on the question of permanent hardening and subsequent deployment in a permanent basing mode of these MX missiles, and I consider that to be a serious mistake.

Having said all that, I think the amendment by the Senator from Maine and the Senator from Georgia is a profound improvement over the present bill, for the simple reason that it sends a message to the administration and encourages additional research and development in other areas for other basing modes. For that reason, I will vote for this amendment. But the proper vote, in my view, will be on the subsequent amendment by the Senator from Arkansas to strike the \$354 million from this bill.

Mr. PRYOR. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. HEINZ. I thank the Senator from Arkansas for yielding.

Mr. President, earlier today, I offered an amendment, which is still pending, to require that the Senate express itself on the issue of the so-called windfall benefits under railroad retirement. I temporarily withheld pressing that amendment because I have been in touch and am having negotiations with Dave Stockman, the Director of the Office of Management and Budget.

Approximately 5 minutes ago, I got off the telephone after speaking with Mr. Stockman, and I am happy to report to my colleagues that Mr. Stockman has agreed to continue to fund the so-called windfall benefit of railroad retirees at the authorized congressional level of \$350 million. That is what is in our third continuing resolution, the one that runs through December 15.

I think this represents a very significant concession on the part of OMB.

I do not know if I can say that it made Mr. Stockman change his mind, but it certainly sharpened the focus of debate on the issue, and I think it did something. But it is a favorable decision on an issue that otherwise would have resulted in a penurious Christmas for our railroad retirees.

Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PRYOR. I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, I raised the point here earlier about this language. It is one of the most important provisions and one of the most sensitive provisions of the entire bill, that part of the bill that includes the missiles—the MX and matters that go with it.

I am proud of the language that has been worked out here, and I commend the authors of it. It strengthens the bill. It certainly does not impair the President's position or anything like that, and I will support the amendment.

I will say a few words now with reference to the proposal that is to follow, to take the money out of the bill.

Mr. President, this matter has been before us for several years, as the Senator from Arkansas has said. He made an excellent statement. But we are not going to find certainty and sufficiency in everything going smoothly and well in connection with any of these missiles. It is the most difficult thing we have to deal with in the military program, and it is the most expensive item we have to deal with.

The PRESIDING OFFICER. Will the Senator suspend?

All time for the minority has expired. Does the Senator from Maine yield some time?

Mr. COHEN. I yield 1 minute.

Mr. STENNIS. Mr. President, we should not expect perfection. We should not expect anything but trial and error, and stop and start, and do it over again.

This matter must move forward this year, as I see it. We have taken a lot of time, have spent many years on it. There is no complete answer now.

Again, the talks are coming up, where there must not be the slightest disturb-

ance of the President's position and his backing.

I feel certain that valuable time would be lost should we strike out this money. We would find ourselves no better off, but worse off. I hope that, on the second vote, the amendment will be defeated and the money will be left in the bill.

I thank the Senator for yielding time to me.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the second-degree amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me some time?

Mr. COHEN. I withhold the yielding back of my time.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for yielding time to me.

Mr. COHEN. How much time does the distinguished minority leader wish?

Mr. ROBERT C. BYRD. As much as I may require, if the Senator will allow me.

Mr. COHEN. If it is not the full 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, I do not think it will be the full 10 minutes. I thank the Senator.

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

Mr. ROBERT C. BYRD. Mr. President, I have had called to my attention a wire service item from United Press. It reads as follows:

The Senate Republicans today foiled two more Democratic attempts led by Senator Ernest Hollings to shift another \$225 million away from the \$2.4 billion requested by Reagan for the strategic bomber. The Senate today voted 54 to 36 to shelve amendments to use \$77 million to restore reductions in the active forces of the Army and Air Force and killed 55 to 36 a \$14 million proposal to buy more ammunition for the Army.

The amendments are part of a group of 15 that seek to delete the B-1 funds by reallocating them to other defense programs.

Mr. President, this is an inaccurate statement. Not one of the amendments that have been called up thus far by Democrats seeks to shift funds away from the B-1. Not a single amendment seeks to do that.

The amendments have been called up thus far for the most part are add-on amendments. They are:

Mr. LEVIN's amendment on yesterday adding funds for procurement of four KC10A aircraft for the Air Force; my own amendment yesterday seeking to add funding for Stealth; the Hollings amendment today adding funding for procurement of ammunition for the Army; the Hollings amendment adding funding for restoration of the end strength reductions in Army and Air Force; and the Glenn amendment restoring the full amount requested for the Navy steaming hours program.

Not one of these amendments sought to shift funds away from the B-1 bomber. All of these are add-on amendments.

And I wish that the press would take note of that so there would be a better understanding among the press and around the country as to what we are attempting to do here.

The press may have gotten its misinformation from a letter which was sent to Senators, signed by Mr. HOLLINGS and Mr. LEVIN, calling attention to an amendment which they expected to call up at some point reallocating a portion of the B-1 bomber funding to a number of items listed in the letter, but that amendment has not been called up yet. That amendment which would reallocate funds from the B-1 to other programs, I repeat, has not yet been called up.

All of the amendments that have been called up have been separate and independent of that amendment. They have been add-on amendments; and let me say again for the record clearly that as far as amendments called up by Democrats thus far, not one would reallocate funds from the B-1 program.

I also understand that NBC has just reported:

Democrats spent the day beating their heads against the wall with amendment after amendment to take money from the B-1 bomber for various other defense functions.

That, again, is an inaccuracy, and I want the record to show it. No one single amendment has been called up by Democrats today or yesterday to take money from the B-1 bomber. I do not know what may come later but not one amendment thus far called up by Democrats would have taken one thin dime, 10 cents, from the B-1 bomber.

I thank the distinguished Senator for yielding.

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

The PRESIDING OFFICER. The question is on the second-degree amendment offered by the Senator from Maine.

Mr. NUNN. Mr. President, is there going to be a unanimous-consent proposal made relating to when a vote will come on the Pryor amendment? It would be my hope that the Pryor amendment could be a separate amendment so that the Cohen-Nunn-Quayle amendment, as modified, if it is modified, would be disposed of tonight.

Is there going to be a unanimous-consent request that the Pryor amendment be voted on tomorrow at a certain time? Does the Senator propose that?

Mr. PRYOR. I might respond to my friend from Georgia that I wish to inquire from the leadership if it would be in keeping and according to the schedule that we proceed to vote as planned with the Nunn-Cohen amendment this evening and that tomorrow as a separate amendment, as an amendment to the bill itself, that I might propose my amendment and ask unanimous consent that it may be made the first order of business following the leadership and special order announcements et cetera? Would that be proper or would there be objection?

Mr. GARN. I cannot speak for the leadership. Senator BAKER is not here. I had informal discussions with the

Senator from Arkansas. Those of us who are here working on the floor at this time have no objection to that procedure with one exception. We would like a time certain to vote or a time agreement in the morning on the Pryor amendment. We would have preferred to have cleared up this portion of the bill this evening, both the Cohen and the Pryor amendments. I think that could be worked out if we could agree to some type of time agreement in the morning, a time certain to vote on the Pryor amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest that my friend wait until Mr. BAKER or Mr. STEVENS is in the Chamber.

The PRESIDING OFFICER. Does the Senator from Maine wish to yield further time?

Mr. COHEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back the question now occurs on the second degree amendment offered by Mr. COHEN.

Mr. LEVIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEVIN. Mr. President, it would be simple from everyone's point of view if we are going to vote separately on the Cohen-Nunn amendment that we vote it by voice vote on the second-degree amendment and then have the rollcall after that is adopted.

Mr. McCURE. Mr. President, we do not have that agreement yet.

Mr. LEVIN. Otherwise we will have two rollcalls.

Mr. NUNN. I suggest we reverse that procedure, that we vote on the amendment we now have which is the second amendment which is a substitute and then we voice vote, if it is agreeable, the Cohen amendment as perfected.

Mr. LEVIN. Mr. President, I ask my friend from Georgia this question: Would we be voting, in that effect, on the substance or perfecting first degree or second, because many of us might want to do that and then vote against it as perfected? I think there could be a difference. Would it not be simpler to voice vote the second-degree amendment and then as a perfecting amendment having been accepted have the rollcall on the first-degree amendment as perfected?

Mr. COHEN addressed the Chair.  
Mr. LEVIN. Mr. President, the leader is back.

Mr. COHEN. We could have a vote as ordered on the perfecting amendment and have the rollcall tonight depending on what agreement is arrived at with the Senator from Arkansas whether we are going to have a time certain tomorrow; otherwise, I suggest we are going to stay in session tonight so it will not make much difference.

In the meantime, I ask unanimous consent that Senator D'AMATO be added as a cosponsor to the perfecting amendment.

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

Mr. LEVIN. Mr. President, I am not sure we avoid the rollcall by disposing of this amendment tonight. I suggest we voice vote the perfecting amendment and

then have the rollcall on the first-degree amendment as perfected. I think that is the clearer rollcall. I simply suggested that to the sponsors, and they did not want to make it until the majority leader was on the floor.

Mr. BAKER. Mr. President, as I understand it, there is sentiment in the Senate that we should vitiate the order which requires a rollcall vote not later than 7 o'clock on the perfecting amendment of Senator COHEN, and instead we should continue debate on the perfecting amendment.

SEVERAL SENATORS. No. No.

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

The PRESIDING OFFICER. The Chair will state that the hour of 7 o'clock—

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the vote at 7 o'clock be temporarily suspended.

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

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. STENNIS. Point of order, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I would ask the Senator from Mississippi to withhold.

Mr. STENNIS. I withhold.

Mr. BAKER. Mr. President, I ask unanimous consent that at the conclusion of this request two rollcalls occur back to back, the first of 15 minutes, the second of 10 minutes. The first rollcall will be a rollcall vote on the perfecting amendment by the Senator from Maine (Mr. COHEN) to his underlying first-degree amendment, to be followed immediately by a vote 10 minutes in length on the underlying first-degree amendment.

RECESS UNTIL 9 A.M. TOMORROW

I further ask unanimous consent, Mr. President, that when the Senate completes its business today it stand in recess until the hour of 9 a.m. tomorrow.

ORDER FOR RECOGNITION OF SENATOR PRYOR TO OFFER HIS AMENDMENT ON TOMORROW; RESUME CONSIDERATION OF H.R. 4995, AND TIME-LIMITATION AGREEMENT

After the recognition of the two leaders under the standing order, and any morning business that may be transacted, but in any event at 9:30 a.m., the Senate resume consideration of the Department of Defense appropriations bill, at which time the Chair will recognize the Senator from Arkansas (Mr. PRYOR) for the purpose of offering an amendment, which will be in order, and which deals with the MX missile; and that on that amendment there be an hour time limitation to be equally divided and controlled in the usual form, and with a vote thereon to occur not later than 10:30 a.m. on tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—

Mr. BAKER. To make sure I stated it correctly, the vote will be in relation to



the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I do not object on condition that the first rollcall last only 15 minutes. I believe Senator HOLLINGS has to catch a plane, and I would like to have him vote on the second rollcall.

Mr. BAKER. Yes, we will abide by the limitation of time on the first amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Does the Senator wish to ask for the yeas and nays?

Mr. BAKER. Mr. President, I ask unanimous consent that it be in order with one showing of seconds to ask for the yeas and nays.

The PRESIDING OFFICER. We have a sufficient second on the second-degree amendment.

Mr. BAKER. Then I ask for the yeas and nays on the first-degree amendment.

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

The yeas and nays were ordered.

Mr. BAKER. Is the Senator from Arkansas willing to get the yeas and nays on his amendment at this time?

Mr. PRYOR. Yes.

Mr. BAKER. I ask that it be in order to ask for the yeas and nays on the Pryor amendment.

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

The yeas and nays were ordered.

ROLLCALL VOTE ON UP AMENDMENT NO. 734

The PRESIDING OFFICER. The question is on agreeing to the amendment (UP No. 734) of the Senator from Maine. 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 New York (Mr. D'AMATO) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) and the Senator from Arizona (Mr. DECONCINI) would each vote "yea."

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

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 443 Leg.]

YEAS—90

Abdnor	Boschwitz	Chiles
Andrews	Bradley	Cochran
Armstrong	Bumpers	Cohen
Baker	Burdick	Cranston
Baucus	Byrd	Danforth
Bentsen	Harry F., Jr.	Denton
Biden	Byrd, Robert C.	Dixon
Boren	Chafee	Dodd

Dole	Kassebaum	Quayle
Domenici	Kasten	Randolph
Durenberger	Kennedy	Riegle
Eagleton	Laxalt	Rudman
East	Leahy	Sarbanes
Exon	Levin	Sasser
Ford	Long	Schmitt
Garn	Lugar	Simpson
Gorton	Mathias	Specter
Grassley	Matsunaga	Stafford
Hatch	Mattingly	Stennis
Hawkins	McClure	Stevens
Hayakawa	Melcher	Symms
Heflin	Mitchell	Thurmond
Heinz	Murkowski	Tower
Helms	Nickles	Tsongas
Hollings	Nunn	Wallop
Huddleston	Packwood	Warner
Humphrey	Pell	Welcker
Inouye	Percy	Williams
Jackson	Pressler	Zorinsky
Jepsen	Proxmire	
Johnston	Pryor	

NAYS—4

Hart	Metzenbaum	Roth
Hatfield		

NOT VOTING—6

Cannon	DeConcini	Goldwater
D'Amato	Glenn	Moynihan

So Mr. COHEN's amendment (UP No. 734) was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote on the perfecting amendment.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, while Members are on the floor if I could have their attention for a moment, another rollcall vote is scheduled to occur immediately. I have some indication that there may be no need for a rollcall vote. I ask unanimous consent that the order for the rollcall vote on the first-degree amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, and I will not object, I was reserving the right of the Senator from Michigan.

I have no objection.

Mr. BAKER. 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 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 withdraw my request.

ROLLCALL VOTE ON UP AMENDMENT NO. 730

The PRESIDING OFFICER. The question recurs on the first-degree amendment. The yeas and nays have been ordered and the clerk will call the roll.

Mr. BAKER. Mr. President, there will be no further rollcall votes tonight.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO) and the Senator from Arizona (Mr. GOLDWATER) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) and the Senator from Arizona (Mr. DECONCINI) would each vote "yea."

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

The result was announced—yeas 90, nays 4, as follows:

[Rollcall Vote No. 444 Leg.]

YEAS—90

Abdnor	Garn	Nickles
Andrews	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hatch	Pell
Baucus	Hawkins	Percy
Bentsen	Hayakawa	Pressler
Biden	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Helms	Quayle
Bradley	Hollings	Randolph
Bumpers	Huddleston	Riegle
Burdick	Humphrey	Rudman
Byrd	Inouye	Sarbanes
Harry F., Jr.	Jackson	Sasser
Byrd, Robert C.	Jepsen	Schmitt
Chafee	Johnston	Simpson
Chiles	Kassebaum	Specter
Cochran	Kasten	Stafford
Cohen	Kennedy	Stennis
Cranston	Laxalt	Stevens
Danforth	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Long	Tower
Dodd	Lugar	Tsongas
Dole	Mathias	Wallop
Domenici	Matsunaga	Warner
Durenberger	Mattingly	Welcker
Eagleton	McClure	Williams
East	Melcher	Zorinsky
Exon	Mitchell	
Ford	Murkowski	

NAYS—4

Hart	Metzenbaum	Roth
Hatfield		

NOT VOTING—6

Cannon	DeConcini	Goldwater
D'Amato	Glenn	Moynihan

So Mr. COHEN's amendment (UP No. 730), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 735

(Purpose: To permit multi-year Army procurement of the UH-60A Black Hawk helicopter)

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 735:

On page 15, line 23, after "\$1,940,900,000" insert: ", of which \$545,200,000 shall be available for purchase of UH-60A Black Hawk aircraft under a multiyear contract, subject to the requirements of section 2306(h) of Public Law 97-86."

Mr. STEVENS. Mr. President, there has been a misunderstanding. I thought it had been cleared. I withdraw the amendment.

I will state that it is an amendment I intend to offer tomorrow morning to put the Black Hawk helicopter procurement contract on a multiyear basis. We have ascertained that doing so would save \$81 million.

Because of the circumstances, we have been requested to do this since the bill came from committee. I am in error. I thought it had been cleared. I apologize to the Chair.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TOWER. Mr. President, I wish to take this opportunity to commend members of the Senate Appropriations Committee who voted favorably to report this appropriations bill. I particularly want to commend my distinguished colleague from Alaska, Senator STEVENS, who by deeds and not just words has demonstrated his unequivocal commitment to revitalizing our military forces. Indeed, the Appropriations Subcommittee on Defense, which Senator STEVENS chairs, recommended appropriations for fiscal year 1982 which are approximately \$7.6 billion above the President's October request and well above the amount authorized by Congress in the fiscal year 1982 Department of Defense authorization bill.

Mr. President, as I previously indicated, this appropriations bill recommends funding for a number of programs in amounts which exceed the amounts authorized by Congress in the fiscal year 1982 defense authorization bill. Although I intend to vote in favor of this appropriations bill, I want to make it clear that this should not be construed as a waiver of title 10, section 138 of the United States Code which prohibits the Secretary of Defense from obligating or expending any funds for specified accounts unless such funds have received specific congressional authorization. As a practical matter, I do not think this will be a significant issue once the conferees have completed their negotiations. Nonetheless, since there are certain disparities between the level of funding provided in the defense authorization bill and that provided in this defense appropriations bill, I did not feel that I could let this matter go without some comment.

Mr. President, approval of this appropriations bill marks the first significant step in a series of steps which must be taken so that we may at least assure ourselves of military parity with the Soviet Union. Our military readiness and force modernization needs have been seriously neglected for over a decade. Unfortunately, there is a long leadtime involved in getting the much needed ships, tanks, ammunition levels, and spare parts to our operational units. Therefore, even with the increase in defense spending provided in this appropriations bill, it will take several years before this investment will result in a meaningful improvement to our defense capabilities. For this reason, it is imperative that we delay no longer the painful but yet essential action required to revitalize our military forces.

Mr. President, let me remind my colleagues that there were two central

themes to President Reagan's successful campaign which were endorsed by the American people on November 4, namely, a revitalization of our economy and a restoration of our military capabilities. I am confident that both of these objectives are achievable and that one need not be sacrificed to achieve the other. It is true that the American people are depending on this administration to demonstrate a meaningful improvement in general economic conditions by 1984 and I am confident that the administration—with the courageous assistance of this Congress—will be able to demonstrate such improvements. Nonetheless, even if the President were to fall slightly short of his economic recovery objectives, as long as he is able to demonstrate significant positive trends, the President will have the continued support of the American people.

On the other hand, Mr. President, the American people will not and should not be as patient when it comes to a matter as vitally important as national security. The primary role of the President is to provide for the national security of this Nation. More than ever before, the American people understand the volatile geopolitical situation in which we find ourselves and the importance of having a strong and credible military capability. They will not and should not be as tolerant of this President or this Congress if we compromise the security of the Nation by failing to accomplish the defense recovery program that we promised during the 1980 campaign. I, therefore, urge my colleagues to support this appropriations bill as one of many legislative initiatives which we will be required to take to live up to this mandate of the American people.

Mr. GLENN. Mr. President, will the distinguished manager of the bill yield for some questions relative to the provision of essential firefighting and security services on Department of Defense installations?

Mr. STEVENS. I am happy to yield.

Mr. GLENN. I would like to inquire whether the committee has given any consideration to measures to constrain the contracting out of essential firefighting and security services on military installations so that we can take steps to insure that such contracting is not only cost effective but also in the best interests of national security?

Mr. STEVENS. There have been no hearings on such a moratorium, though as the Senator from Ohio is aware, an amendment to that effect lost on a very narrow division vote in the other body when H.R. 4995 was under consideration by the House of Representatives.

Mr. GLENN. That is correct. The vote was 83 to 85 and some rather interesting points were made during that short debate. They are points that I believe should be carefully considered, not only by the Senate, but also by the Department of Defense and the Office of Management and Budget in the interest of prudence and readiness of our Armed Forces. Perhaps foremost among these considerations is the potential for disruption of essential defense activities.

In early 1978, just such a disruption

occurred at the Hunters Point Naval Shipyard in California, where a labor dispute between the 10-man local of the Firefighters Union and the contractor supplying firefighting services to the yard resulted in an almost complete shutdown of the Hunters Point Shipyard for a period of 2 weeks. As we have recently had impressed upon us, Federal employees are not free to withhold their services in similar circumstances. There are other considerations as well. Among these are the assurance that, as comparisons are made between in-house and contracted work, we do, in each instance, insure that all factors and all costs are considered, including collateral work which is very frequently done by federally employed personnel. Overseeing arresting gear used in aircraft landings is one example. Another example is preventive work, to guard against incidence of fire destruction or theft.

Mr. President, I have been given an estimate of \$72 million a year as the cost of placing a moratorium on contracting out these essential services. Now, \$72 million is nothing to sneeze at. On the other hand it is a sum that could pale into insignificance should there be a serious, untimely disruption of our defense capability. I, for one, do not object to contracting out Government services when that policy makes sense, when it is prudent, and when it is cost effective. Nor am I now proposing an amendment to halt the practice, but only asking the committee if there can be assurance of hearings on this subject before we go through another appropriations cycle.

Mr. STEVENS. I believe the Senator's points are well made, and I would like to give him that assurance. As chairman of the Subcommittee on Defense Appropriations and of the Subcommittee on Civil Service, Post Office, and General Services, I believe I can give assurance that this important matter will be aired in the coming months.

Mr. GLENN. I thank the Senator from Alaska.

#### ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Mr. STEVENS. The President's proposed waiver of law would waive the President's decision to include the Prudhoe Bay gas conditioning plant in the Alaska natural gas transportation system. Although the plant would become part of the ANGTS, the waiver also provides that the variable rate of return specified by the decision will not apply to the plant. Why should not a variable return mechanism, such as the incentive rate of return mechanism developed for the Alaska pipeline segment, be applied to the plant?

Mr. McCURE. A serious and lengthy regulatory delay could result from developing such an incentive mechanism for the plant. It took almost 2 years of proceedings before the Federal Energy Regulatory Commission to fashion an incentive rate of return mechanism for the pipeline facilities that was satisfactory to the project sponsors, potential investors and the Commission. A similar 2-year delay in developing an



incentive/penalty mechanism for the plant would add costs to the project which ultimately must be passed on to consumers. Therefore, it is our intention that the allowable rate of return for the plant be established as quickly as possible under existing law without the IROR requirement.

Mr. STEVENS. The variable return mechanism was developed for the pipeline as an incentive to control costs. Will not such an incentive be necessary for the plant too?

Mr. MURKOWSKI. The risk of cost overruns is not as great for the plant as it is for the Alaska pipeline segment. The plant will be constructed at a single location where the producers have been building facilities for more than 8 years. Much is already known about construction at Prudhoe Bay. Conversely, the pipeline will be constructed along a 745-mile route in Alaska through varying topography and soil conditions. Risks associated with constructing the plant are also reduced, because significant components of the plant will be prefabricated in the lower 48 States and shipped to Alaska for final assembly.

Thus, an incentive-penalty mechanism should not be a necessary incentive to control costs for the plant and, by causing regulatory delay, would actually increase the cost to consumers. The sponsors of the plant will still be held accountable for cost overruns. The Office of the Federal Inspector will review the costs of the plant and may disallow from inclusion in consumers' rates any costs found to have been imprudent. This review of prudence of costs will be a powerful incentive to control plant costs.

Mr. STEVENS. The proposed waiver of law authorizes the FERC to approve tariffs that will allow purchasers of Alaskan gas to pass through to their customers the ANGTS costs that have been billed to them. What assurances exist that distribution company customers of the pipeline companies purchasing Alaskan gas and transporting it through the ANGTS will be able to recover the charges they paid for Alaskan gas from their customers?

Mr. McCLURE. Recovery of all ANGTS costs from the ultimate consumer of gas is a matter for Federal action. Thus, once the FERC has approved ANGTS sponsor and shipper tariffs pursuant to the proposed waiver of law and the Natural Gas Act, ANGTS charges should be passed through to the ultimate consumer of Alaskan gas.

Mr. STEVENS. The President's proposed waiver of law will preclude FERC from modifying prior orders or tariffs, but only to the extent such modifications otherwise would prevent: First, the ANGTS sponsors from servicing debt and paying actual operation and maintenance expenses and current taxes; and second, the shippers from paying ANGTS transportation charges. How would the waiver affect the tariff to be approved by the Canadian National Energy Board for the Canadian segment of the ANGTS?

Mr. McCLURE. Before construction of the ANGTS can commence, the FERC must approve the U.S. ANGTS sponsor

tariffs governing the recovery of ANGTS transportation charges from Alaskan gas shippers, and shipper tariffs governing the flowthrough of the ANGTS transportation charges to customers served by the shippers. In Canada, the National Energy Board must approve a tariff governing recovery of the Canadian ANGTS transportation charges from Alaskan gas shippers.

While FERC will not formally approve the NEB-approved Canadian ANGTS sponsor tariff, it must review and approve the shipper tariffs by which the shippers will flowthrough the NEB-approved Canadian ANGTS transportation charges. Thus, the waiver would preclude FERC from modifying the prior FERC-approved shipper tariffs in any manner that would prevent the shippers from flowing through all ANGTS transportation charges, including those assessed under an NEB-approved tariff. However, notwithstanding this limitation on the FERC's modification power, U.S. consumers would remain fully protected with respect to Canadian transportation charges.

In this respect, three points should be emphasized:

First, the rates, charges, and conditions of service for Canadian natural gas pipeline companies, like those of U.S. pipeline companies, are required by law to be "just and reasonable," as well as nondiscriminatory.

Second, the Agreement on Principles, which was consummated between our two countries for the specific purpose of the ANGTS, expressly declares that all charges and authorizations for the ANGTS "will be just and reasonable and apply to the pipeline in the same nondiscriminatory manner as to any other similar pipeline."

Finally, the Transit Hydrocarbon Pipeline Treaty between Canada and the United States prohibits any interference with throughput in the ANGTS or any discriminatory treatment with respect to taxes or other monetary charges.

Mr. STEVENS. The President's proposed waiver would include the Prudhoe Bay gas conditioning plant within the ANGTS and subject the plant to the terms and conditions of the President's 1977 decision, except for the incentive rate of return condition. Why is it not necessary to waive the other terms and conditions of that decision as they would apply to the gas conditioning plant?

Mr. McCLURE. The Office of the Federal Inspector is charged with the responsibility of enforcing the terms and conditions of the 1977 decision. Many of those terms and conditions do not require specific Federal inspector approval before construction can commence. Instead they merely require review, for example, of management plans, cost and schedule control techniques, construction design, quality control procedures, and so on. This review should not be time consuming and the Federal inspector has the flexibility to tailor his procedures to assure that all review is done in a time frame consistent with the project sponsors' construction schedule.

Mr. STEVENS. I understand that the proposed waiver would waive section 7 of the Natural Gas Act to the extent it

could be construed to require formal evidentiary hearings at the FERC on ANGTS and ANGTS-related regulatory approvals. What is the purpose of this waiver?

Mr. McCLURE. My colleague is correct in his understanding. The purpose of this waiver is simply to grant the FERC the flexibility to expedite the issuance of regulatory approvals necessary for the completion of the ANGTS. The ANGTS has already been the subject of extensive hearings at the FERC and its predecessor, the Federal Power Commission. There will be no formal evidentiary hearings unless FERC determines them to be necessary to resolve remaining issues. Hopefully, there will not be such a need since such hearings would only serve to prolong the issuance of approvals without improving the decisionmaking process. Such delay will only add costs to the project, which will be borne by gas consumers in their rates. This waiver will allow the FERC freedom to utilize less formal procedures, such as notice with opportunity for written comment, to resolve all remaining issues as soon as practicable.

Mr. STEVENS. Will interested persons still be able to make their views known to the Commission?

Mr. McCLURE. Yes; the waiver in no way prejudices the rights of interested persons to participate fully in the proceedings established by the FERC to issue ANGTS and ANGTS-related approvals. It should be pointed out that in less formal proceedings, such as notice and comment, an opportunity is provided for interested persons to come in and make their views known. I would also add that many of the ANGTS approvals, including establishment of the IROR, have already been issued pursuant to notice and comment procedures.

#### NUCLEAR DANGER

Mr. GLENN. Mr. President, this morning's Washington Post contains a very thoughtful op-ed piece by Jessica Tuchman Mathews concerning the serious weakening of U.S. nonproliferation policy over the past 10 months. As Ms. Mathews pointed out, and as I myself emphasized in my opening remarks at a recent hearing held by the Subcommittee on Energy, Nuclear Proliferation, and Governmental Processes, the erosion of our nonproliferation efforts has been manifest in numerous instances and has already resulted in diminished resolve on the part of other nuclear suppliers in their efforts to help curb the spread of nuclear weapons. And it has encouraged countries like Mexico to believe that they will be able to purchase sensitive nuclear technology in the international nuclear marketplace, technology which in recent years was thought to have been effectively embargoed by supplier agreement.

One point of disagreement with Ms. Mathews, however, is that in my view the first serious test of U.S. nonproliferation resolve since passage of the 1978 Non-Proliferation Act (NNPA) was not the recent action on the sale of F-16's to Pakistan, but the Carter administration's decision in the summer of 1980 to ship nuclear fuel to India even though that

nation did not meet the terms of the NNPA. Ms. Mathews had left the Carter administration before this. We failed that test, in my view, and our weakened posture on this vital issue began with that episode, and continues today, and I add that I think her statement, which I shall ask unanimous consent to have printed in the RECORD, very well spells out the situation that we are in today.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I have made reference.

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

LETTING NUCLEAR DANGER SPREAD  
(By Jessica Tuchman Mathews)

The Nuclear Regulatory Commission's resounding vote of no-confidence this week in the international system of safeguards on which trade in nuclear technology is premised is but the latest in a series of events and policy shifts that has all but wiped out American non-proliferation policy.

As one who once had a hand in helping to formulate that policy during part of the Carter administration, I have watched with awe the rapidity with which the dismantling has taken place.

The erosion began last spring in a close vote by the Senate Foreign Relations Committee approving an administration request to permit a large new assistance program for Pakistan by waiving the law that prohibits assistance to a country trying to make nuclear weapons. The vote attracted little attention at the time, yet it was a significant milestone: in the first test of its own sanctions against nuclear proliferation, the United States was choosing to ignore them.

By the time the waiver reached the Senate floor a few weeks ago, there was no remaining doubt that Pakistan is aggressively pursuing every possible technical route to building a bomb. It may be ready to stage a nuclear explosion in one year.

Nevertheless, the full Senate chose not to vote on the wisdom of the waiver. Sen. John Glenn (D-Ohio), trying to redraw the line he had helped write into law a few years ago, offered an amendment requiring termination of American aid if Pakistan went all the way and actually detonated a nuclear bomb. But the message that was conveyed that evening to Pakistan, and who knows how many other interested governments, was not that the amendment had passed—which it had, just—but rather that nearly half the Senate—45 members—had voted against it, in the name of preserving “flexibility” for the president. The flexibility in this case is the flexibility to do nothing—as this country did when India exploded its bomb in 1974.

Meanwhile Israel had bombed Iraq's research reactor. The International Atomic Energy Agency's response was not to investigate why Iraq, despite having no commercial nuclear facilities, was stockpiling hundreds of tons of uranium ore. Nor did it or any other group consider intelligence findings that Iraq was indeed pursuing a nuclear capability, despite having renounced the right to do so by signing the Non-Proliferation Treaty. Instead the IAEA called on its members to offer Iraq “emergency assistance” to rebuild the destroyed reactor.

France, Iraq's original supplier, responded. Discussions between France and Iraq have been under way since last summer. American officials are apparently not privy to the terms being negotiated, especially whether the new reactor will be as inexplicably large for its asserted “research” purpose as the old one was, or whether this time France will insist that the reactor not be fueled with highly enriched, weapons-usable uranium.

France's recent agreement with South Africa does not offer much ground for optimism. The United States has been trying for years to get South Africa to accept safeguards on its nuclear facilities. Its leverage was the supply of fuel rods for South Africa's first power reactors scheduled for completion next year. But American law requires that South Africa first accept safeguards. Suddenly, in mid-November, it was announced that the reactor would be loaded on schedule with fuel rods made in France, and without safeguards. The action took American officials complete by surprise, cutting the ground out from under the U.S. government's position.

A few years ago, the nuclear supplier nations agreed to an informal moratorium on the transfer of reprocessing and enrichment plants—facilities that produce material that is directly usable in bombs. This year, for the first time since that agreement, a non-nuclear weapons state—Mexico—has invited bids for the construction of power reactors and let it be known that it wants “advanced technology”—enrichment and reprocessing—to be part of the deal. The suppliers' responses will be a major test of how much, or how little, is left of the will to slow nuclear proliferation. The outlook is clouded by the administration's recently announced willingness to transfer classified enrichment technology to Australia, making it all the harder to say no to others.

Several other thresholds have been quietly crossed. In extending an agreement that allows U.S.-supplied fuel to be reprocessed in Japan's pilot reprocessing plant, the administration, without prior congressional consultation, dropped two key provisions of earlier versions. One of these dealt with whether reprocessing plants, because they provide direct access to weapons-usable materials, can ever be effectively safeguarded. The other retained U.S. control over Japan's use of the separated plutonium.

U.S. negotiators, unable to find acceptable conditions for ending nuclear cooperation with India, are reportedly considering major concessions. The United States wants international safeguards to continue to be applied to the used fuel (containing more than a ton of plutonium) it has supplied to India over 18 years. India has refused, and is reportedly considering a unilateral renunciation of the agreement and its attendant safeguards. To avoid that damaging precedent U.S. negotiators may allow India to reprocess the U.S.-supplied fuel.

The Reagan administration let it be known from the outset that it planned a dramatic “shift in emphasis” from the Carter non-proliferation policy. It would emphasize American leverage as a “reliable nuclear supplier” rather than trying to restrict access to sensitive nuclear technologies. But leverage is only leverage if one is prepared to use it. The administration's easy acceptance of Pakistan's nuclear bomb program and many subsequent decisions signaled clearly that it was more interested in encouraging nuclear trade. The message was picked up not only by potential proliferators but also by other suppliers—France, especially—that had reluctantly gone along with earlier U.S. insistence on a tough non-proliferation policy. Congress, overwhelmed with other concerns, failed to respond. The result has been a frighteningly swift unraveling of the containment net that had been slowly stitched together in the seven years since India's nuclear explosion shocked the world. No one knows where it will end or what it will now take to stop the process.

TRIBUTE TO THOMAS P. SIMPSON  
OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, today I wish to pay tribute to Thomas P. “Tommy” Simpson, a man who has been

described as the only person in South Carolina to hold the office of U.S. attorney three times.

Tommy Simpson is retiring as an assistant U.S. attorney, and I join with many other South Carolinians in praising him as an honest, effective public servant who has made many fine contributions to the law.

During his 30 years of Government work, he was appointed to be acting U.S. attorney three times. Most recently, following the death of Thomas Lydon, he served as acting U.S. attorney before current U.S. Attorney Henry McMaster assumed office in April.

It is particularly significant that Tommy Simpson has been honored with the unveiling of his portrait, to be hung at a suitable location in Columbia. Young attorneys, especially, can look at that picture and reflect on the record of Thomas Simpson, as well as emulate the sacrifice and dedication that he brought to his profession.

He is truly a great man. I salute him on his retirement as an assistant U.S. attorney, and I join his wide range of friends and colleagues in wishing him well during his future years of work and service.

Mr. President, I ask unanimous consent that two articles on Mr. Simpson and his distinguished career—one appearing in the Charleston News and Courier and the other appearing in the Columbia State—be printed in the RECORD at the conclusion of my remarks.

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

[From the Charleston News and Courier,  
Nov. 8, 1981]

RETIRED ASSISTANT U.S. ATTORNEY SIMPSON  
WILL BE HONORED TODAY

(By Jeff Watkins)

Tommy Simpson, a friend says, is the only man ever in South Carolina to hold the office of U.S. Attorney three times and lose it each time.

It would be an appropriate corollary then, that when his retirement as an assistant U.S. attorney came, he couldn't even do that right.

Thomas P. Simpson 55, officially retired on Oct. 3, but at that time he was preparing the government's case against millionaire Alan Schafer and others in a wide-ranging voting fraud case in Dillon County. He was appointed as a special assistant to continue the prosecution.

Although Schafer pleaded guilty to conspiracy and mail fraud charges on Oct. 12, Simpson's involvement does not end there. Simpson will represent the government at Schafer's pending sentencing as well as argue selected cases on appeal.

In the 30 years he worked for the government in Charleston and Columbia, Simpson was thrice judicially appointed to head the U.S. Attorney's office.

He served as interim chief during the period John K. Grisso retired from office and successor Mark Buyck was sworn in. Simpson was again appointed to take over after Buyck retired, and he ran the office for three months before Tom Lydon took over. Following Lydon's untimely death and before the arrival of current U.S. Attorney Henry McMaster in April, Simpson ran the office again.

“I didn't want the job full time,” Simpson said recently. “I enjoyed courtroom trial work. The job of United States Attorney is so demanding from an administrative view-



point. There's too much time devoted to that and no time available for trial work.

"But I wouldn't be presumptuous enough to assume I had the political clout (for a presidential appointment) anyway," Simpson added. "Besides, I consider it a greater honor to be appointed by the court before whom I practice."

Although Simpson may not enjoy the political clout required to get the job, and although he still hasn't finished his work for the government, his friends, co-workers and admirers will honor him today at the federal courthouse in Columbia and at a reception afterward.

A significant part of the court ceremonies will be the hanging of his portrait in the courthouse, whose rooms and corridors are normally reserved for portraits of judges and the like. Rarely has a lawyer, especially one still practicing, been so honored.

But conversations with some of those who know Simpson and have worked with him may explain.

"He's the consummate trial lawyer," said McMaster, Simpson's current boss. "There's no way to put a value on the contributions Tommy Simpson's made to the law. There are a lot of excellent lawyers in this office, and they're good because they learned at the side of Tommy Simpson."

"I can't tell you how comfortable it was that, when something major came up, whatever it was, Tommy Simpson was back in his office available to handle it. We're going to miss him, but we're looking forward to the time when he's on the other side. He plays hard, but he plays by the rules and he's honorable, and it's always a pleasure to go into a case knowing that," McMaster said.

Co-workers will tell you that, in the last 15 years, Simpson had a hand or played the prominent role in every major case the office handled. Three state senators, a former state representative, a federal highway administrator, county councilmen, law enforcement officers and public officials have had the bad luck to have Simpson on the prosecuting team.

Obviously, not all his defendants were public officials. Among his most celebrated defendants were members of the notorious Dawson Gang, who robbed 60-plus banks in five southeastern states, including 12 banks in upper South Carolina.

During the mid-1970s, Simpson used seven trials to convict 18 of 19 suspected Dawson Gang members. Those convicted received sentences ranging from 20 to 40 years' imprisonment.

Concerning the number of public officials being convicted in this state, Simpson dismisses the suggestion that perhaps there are just more crooked officials here.

"I think we've been more aggressive in that area," he said. "I don't think South Carolina's got more. We just channeled our resources in that direction. But we're also talking about a career prosecutor compared to one who stays home one or two years like in some districts."

"Back when I started, the cases we handled primarily were illegal moonshine, car cases, check cases, a few bank robberies and an occasional embezzlement. We may have had more cases in number, but they were much simpler to prosecute. Conspiracy cases were unusual back then—you may have two or three lawyers working on one. Today you might have three, four, five conspiracy cases going on all the time."

"Cases are much more complicated, the investigations take longer. Narcotics lawyers are specialists today. You can't take a kid right out of law school like they do in other districts—look at their conviction rates," Simpson said.

The U.S. Attorney's office in South Carolina boasts a longevity rate better than any other comparable district, Simpson said, and he credited not only the U.S. attorneys but the

U.S. senators instrumental in their selection—Strom Thurmond, a Republican, and Ernest F. Hollings, a Democrat.

"They haven't played politics with the office," he said. "They've allowed the U.S. attorneys to appoint assistants based on merit, not on politics. And I've never had a U.S. attorney that I worked for prosecute a case because of politics or did not prosecute a case because of politics—that's never been a consideration."

Born and raised in Columbia, Simpson, one of four sons, came from a modest background. He lost both his parents to disease by the time he was nine. An aunt took the family in, and on afternoons after school Simpson worked in her grocery store. Before school he delivered The State newspapers to neighborhood doorsteps. Later he jerked soda for John Campbell, now S.C. Secretary of State.

"I've worked since I was seven years old," he said.

His education at the University of South Carolina was interrupted by a stint in the Army. He returned to college and decided to seek a law degree, partly because "after working in that grocery store, sales I didn't want to be in."

He married his college sweetheart, Tommy Lou Thompson, in 1951, about the same time he and another young lawyer opened up a private practice in Chester.

While visiting with a friend on the Isle of Palms, he was approached about clerking for federal judge Ashton Williams, and took the job, moving his family to the Low country. Three years later, in 1956, former classmate Arthur Howe, then an assistant U.S. attorney, offered Simpson a job in that office, which he accepted.

A year after that, Simpson's first major case all but dropped into his lap. While flying over Florence County, a Strategic Air Command bomber accidentally dropped an unarmed nuclear warhead, creating an incident of international proportions.

Simpson was dispatched to litigate the incident on the government's behalf.

"Tommy handled it magnificently," recalled Howe, one of Charleston's most prominent attorneys. "But we had a helluva time getting him to come back home, he became so fascinated with all that nuclear stuff. It was hard to get him back to try a little ol' bootlegging case."

Howe and Simpson collaborated on a case in Horry County in which blacks were beaten by sheriff's deputies. The government prosecutors were able to prove the officers were members of the Ku Klux Klan, and were successful in breaking up the Klan's strength in Horry.

During the last 10 years, Simpson has been teamed often with fellow assistant Lionel Lofton of Charleston. Actually, Lofton was to have joined Simpson in the Alan Schafer case, but major cases of his own—most notably involving former Berkeley County Sheriff James W. Rogers and former North Charleston Police Chief Linwood E. Simmons—prevented Lofton from participating. It was to have been their first trial together since 1978, when former state Rep. J. Sidi Limehouse III was convicted of smuggling marijuana.

Lofton jokes about Simpson's inability to hold on to the U.S. attorney's job, but in a serious vein Lofton reflected, "Tommy has given this office stability. He will be difficult to replace. He could have left anytime after a few years and made a much better income level. But he looked upon this job as a public service and the government should be glad that he did."

Simpson will be going into private practice with the Columbia law firm of King, Vernon and Gambrell. The scheme, of course, is to lighten his workload, spend more time with his family in Chapin, fish and play golf.

Three things are certain: Tommy Simpson

will be involved in the big case; the fish on the other end of the pole don't have a chance; and the golf scores will come honestly.

[From the State (Columbia, S.C.),  
Nov. 4, 1981]

U.S. ATTORNEY TO "HANG" IN FEDERAL  
COURTHOUSE

(By Jack L. Truluck)

Columbia's largest federal courtroom was crowded Friday as attorneys and friends heaped praise on assistant U.S. District Attorney Thomas P. "Tommy" Simpson and unveiled a portrait of him that will hang in the federal courthouse.

The special court term to honor Simpson was presided over by Chief U.S. District Court Judge Charles E. Simons Jr., who recalled that Simpson had assisted him when he was a new judge.

Simpson, 55, retired as first assistant U.S. District Attorney in early October, but remained as a special prosecutor to finish prosecuting voter fraud cases, which grew out of a Dillon primary in June 1980. All of the 29 people charged in the case either were convicted or pleaded guilty in federal court.

At Friday's special court term Simpson was given awards from the FBI, the Secret Service, the Drug Enforcement Administration, the Internal Revenue Service, the U.S. Marshal's service and the Department of Agriculture.

Simons told the crowded courtroom that "no person is indispensable," but that Simpson is one of the "most-nearly indispensable people" he knows. He said "even defendants had to realize" that Simpson was "able, fair and fearless."

Simpson became an assistant district attorney in 1956 . . .

He has received numerous honors during his career with the government and in 1976 was one of 16 people to receive the Director's Award from the Justice Department.

The award is given for exceptional and distinguished service as an assistant U.S. District Attorney.

U.S. District Court Judge Robert Hemphill said there are "thousands of people here in spirit—Tommy Simpson people."

Longtime friends and associates Arthur Howe and Lionel Lofton also praised Simpson's career with the Justice Department.

U.S. District Attorney Henry Dargan McMaster also said Simpson's work, character and dedication had brought credit to his position.

Simpson, in a brief talk after the accolades, said he had been asked why he was retiring. He pointed to an infant grandson, who seemed unimpressed with the ceremony, and said, "You've heard him, there he is."

Simpson said he has become associated with the firm, King, Vernon and Gambrell and that he "looks forward to that association."

Among the many cases Simpson has prosecuted, one of the better known is the "Dawson Gang," a group of bank robbers that had operated throughout the Southeast.

In seven Dawson Gang trials, Simpson convicted 18 of 19 suspected members.

A Chapin resident, Simpson was law clerk for the late U.S. District Judge Ashton Williams from 1953 to 1956.

Simpson has headed the district attorney's office on three occasions, but has always expressed a preference for courtroom trial work.

One of four sons, Simpson was born and raised in Columbia.

In 1951 he married his college sweetheart, Tommy Lou Thompson, about the same time he and another young lawyer opened up a practice in Chester.

He has three daughters, a son-in-law, a grandson, and said he is expecting another grandchild, soon.

# TELEVISION DOCUMENTARY ON THE KGB

Mr. THURMOND. Mr. President, recently, I was informed that a 2-hour documentary entitled "The KGB Connection," which details the activities of the Soviet intelligence service in the United States, has been withheld from audiences in this country.

The American Broadcasting Co. purchased the viewing rights to this film, but opted not to air it. I regret this decision, because I believe that the content of this documentary is of interest and importance to the American public.

U.S. citizens have a right to be informed about the reality of Soviet espionage and covert action in our country. So little is publicly known about this subject that this film would be a valuable source of information on the threat of Soviet-bloc intelligence.

As a Member of the Senate, I have recently joined with other Senators in urging ABC News to reconsider its decision not to air "The KGB Connection."

The broadcasting of this film should be openly welcomed by all concerned citizens. I personally would consider it to be a courageous and patriotic gesture by ABC.

Mr. President, I urge my colleagues who have not yet done so to publicly voice their displeasure over the decision not to air this film. I also ask unanimous consent that a column by the distinguished commentator, William F. Buckley, which reviews this documentary and the decision not to show it on the ABC network, be printed in the RECORD at the end of my remarks.

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

[From the National Review, Nov. 13, 1981]

## THE DOCUMENTARY THEY WON'T SHOW

(By Wm. F. Buckley, Jr.)

NEW YORK.—A few years ago a team of young producers in Canada released a series on the use by the CIA of foreign installations for the purpose of doing the CIA's business. The response was sensational, making the front pages of the Daily Worker. Norfolk Communications, later joined by Kitson Vincent, another enterprising Canadian, then decided to do a documentary on the machinations of the KGB, about which they knew little, and were surprised at the almost nonchalant attention given that agency in one or another government document.

What emerged is the most powerful two-hour documentary on the subject of underground Soviet activity ever put together. It was shown in Canada and received sensational notices. The Detroit News, bringing in the Canadian signal, called it "powerful," depicting the "real world of Soviet espionage in this continent." Variety called it a "riveting documentary," "carefully researched and intriguing." It has been shown (twice) in Sweden, and will be shown throughout Europe. The problem is that the producers can't get it shown in the United States. One hears endlessly about the suppressions brought on by the Moral Majority. Well, the Moral Majority has no objection to the KGB Connections: An Investigation into Soviet Operations in North America. What goes on?

ABC put up one-third of the money for the production, in return for the option to show part of it in the United States. The option time came—and went. An official from CBS showed interest in it—but there followed a

lesion of interest. NBC seemed to be interested not at all.

Now, The KGB Connections would be gripping film-fare if it were discussing the means by which the Spartans undermined the Athenians during the Peloponnesian War. But its involvement with real people, existing situations, and ongoing threats elevates it to more than mere television drama. It is the story of a huge, and hugely successful, offensive against the Free World. It is a Sears Roebuck catalogue of the devices, stratagems, techniques used by the Soviet Union and by its dupes and agents to affect policy, and to commit subversion.

The directors bring extraordinary material, for the first time, to the screen. Here is Hede Massing, one-time wife of Soviet agent Gerhardt Eisler, calmly, intelligently, and even coquettishly discussing her role as a Soviet agent, her knowledge of Alger Hiss within a Soviet cell. Nathaniel Weyl is there also, recalling Alger Hiss. The use of vanity, sex, money, blackmail is discussed, not fictitiously, but through interviews with defectors. You see them on the screen. You see the results of their machinations. In some cases their faces are blanked out, to give them protection.

Castro and his agents make considerable appearances; and we learn of the uses of the United Nations, whose most prominent recent defector calmly estimates the extent to which the Secretariat is penetrated by the KGB. There are wonderful scenes of the Soviet Embassy in Washington, and of its aerial contrivances by which conversations are picked up and recorded. The Soviets held out for high land in Washington, on which to perch their new embassy—the better to intercept the airwaves. By contrast the United States, which labored for a generation for space in Moscow to replace a dilapidated structure, was given territory in a sort of swampland. At this moment there are two trials going on in which espionage for the Soviet Union is alleged. None of this would surprise anyone who had seen, and reflected on, this remarkable documentary.

Why doesn't Mr. Norman Lear, the famous producer who is so exercised by the intimidations of the far right, come out and sponsor the viewing of this illuminating documentary? But Mr. Lear has been silent on the matter. Why? Because only Archie Bunker believes in the reality of Soviet subversion? Mr. Benjamin Stein wrote a most remarkable book about Hollywood, The View from Sunset Boulevard, in which he mused on its monolithic position on social issues. All businessmen and generals are evil, all investigative reporters and freedom-fighters are good; but not, one gathers, investigative reporters who are curious about the past and present activity of the Communist Brotherhood, or fighters who fight other than for the freedom of North Vietnam, unimpeded, to tyrannize over South Vietnam.

The KGB Connections is so striking a drama, so thoroughly newsworthy, so legitimately entertaining, that its absence from the television screen is prima-facie evidence that after all, it is true—we don't have full freedom of the press.

## THE NO. 1 CLEMSON UNIVERSITY FOOTBALL TEAM

Mr. THURMOND. Mr. President, it is a great day today for Clemson University, my alma mater in my home State, which has captured the No. 1 college football ranking compiled by the Associated Press and United Press International.

I remember Coach Danny Ford, when the Clemson Tigers were ranked 19th in the Nation back on September 22, saying

that "if we just keep winning football games then everything else will take care of itself." How prophetic he was. When Clemson survived its 11th test by beating the University of South Carolina recently, Ford's team stood as one of only two with perfect records.

Coach Ford is to be commended for his expertise, determination, and coaching skill as are his able assistants. Athletic Director Bill McClellan is to be praised for his deep personal interest in his athletes and his high professional standards. Also, tribute must be paid to Clemson president Bill Atchley—a man who has made great strides for Clemson and its athletic program.

No matter how Clemson fares in the future, its football fans can look back on this past season and perhaps say of the 1981 Tigers, as has been said of champions of another era, "this was their finest hour."

More important than anything else, I believe, is the spirit and inspiration exhibited by the individual Clemson team players. They went into the season as underdogs. Or, at least, that is what some of the experts said. But if there was a single player who felt overawed in the presence of favored teams earlier in the season, they hid it well from their opponents and the spectators.

The 1981 Clemson players provide a fine example of courage, determination, craftsmanship—attributes that make championship teams.

Mr. President, I ask unanimous consent that a copy of an article in The (Columbia, S.C.) State of December 2, be printed in the RECORD.

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

## AT LAST, TIGERS ARE TOP CATS

(By Will Lester)

CLEMSON.—Cold rain and the ABC television network dampened spirits slightly, but Clemson Tiger football fans saw a lifelong dream realized Tuesday.

For the first time in the university's football history, the Tigers were named the number one college football team in the nation by the Associated Press and United Press International wire services.

The announcement came at 6:30 a.m., and five minutes later, a fan stepped out of his house near the school and fired a gun four times into the air.

At the campus cafeteria, pep committee member Jane Robelot cajoled sleepy students to line up in front of a "number one" banner for a photo by a visiting newspaper photographer.

Clemson University, a school of 11,800 students nestled in the Blue Ridge foothills, has never been atop the heap in college football in the 46-year history of the wire service polls, but finished sixth in 1978. The Tigers must now defeat Nebraska in the Orange Bowl before claiming the championship.

On a drizzly December morning, there were few other outward signs on campus of the news, which had been expected ever since Pittsburgh stumbled against Penn State Saturday. But many Clemson fans had already celebrated Sunday and Monday nights after learning of Pitt's loss.

But at the taverns in downtown Clemson Monday night, some fans were rejoicing at the team's vault into national prominence.

Tiger enthusiasts crowded into the Sloan Street Tavern to drink beer and celebrate life at the top. Ginna Field, a freshman, said



she had never followed football until she came to Clemson, but now she's dedicated.

"People are so psyched to be number one," she said. "They've been wearing a lot of orange to class, having more parties and putting a lot of toilet paper in the trees. There's been a shortage since the beginning of the year."

Melissa Barlow said she's happy to be on top so she can brag, particularly to "rude" Georgia Bulldog fans.

Two middle-age men from the nearby town of Central were clearly ecstatic about Clemson's success. Fifty-one-year-old Ramsay Clayton, a bear of a man with white hair and a two-day beard, said the ranking was welcome news to his mother, 77-year-old Rachel Clayton.

"She's been pulling for them all her life," said Clayton. "Three years ago she said she'd like to see Clemson number one before she died. You should have seen the smile on my mother's face when I told her Clemson would be number one. I went up and got her heart pills for her. She told me she never thought she'd live to see it."

Clayton, like many other fans, thought ABC had it in for Clemson.

"When I was in the Marine Corps, the other guys thought Southerners were a bunch of stupid SOB's," he said. "The North's trying to ram it down our throats 'cause they think we're stupid. You're not guilty until you're proven guilty."

Clayton said he thinks the fanatic following of Clemson's athletic programs is more dedicated than most.

"People in this part of the country—if they have \$4, they'll give \$2 to see Clemson play, spend \$1 on gas and worry about what they'll eat afterward. We got U-nity."

That unity is bound to grow as other honors begin to roll in for the Clemson Tigers. Team officials also learned that linebacker Jeff Davis had been named Atlantic Coast Conference player of the year and quarterback Homer Jordan finished second.

Davis, a Greensboro, N.C. native, said he never expected the Tigers to finish first nationally, but hoped the team would compete for an ACC title.

"Clemson's program is on the upswing; there's a lot of opportunity," he said. "It feels good when you're on top of teams like Southern Cal and Alabama. It feels good as long as we keep it in the right perspective."

Coach Danny Ford, in his third full season at the helm, was excited Tuesday about the news, but was already looking ahead to next year.

"We'll have an excellent recruiting year," said Ford, who was headed out to recruit for next year. "But seven other folks haven't had good luck with the number one spot."

#### SAUDI ACTIONS SINCE THE AWACS SALE

Mr. PELL. Mr. President, one of the principal arguments employed by the administration in favor of selling AWACS and F-15 enhancement equipment to Saudi Arabia was that the sale would strengthen the willingness of Saudi Arabia to work with the United States in areas of interest to us in the Middle East. But let us look at the record of Saudi actions since October 28, when the resolution of disapproval was defeated in the Senate.

First, the very next day, October 29, Saudi Arabia raised the price of its oil by \$2 per barrel to a new level of \$34 per barrel. This new figure is almost triple what the OPEC price was in 1978 when

we first agreed to sell F-15 aircraft to Saudi Arabia. Some friend.

Second, on November 10, Saudi Arabia gave the PLO over \$28 million. Some of that money will undoubtedly be used by the PLO to continue its military build up in Lebanon and directly undercuts the so-called helpful role that Saudi Arabia played in arranging for the ceasefire in Lebanon. Some friend.

Third, also on November 10, Saudi Arabia's foreign minister attacked Oman for participating with the United States in the military exercise "Bright Star." One week earlier, Oman was pressured by the Saudis to request the United States to reduce the size and scope of its participation in this Persian Gulf exercise. Some friend.

Fourth, just today, there is a report in the Washington Post that Saudi Arabia and other Persian Gulf Arab States have offered Oman \$1.2 billion in aid if Oman agrees to cancel an agreement allowing the United States access to its military facilities. Some friend.

Mr. President, these actions are evidence that we cannot count on Saudi Arabia to help advance U.S. interests. The Senate, and the American people, were clearly deluded into believing that the AWACS package would increase Saudi friendship and support for U.S. objectives.

#### THE RETIREMENT OF SENATOR HARRY F. BYRD, JR.

Mr. DODD. Mr. President, yesterday's Washington Post carried a story that Senator HARRY F. BYRD, JR., of Virginia will not seek reelection when his current term expires next year. Characteristically, Senator BYRD had already sent each of us a personal note informing us of his decision.

That gesture was emblematic of the courtesy which the senior Senator from Virginia routinely shows to his colleagues.

In the House of Representatives in which I recently served decorum dictated that the refer to a male colleague as "the Gentleman." Here in the Senate, of course, it is customary to speak of a colleague as "a good friend."

In the case of HARRY BYRD both expressions are apt descriptions not simply idle conventions. Thoughtfulness, cordiality, graciousness, and good will—the qualities of a gentleman and friend—have been HARRY BYRD's consistent trademarks here in the Senate.

In addition, the sense of personal dignity which informed all of his actions helped preserve and enhance the dignity of the institution of the Senate as a whole.

One cannot help but notice, Mr. President, that Senator BYRD's retirement will close an era as well as an individual career. For virtually half a century a man named HARRY BYRD has represented the Old Dominion in the U.S. Senate. Whoever succeeds the senior Senator will be hard pressed to match the love of Virginia's history and traditions and institutions that were so integral a part of HARRY F. BYRD's service to his State.

#### 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 at the end of the Senate proceedings.)

#### 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-2295. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's second special message for fiscal year 1982; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Energy and Natural Resources, the Committee on Governmental Affairs, the Committee on the Judiciary, the Committee on Foreign Relations, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation.

EC-2296. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special message for fiscal year 1982; pursuant to the order of January 30, 1975, referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Veterans' Affairs, the Select Committee on Indian Affairs, the Committee on Environment and Public Works, the Committee on the Judiciary, the Committee on Labor and Human Resources, and the Committee on Small Business.

EC-2297. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, notice that no use was made of certain military construction funds for certain purposes for the period April 1 through September 30, 1981; to the Committee on Appropriations.

EC-2298. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-2299. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the activities of the audit, inspection, and investigative units of the Department of Defense for the 6-month pe-

riod ended September 30, 1981; to the Committee on Armed Services.

EC-2300. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the nutritional care activity at Fitzsimons Army Medical Center, Colo., and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2301. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on the study with respect to converting the transportation motor pool activity at Fort Carson, Colo., and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2302. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a report on a study with respect to converting the dry cleaning activity at Fort Carson, Colo., and the decision that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-2303. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, notice of the discovery and disposal of a suspected chemical agent at Fort Polk, La.; to the Committee on Armed Services.

EC-2304. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-2305. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on a proposed transfer of land; to the Committee on Energy and Natural Resources.

EC-2306. A communication from the Director of Policy, Planning, and Analysis, Department of Energy, transmitting, pursuant to law, a report on the economic impact of energy actions for July 1, 1980 through June 30, 1981; to the Committee on Energy and Natural Resources.

EC-2307. A communication from the General Counsel of the Department of Energy, transmitting, a draft of proposed legislation to extend the expiration date of section 252 of the Energy Policy and Conservation Act; to the Committee on Energy and Natural Resources.

EC-2308. A communication from the U.S. Trade Representative, transmitting a draft of proposed legislation to amend section 2 of the International Coffee Agreement Act of 1980 (the act); to the Committee on Finance.

EC-2309. A communication from the Acting Secretary of Transportation, transmitting, pursuant to law, a report on contracts awarded under 10 U.S.C. 2304(a)(11) for the period April 1, 1981 through September 30, 1981; to the Committee on Governmental Affairs.

EC-2310. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for a systematic management approach to congressional reporting requirements; to the Committee on Governmental Affairs.

EC-2311. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office; to the Committee on Governmental Affairs.

EC-2312. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Report to

Congress on the Feasibility and the Desirability of Alternative Measures of Comparability; to the Committee on Labor and Human Resources.

EC-2313. A communication from the Assistant Secretary for Administration of the Department of Housing and Urban Development, transmitting, pursuant to law, a report of the Department's intention to establish a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2314. A communication from the Secretary of the Department of Labor transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period April 1, 1981, through September 30, 1981; to the Committee on Labor and Human 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-626. A petition from a citizen of Dubberly, La., relating to America's national defenses; to the Committee on Armed Services.

POM-627. A petition from a citizen of Brookline, Mass., urging the Congress to prohibit use of American tax dollars for the South West Africa People's Organization; to the Committee on Foreign Relations.

POM-628. A petition from a citizen of Aregibo, Puerto Rico, urging rejection of "the Gay Bill of Rights"; to the Committee on the Judiciary.

POM-629. A joint resolution adopted by the Assembly of the State of Ohio; to the Committee on the Judiciary.

#### "JOINT RESOLUTION"

"Be it resolved by the General Assembly of the State of Ohio:

"Whereas, The members of the 114th General Assembly of Ohio are aware that Mobil Corporation has commenced a tender offer for Marathon Oil Company, an Ohio-based company; and

"Whereas, Marathon Oil Company employs almost 5,000 people in Ohio, with an annual payroll in Ohio in excess of \$90 million; has an investment in fixed assets in Ohio of \$134 million; paid in excess of \$14 million in taxes in Ohio in 1980; and is Ohio's fifth largest corporation; and

"Whereas, Marathon Oil Company is a vital and irreplaceable reliable source of supply of gasoline and petroleum products to hundreds of independent, small business marketers in Ohio and elsewhere; and

"Whereas, Marathon Oil Company is a highly competitive marketer of low-cost gasoline and petroleum products through its Speedway, Gastown, Bonded and Cheker outlets in Ohio; and

"Whereas, Mobil Corporation does not sell any significant quantity of low-cost gasoline and petroleum products and has consistently refused to supply gasoline and petroleum products to low-cost, independent marketers in Ohio and elsewhere; and

"Whereas, Independent marketers and Marathon's low-cost outlets are a vital competitive force in Ohio and elsewhere; and

"Whereas, Marathon Oil Company is a major and irreplaceable supplier of petroleum and petroleum products to agricultural markets in Ohio and elsewhere, supplying 4400 farm accounts and Ohio's largest agricultural co-operative; and

"Whereas, Mobil Corporation does not supply such markets; and

"Whereas, Mobil Corporation and Marathon Oil Company are direct competitors in the sale of various petroleum products and services in Ohio and elsewhere; and

"Whereas, The acquisition of Marathon Oil Company by Mobil Corporation will have

severe anti-competitive effects on consumers in Ohio and elsewhere; and

"Whereas, The attempted acquisition of Marathon Oil Company by Mobil Corporation raises serious concerns under the antitrust laws of the United States and the State of Ohio; now therefore be it

"Resolved, That we, the members of the 114th General Assembly, in adopting this Resolution, strongly urge and memorialize the Attorney General of the United States and the Federal Trade Commission to act forthwith under the antitrust laws of the United States to enjoin the takeover of Marathon Oil Company by Mobil Corporation pending full exploration of these serious issues; and be it further

"Resolved, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Attorney General of the United States and to the Chairman and members of the Federal Trade Commission."

POM-630. A petition from a citizen of Lowell, Mass., urging support of S. 613, to help end union violence in America; to the Committee on Labor and Human Resources.

POM-631. A petition from a citizen of Mobile, Ala., urging support of S. 613, to help end union violence in America; to the Committee on Labor and Human Resources.

POM-632. A petition from a citizen of Honolulu, Hawaii, urging support of S. 613, to help end union violence in America; to the Committee on Labor and Human Resources.

POM-633. A petition from a citizen of Nampa, Ind., urging support of S. 613, to help end union violence in America; to the Committee on Labor and Human Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, without amendment:

S. Res. 238. A resolution to retain the deductibility from personal taxes of interest paid on residential mortgages.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources:

Vernon R. Wiggins, of Alaska, to be Federal Cochairman of the Alaska Land Use Council;

Pedro A. Sanjuan, of the District of Columbia, to be an Assistant Secretary of the Interior;

Janet J. McCoy, of Oregon, to be High Commissioner of the Trust Territory of the Pacific Islands.

(The above nominations from the Committee on Energy and Natural Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. DOLE, from the Committee on Finance:

Jules G. Korner III, of Maryland, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office;

Perry Shields, of Tennessee, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office;

Meade Whitaker, of Michigan, to be a



Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

#### REREFERRAL OF A BILL—S. 1855

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 1855, a bill to amend the Internal Revenue Code, be rereferred from the Committee on the Judiciary to the Committee on Finance.

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

#### 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. SPECTER:

S. 1899. A bill to amend the Federal Election Campaign Act of 1971 to reform campaign financing and for other purposes; to the Committee on Rules and Administration.

By Mr. EXON:

S.J. Res. 131. A joint resolution designating "National Theatre Week"; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1899. A bill to amend the Federal Election Campaign Act of 1971 to reform campaign financing and for other purposes; to the Committee on Rules and Administration.

##### FEDERAL ELECTION REFORM ACT OF 1981

Mr. SPECTER. Mr. President, I have introduced a bill, S. 1899, to streamline and reform the Federal Election Campaign Act.

This bill has five titles, as follows:

Title I provides for reform of the regulation of Presidential campaigns, including elimination of the State-by-State limitations, elimination of the fundraising exemption, and allows a \$1,000 contribution in-kind in the Presidential general election.

Title II provides for reduction in the recordkeeping and reporting requirements, while insuring that the public continues to receive the information it needs on how campaigns raise and spend their funds. This title increases the threshold for reporting for candidates and political committees, significantly reduces recordkeeping requirements, eliminates the requirement that candidates file reports with their Secretary of State—but requires the FEC to forward a copy to the Secretary of State—and reduces the reporting requirements for certain categories of receipts and disbursements which do not significantly enhance public disclosure.

Title III raises the contribution limitations roughly in conformance to the projected cost of living increase between 1974 and 1984. This title also closes the loophole in existing law whereby there are no contribution limitations on draft committees.

Title IV provides for the streamlining of the Federal Election Commission, including a single point of entry for all Federal disclosure reports, a part-time

Commission, and clarification of the role of the Commissioners and Executive Director and General Counsel. This title also requires the Commission to periodically and on a timely preelection basis compile summary statistics for public consumption, sets specific timeframes for the initiation of enforcement actions, streamlines nonfiling actions against multicandidate committees, provides for a comprehensive review of FEC regulations every 2 years, sets forth timeframes for completion of Presidential audits, provides for random audits of multicandidate committees, and contains certain other provisions streamlining the administration of the law.

Title V contains several miscellaneous provisions, including requiring disclosure by draft committee—thus overturning a recent court decision exempting those committees from disclosure—and allowing trade associations to continue to solicit corporations until the permission is revoked.

This bill remedies and responds to the numerous, justifiable criticisms of the FECA, while maintaining in every respect the basic thrust of the reforms which were enacted in the past decade.

The legislation which I am introducing today has been drafted by Mr. William P. Loughrey, my legislative administrator. Mr. Loughrey served as deputy staff director of the Federal Election Commission for 3 years immediately before joining my staff, has worked for over 8 years with the Federal Election Campaign Act, and has extensive knowledge on the interworkings of the Federal Election Commission. In formulating this legislation, I have sought to use Mr. Loughrey's experience to correct some of the operating deficiencies of the statute and to bring his practical experience to bear on this important subject with these proposed reforms in the existing legislation.

Mr. President, I ask that a summary of the bill be printed in the RECORD.

There being no objection, the summary was printed in the RECORD, as follows:

##### SUMMARY

The title of the Bill is the Federal Election Reform and Deregulation Act of 1981.

Title I of the bill contains those provisions relating to presidential campaigns.

Section 101 permits general election campaigns to accept contributions in-kind up to \$1,000 provided that any such contribution in excess of \$500 is disclosed.

The original purpose of the Presidential Election Campaign Fund was to free candidates of the duties, responsibilities and obligations of raising private campaign funds for presidential general elections. It was not the intent of this legislation to curb grassroots activities or prohibit day-to-day activities in support of the presidential campaigns.

While the Presidential Election Campaign Fund Act has been successful in eliminating the need for private fundraising and many of the negative aspects of private fundraising, the Act has apparently curbed grassroots and other forms of desirable activities. For example, if an individual wishes to provide a typewriter, telephone, or xerox machine or other thing of value to a campaign, the Act generally prohibits this activity unless it is reimbursed by the campaign. (Certain types of contributions in-kind are exempt from the definition of contribution by 2 U.S.C.

431(8)(B)). Since presidential general election campaigns find that the most effective use of funds is for advertising and get-out-the-vote activities, there are little or no funds budgeted for these types of grassroots activities. Thus, volunteers and other supporters of the candidates frequently find that they are unable to undertake many types of activities on behalf of the candidate.

This exemption would enable these individuals and organizations to undertake limited activities on behalf of a presidential candidate provided that such activities do not include providing cash, currency, personal checks, loans, advances and other comparable items which may be deposited as money. This exemption would not extend to sham transactions, such as where a campaign were to accept the use of a typewriter or artwork and sell the typewriter or artwork on the open market, using the funds obtained in the transaction in connection with the campaign. This exemption should encompass the vast majority of grassroots and day-to-day type activities where individuals and organizations may use their own property and other things of value in conjunction with volunteer activities.

Campaigns will be required to disclose any such contributions in-kind which exceed \$500, but there is no requirement that these campaigns keep records or set a value on contributions in-kind of less than \$500 (See Section 502). Requiring campaigns to set a value on these types of activities would be inhibitory and counterproductive. It is expected that campaigns, volunteers, and other persons would use a rule of reason in evaluating contributions in-kind.

The total value of contributions in-kind provided to a presidential general election campaign by one individual or organization under this Section may not exceed \$1,000.

The principle involved here is comparable to that in existing law. A wide number of activities are exempted from the definition of contribution under the current law, including food and beverages up to \$1,000, travel expenses up to \$1,000, the use of real or personal property up to \$1,000, and numerous activities of State and local party committees. This provision would make a more comprehensive exclusion to the definition of contribution for purposes of the Presidential Election Campaign Fund Act because under that law all contributions to campaigns receiving full public funding are prohibited by law. This exclusion is in addition to any exemption contained in 2 U.S.C. 431 (8). These contributions in-kind would not count toward the overall expenditure limitations.

Exempting a broader range of contributions in-kind from the definition of contribution would encourage volunteer activities. This exemption also would not subject the candidates to the duties, responsibilities and alleged abuses involved in private fundraising. Permitting contributions of cash, currency and other monies would divert funds from political party committees and result in the reversion to private fundraising which is contrary to the purposes of the Act.

Section 102 of the bill eliminates the state-by-state expenditure limitations. The original goal of the state-by-state limitations was to serve the well-intended purposes of preventing candidates from (1) spending an exorbitant amount of funds in any one State in order to gain an early lead in the presidential race, (2) using up all or almost all of their overall limitation in the early primary states, and (3) unnecessarily influencing the voters in a State by expenditures of large sums of money.

While this goal is certainly laudable, it resulted in a regulatory nightmare and over-regulation of presidential campaigns. In order to determine whether an expenditure must be attributed to a State expenditure

limitation, every campaign must keep a detailed accounting of each expenditure so that the Federal Election Commission can determine whether that expenditure should be attributed to a State limitation. Campaigns which keep detailed records are penalized, because the FEC is better able to determine when national overhead and general administrative expenses are attributable to the state-by-state limitation.

In the 1980 campaign, there were huge variances in the percentage of total expenditures attributed to the States by various candidates. Expenditures attributable to these limits ranged from as low as 8 percent for one campaign to as high as over 65 percent for another. Thus, it is increasingly obvious that these limitations are not enforceable and only serve to over-regulate campaigns. While the state-by-state limitations were enacted to serve a good purpose, it is clear that this goal is not obtainable without seriously over-burdening presidential campaigns.

Section 103 eliminates the legal and accounting exemption for presidential campaigns receiving public funds. The original purpose of this provision was also laudable—to allow legal and accounting services to be exempted from the contribution and expenditure limitations. However, this provision has imposed complicated allocations and other requirements on presidential campaigns. For example, these campaigns have been required to keep detailed records of the time which campaign workers spend on legal and accounting services versus other campaign functions. In eliminating this exemption, this bill would increase the overall expenditure limitation to allow campaigns to fund these activities (See Section 105). Thus, this bill would eliminate the complicated allocation and recordkeeping requirements without reducing the resources or amount of funds available to campaigns.

Section 104 of the bill eliminates the 20 percent exemption from the expenditure limitation for fundraising expenses. This provision serves little purpose since all campaigns have been able to classify at least 20 percent of their expenditures as fundraising expenses. As a practical matter, it is almost impossible to differentiate between most general campaign expenses and fundraising expenses. This provision requires presidential campaigns to set up a complicated allocation system to differentiate between so-called "fundraising expenses" and other general campaign expenses. To compensate for what would otherwise be a 20 percent reduction in the overall limitation, the overall expenditure limitation is raised in Section 105.

Section 105 of the bill increases the overall expenditure limitation in presidential primaries from \$10 million to \$15 million and in the presidential general election from \$20 to \$21 million. This limitation would continue to be indexed by the cost-of-living adjustment using the base period of 1974. These increases in the limitations would compensate for the elimination of the legal and accounting services and fundraising exemptions.

In addition, it would increase the basic limitation by approximately \$2 million in the primaries. During both the 1976 and 1980 campaigns, several candidates and their authorized committees had to significantly curtail their activities during the last few weeks of the campaign to remain within the limitation. This increase would provide these campaigns with additional flexibility without jeopardizing the rationale for the overall expenditure limitation. While additional increases in this limitation may be desirable, it is doubtful that sufficient political sentiment exists within the Congress to significantly raise this limitation.

Section 106 requires the Commission to establish a pattern and practice of failure to maintain adequate documentation or rec-

ords in order to require repayment of public funds. Under current practice, the Commission requires repayment of funds to the Treasury if the campaign fails to maintain adequate documentation or records for expenditures. There is no direct indication in the legislative history or the statute that Congress intended the Commission to require such payment. On the other hand, there needs to be an accountability for public funds and no campaign should be able to conceal wrong-doing or illegal activities by simply failing to maintain adequate documentation of expenditures.

Thus, this provision requires the Commission to use the enforcement procedure, which is the procedure it must use to levy a civil penalty, in order to require any repayment. Further, the Commission must establish a pattern and practice of failure to maintain such documentation. This provision recognizes that campaigns, by necessity, are frequently loosely run and many times are unable to maintain the high levels of recordkeeping and documentation maintained by more stable and on-going organizations and most recipients of government funds. This provision should also help clarify the current problem, whereby it is questionable whether the Commission has the authority to require repayment in conjunction with the Title 2 enforcement procedure when it uncovers payments and expenditures for which no adequate documentation was maintained.

Section 107 of the bill would allow presidential candidates who have received public funds but who become inactive to file quarterly rather than monthly reports. Additional authority provided for in this bill would also allow the Commission to waive other reporting requirements. (See Section 409).

Section 108 requires that all repayments be credited to the Presidential Election Campaign Fund so that dollars checked off by taxpayers for the Fund do not indirectly end up in the general fund. Under current law, repayments under the Presidential Election Campaign Fund Act, but not the Primary Matching Payment Account Act, are deposited in the general fund of the Treasury.

Section 109 makes technical changes to the law by making consistent the definition of "qualified campaign expense" in both Chapters 95 and 96. The definition contained in Chapter 96 is incorporated into Chapter 95. In addition, the definition of "qualified campaign expense" is clarified to indicate that it incorporates the "coattails provision" of 2 U.S.C. 431(8)(B)(xi).

Title II contains those various provisions relating to reductions in the burdens of recordkeeping and reporting.

Section 201 increases the threshold for the triggering of the reporting requirements for candidates and their authorized committees from \$5,000 to \$10,000. This threshold was originally enacted in the 1979 Amendments on an experimental basis. Since it worked well for the 1980 election, the threshold is increased from \$5,000 to \$10,000.

Section 202 increases the thresholds for the triggering of the reporting requirements for a political committee. Since the enactment of the law in 1971, the threshold for reporting by political committees has been \$1,000 (except that in the 1979 Amendments the triggering amount was eliminated for separate segregated funds and increased to \$5,000 in certain instances for political party committees). Since passage of the 1971 law, the rate of inflation has increased rapidly, causing many additional smaller organizations to trigger reporting or reduce federal activity. Even though there has been a loosening of other requirements in the law, the threshold for reporting by political committees has remained at \$1,000 and decreased

in some circumstances. In particular, the requirement that separate segregated funds report when they have any activity at all is particularly burdensome to many small corporations, trade associations and labor unions who must report to the FEC when they make only small contributions to Federal candidates, including on occasions when they simply buy tickets for fundraising dinners and other campaign events. Other separate segregated funds and political committees simply refrain from federal activity, thus being discouraged from even minimal participation in the Federal process.

Section 202 increases the threshold of reporting from \$1,000 to \$2,500 for political committees in general, sets the threshold for reporting for the separate segregated funds at \$1,000, and in the case of State and local political party committees making certain types of exempted contributions and expenditures, the threshold is increased from \$5,000 to \$10,000. While these increases may not remove substantial numbers of committees from the reporting requirements, there are currently a large number of committees which do not participate at all or only up to the threshold which will be able to participate to a greater extent under these proposed provisions.

Section 203 increases the recordkeeping threshold for contributions from \$50 to \$100. This is consistent with the overall goal of reducing the recordkeeping requirements on committees. This section also makes other changes consistent with raising the threshold from \$50 to \$100 and \$200 to \$500.

Section 204 revises the current law which provides recordkeeping for every disbursement and provides for recordkeeping for those disbursements in excess of \$100. Current requirements are onerous and burdensome and do not reflect the realities of the campaign. Setting the threshold at \$100 would be consistent with the \$100 recordkeeping threshold on the contribution side.

Section 205 clarifies the application of the best efforts test, particularly in those instances where a campaign may not be able to determine if it originally requested the information. Under current law, a campaign may solicit funds in a variety of ways. If the campaign fails to request contributor information for each solicitation, then it must make an additional written request for the information in all instances where the campaign cannot demonstrate that it originally asked for the information. For example, if all contributions are sent to a single mail box and some of them are the result of a television solicitation where it is not practicable to ask for the contributor information, then the campaign may be required to ask for this information for all persons who did not supply it, including those persons who contributed as a result of some other form of solicitation. Instead, the campaign would only be required to make an additional request if their written solicitations did not ask for this information. This test more closely parallels the practical realities of the political campaign. In the case of expenditures, one written request should be made for any missing information.

Section 206 increases the disclosure threshold for refunds, rebates and other offsets for operating expenses and dividends, interest and other receipts.

Section 207 would eliminate the requirement that campaigns aggregate all disbursements for purposes of the reporting requirements. This is consistent with the setting of a threshold for recordkeeping for disbursements of \$100. In addition, many campaigns expend substantial time and effort in aggregating expenditures when little use is made of this data. Since there are a wide variety of systems for aggregating and classifying expenditures, this data is of relatively



little use for statistical purposes. All contributions or transfers to candidates and authorized committees will still be required to be reported.

Section 208 raises the threshold for independent expenditure reporting from \$250 to \$1,000. Very little use is made of the information generated by the requirement to disclose independent expenditures greater than \$250 but less than \$1,000. This provision would eliminate the necessity for these persons to file disclosure reports with the FEC.

Section 209 eliminates the requirement that each committee file a copy of its report with the Secretary of State. Instead, it requires the Commission to forward copies of all reports and statements, along with pertinent indices, to the appropriate State officer. The appropriate State officer is defined to mean: all States in the case of presidential candidates and political party and PAC committees receiving contributions or making expenditures aggregating in excess of \$100,000, the State in which a House or Senate candidate seeks election for House and Senate campaigns, and for all other committees the State in which the committee is headquartered. The Secretary of State (or equivalent State officer) is required to perform the same duties and responsibilities as in the current law, except that the Secretary is not required to compile and maintain a current list of all reports and statements since indices will be provided by the Commission. There are authorized for purposes of carrying out this section \$500,000 for Fiscal Year 1982. The amounts authorized to be appropriated under this section are less than the actual cost to candidates and committees who currently file these reports with the Secretary of State.

Title III includes various modifications in the limitations on contributions.

Section 301 changes the current \$1,000 per-election limitation on individual contributors to \$2,500. Since enactment of the contribution limitations in 1974, there have been significant increases in the cost of living, but no increases in the limitations. While increasing the limitations will not generally result in a significant increase in funds available to campaigns (approximately a 2-5 percent increase for House races, 5-12 percent for Senate races, and 15-30 percent for Presidential races), as a matter of equity the contribution limitation should be adjusted to account for inflation. Suggestions to further increase the limitation do not appear to merit enactment, because such increases would not provide significant additional funds to campaigns and the giving of multiple contributions through spouses and children or through various employees or officers of a corporation or other organization might result in the appearance of undue influence.

Section 302. The aggregate limitation on the amount which an individual can give to all Federal candidates and committees is increased from \$25,000 to \$50,000. While this will not generate significant additional funds for Federal campaigns (less than 1 percent additional funds), it will make an appropriate adjustment for inflation.

Section 303 sets forth a limitation on contributions to individuals, organizations, or other groups and persons who seek to draft candidates for Federal office. A recent court decision found that the limitations on contributions do not apply to organizations and individuals which seek to draft someone for Federal office. This amendment would reverse that court decision and impose a \$5,000 limitation on contributions to these committees. This is comparable to the \$5,000 limitation which would be imposed on candidates and authorized committees.

Title IV contains certain provisions for streamlining the Federal Election Commission.

Section 401 established the Commission as the sole point of entry for all disclosure documents filed by federal committees. Under existing law, a ludicrous system exists whereby Federal candidates and committees file with three separate entities, the FEC, the Clerk of the House, and the Secretary of the Senate. This obviously creates considerable confusion and duplication of effort. A single point of entry would eliminate any confusion about where candidates and committees are to file reports. It would assist committee treasurers by having one office with which to file, correspond and ask questions.

At present, conflicts may arise when more than one office sends materials, makes requests for additional information and answers questions relating to the interpretation of the law. A single point of entry should also reduce the cost to the Federal Government of maintaining 3 different offices, especially in the area of personnel, equipment and data processing. Under existing law, the Commission has authority to prepare and publish lists of non-filers. It is extremely difficult to ascertain who has and has not filed when reports may have been filed at or are in transit to two or more different offices. Separate points of entry also make it difficult for the Commission to track responses to compliance notices. Many responses and/or amendments may not be received by the Commission in a timely manner, even though they were sent on time by the candidate or the Committee. The delay in transmittal between offices sometimes leads the Commission to believe that candidates and committees are not in compliance. A single point of entry would eliminate this confusion.

Section 402 of the bill sets forth several structural changes in the Commission. The Commissioners are made part-time, the Clerk of the House and Secretary of the Senate are removed from the Commission, and an Executive Director is substituted for the general counsel and staff director. The Executive Director may appoint a General Counsel to represent the Commission in court and provide legal advice. Commissioner pay is at level IV of the Executive Schedule but may not exceed \$20,000 per calendar year. Under the existing structure, the Commission is essentially administered by eight separate entities—six commissioners, the staff director and the general counsel. These officers have not worked out their roles between each other and have not been successful in establishing an arrangement which would allow for the smooth functioning of the Commission.

In order to facilitate the overall administration of this law, an Executive Director is proposed to administer the Commission's staff and budget, and handle other functions of a chief executive officer. The Commission will still retain all its powers to act on advisory opinions, regulations, enforcement matters and other similar policy-making decisions. This change will establish for the Commissioners an appropriate role in the decisionmaking process. Under existing law, the Commissioners have read the delegation of authorities provision in an overly broad matter. Instead of delegating the relevant administrative duties and responsibilities to an Executive Officer, the Commission has attempted to become involved in the day-to-day operations of the staff and the Commission. This has proven to be inefficient and ineffective. Also, making the Commissioners part-time, and limiting their compensation of \$20,000 will require them to assume a role of chief policymakers rather than administrators. The Commissioners will need to incorporate a strict conflict of interest test into the Commission's written rules of conduct in order to avoid

conflicts of interest since they are no longer full-time.

Each Commissioner will be provided with one GS-12 staff assistant to assist in the carrying out of his or her responsibilities. Salary levels of current employees are not to be affected by this provision. Appointment of the staff will no longer require the approval of the Commission, but the Commission will continue to have appointment authority over the Executive Director. If the Commission is sufficiently dissatisfied with the appointments of the Executive Director, it has the authority to terminate him or her. This section also eliminates the provision requiring the Commission to avail itself of other agencies and departments of the United States. As a practical matter, this provision has proven to be unworkable and all other agencies and departments require reimbursement on a cost basis, thus making use of this provision inefficient from the viewpoint of the Commission.

Section 403 sets forth a new requirement that the Commission periodically publish statistical analyses of candidates and committees which file reports and statements with it. The Commission currently provides the press and the public with Reports on Financial Activity which set forth comprehensive statistical analyses of these candidates and committees. However, these reports are not always provided on a timely pre-election basis and are sometimes not available until long after the election. The intent of this provision is to require the Commission to produce the RFA in its full scope, including data on candidate loans, contributions, and debts and obligations, on a timely basis. A deadline of June 30th of the year after the election is set for the production of a comprehensive report. It is intended that this report will cover all reports and statements filed by candidates and committees prior to February 16th. This provision is also intended to change the Commission's focus from that of enforcement of relatively insignificant violations of the Act to public disclosure of major and significant campaign financing trends and patterns.

Section 404 sets forth a specific time frame for enforcement actions taken by the Commission and substitutes a letter of inquiry for the current formal finding of "reason to believe". The letter of inquiry must be sent within 45 days of receipt of a complaint or within 90 days of information ascertained in the normal course of carrying out its supervisory responsibilities. Probable cause must be found within 100 days of the letter of inquiry or notification of an investigation and a civil suit instituted within 120 days of finding probable cause. Time spent on delaying tactics by the respondent will not count towards these time frames. If no action is taken during these time frames, then the Commission may not proceed further, except to close the case.

The Commission has taken over four years to complete some investigations. In other instances, there have been considerable delays on the part of the Commission in processing enforcement actions. In the case of election law, it is particularly important that all such matters be processed as expeditiously as possible, particularly because matters concluded long after the election will have a diminishing, if not an insignificant impact. These time frames will require the Commission to limit and focus its enforcement efforts. In addition, in the event the Commission is unable to process an action within the time frame required, it still has the option of referring the matter to the Department of Justice. Setting these time frames will greatly expedite the processing of these actions and obviate the need to eliminate the Commission's civil enforcement authority or transfer this authority to the Department of Justice. Similar Congressional action to limit the

time frame for Commission response, such as the limitations on time to respond to an advisory opinion request, have in the past proved very successful.

Section 405 permits the Commission to levy a civil penalty of up to \$10,000 against any multicandidate committee which does not file a disclosure report without going through the normal enforcement procedures. Currently substantial numbers of these committees are not filing these reports and the Commission does not have the resources to pursue more than a small number of these violations. For these committees, there is presently a small chance of receiving any sanction at all for these serious violations, unlike authorized committees which are subject to greater press scrutiny and complaints by opposing candidates.

Section 406 sets forth a time frame for a comprehensive review of the Commission's regulations and forms. In recent years, the Commission's regulations have become outdated and do not contain a major portion of the Commission's policy decisions, advisory opinions, and other administrative actions which significantly impact on candidates and committees. Further, campaign treasurers do not have a central reliable body of information on how to comply with the law and must rely on hundreds of opinions, regulations, hundreds of enforcement actions and voluminous amounts of other materials. This provision will require the Commission to conduct a comprehensive review prior to June 30th of the year following the election and provides for public comment on any proposed change.

Section 407 requires the Commission to make the results of its audits of presidential candidates publicly available within certain time frames. For general election candidates, these results must be made available by July 31st of the year following the election. For primary candidates, the results must be made available by March 31st of the year after the convention. The Commission vastly improved its performance with regard to the timeliness of its release of presidential audits for the 1980 election. This provision is intended to ensure that the Commission continues to improve its performance and that each office within the Commission continues to meet established deadlines. The statutory deadlines should expedite this process.

Section 408 allows the Commission to conduct audits of nonparty multicandidate committees on a random basis. Prior to the 1979 amendments when the Commission was prohibited from conducting any random audits, the Commission's previous audits of these committees found that over 7 percent of the funds raised by these committees were raised improperly. Thus, between \$1 and \$12 million in funds raised by these committees each election cycle are raised improperly.

Section 409 gives the Commission the power to waive any recordkeeping or reporting requirements by prescribing a rule or regulation of general applicability in accordance with the procedures set forth in the statute. In the past, the Commission has been unable to waive many of the cumbersome recordkeeping and reporting requirements in the statute, because it lacked this general authority. This provision would eliminate any possible bar to the submission of a regulation of general applicability to waive any recordkeeping and reporting requirement in this Act (the Commission may have this authority implicitly under current law). It is expected that the Commission would utilize this general waiver authority in conjunction with the requirement that it conduct a comprehensive review of its regulations at the conclusion of each 2-year election cycle (See Section 406). Examples of where this general waiver authority would be helpful include: (1) a candidate's principal campaign committee existing solely to extinguish debts from a previous campaign could be permitted

to file an annual report, if the candidate is not currently seeking election, and (2) the principal campaign committee of a candidate for the office of President could be waived from filing pre- and post-general election reports if the candidate is no longer actively seeking election.

Section 410 reduces the period for legislative review of Commission regulations from 30 legislative days to 15 legislative days and conforms the definition of legislative days in Title 26 to that contained in Title 2.

Section 411 would provide the Commission with a revolving fund. Although the FEC charges fees for certain publications and copies of documents provided to the public upon request, none of the monies collected are paid to the FEC for costs that have been incurred. Instead, the money is transferred to the U.S. Treasury. Thus, there is little financial incentive for the FEC to encourage the sale and use of the reports filed with it. A revolving fund would provide this incentive and would allow the FEC to recover its costs.

Section 412 would eliminate the prohibition on the Commission issuing opinions of an advisory nature, except through the advisory opinion process. The current statutes prevent the Commission from issuing any form of guidance or advice to candidates or committees except through the advisory opinion and regulation process. Both of these procedures are cumbersome and take considerable time. The Commission should have additional flexibility to answer the questions and problems posed by candidates and committees in a more expeditious fashion. This section also reduces the public comment period for advisory opinion requests received immediately before the election from 10 to 5 days. This will assist the Commission in answering opinion requests within the 20-day time period.

Section 413 eliminates the Commission's annual report in accordance with the President's recent dictate to eliminate as many government publications as possible. The elimination of the annual report should save the Commission approximately \$5,000-\$10,000 a year.

Section 414 would exempt the Commission from the requirements of the Regulatory Flexibility Act and certain requirements of the Privacy Act of 1974. None of the Commission's regulations have a significant impact on small businesses due to the nature of the Commission's jurisdiction, which mainly extends to political committees. The Commission is required to assert that its regulations will have no impact on small businesses, when in fact these businesses are not within the jurisdiction of the Commission. A far simpler solution would be to exempt the Commission from these requirements. The Commission should also be exempted from its duties to comply with the accounting requirements of 5 U.S.C. 552a(c) to the extent that the section requires an accounting of all disclosures maintained on the public record. The Commission has a reading room to which members of the general public may come and inspect microfilm copies of public reports. Placing such documents on the public record is a routine use of such materials. An exemption from the accounting requirements would not contravene the principles of the Privacy Act since the individuals involved are those running for office or contributing to candidates for federal office. Congress has determined that in this situation the public need to know the financial activities of political committees and contributors outweighs any privacy interests such individuals may have in this area.

Title V contains miscellaneous provisions for streamlining the Federal Election Campaign Act.

Section 501 amends the definition of political committee to clarify that committees and

other organizations which attempt to draft an individual to run for federal office are subject to the recordkeeping and reporting requirements of the FECA. A recent court decision has suggested that these committees may not be subject to the reporting and recordkeeping requirements in the law. This provision would eliminate any doubt as to their applicability.

Section 502 would eliminate the need to set a value on contributions in-kind of less than \$500. Under current law, campaign treasurers and other campaign workers may spend considerable time setting a value on various, relatively small contributions in-kind to a political committee. This provision would set a de minimus or safe harbor rule whereby contributions in-kind would not be subject to the recordkeeping, valuation, and reporting requirements in the Act. In determining whether an individual or group has made contributions in-kind aggregating over \$1,000, a treasurer can keep a list of such contributions in-kind and use his or her best judgment in determining whether the threshold has been met or exceeded. This would be an application of the rule of reason.

Section 503 clarifies the application of the earmarked contribution provision. Section 441a(a)(8) currently states that contributions made on behalf of a candidate to an intermediary conduit shall be considered contributions to the candidate by the original donor. This provision would amend the statute to make it applicable to contributions earmarked to political committees.

Section 504 changes current law, whereby the political action committees of trade associations must obtain the separate and specific approval of each member corporation to solicit their stockholders and executive and administrative personnel. Some trade associations have thousands of members and it is a considerable burden to obtain approval for solicitation every year. The one-year limitation will be eliminated by this provision and the trade association will be allowed to solicit until the corporation revokes its approval. If a corporation revokes its approval, another trade association may not be approved for solicitation purposes until the following year.

Section 505 makes a technical amendment to title 26.

Section 506 makes the bill effective 90 days after enactment, except for provisions relating to the structure of the Commission which will not take effect until May 1, 1985, so that existing parties will not be affected and there will be a transition period to make the changes required by this bill.

#### ADDITIONAL COSPONSORS

S. 234

At the request of Mr. HATCH, the Senator from North Dakota (Mr. BURDICK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Iowa (Mr. JEPSEN), the Senator from Georgia (Mr. NUNN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 234, a bill to amend the Public Health Service Act to encourage the establishment of home health programs and to amend the Social Security Act to provide expanded coverage of home health services under the medicare and medicaid programs.

S. 1498

At the request of Mrs. KASSEBAUM, the Senator from Ohio (Mr. METZENBAUM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Delaware



(Mr. ROTH), the Senator from Michigan (Mr. RIEGLE), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of S. 1498, a bill to establish an office in the National Institutes of Health to assist in the development of drugs for diseases and conditions of low incidence.

S. 1595

At the request of Mr. INOUE, the Senator from Connecticut (Mr. WEICKER), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 1595, a bill to provide for the designation of income tax payments to the U.S. Olympic Development Fund.

S. 1698

At the request of Mr. DENTON, the Senator from Georgia (Mr. MATTINGLY), the Senator from Oregon (Mr. HATFIELD), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 1724

At the request of Mr. ROTH, the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1724, a bill to amend the Federal Employees' Compensation Act, and for other purposes.

S. 1770

At the request of Mr. INOUE, the Senator from Montana (Mr. MELCHER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1770, a bill to direct the Secretary of the Department of Transportation to conduct an independent study to determine the adequacy of certain industry practices and Federal Aviation Administration rules and regulations, and for other purposes.

S. 1780

At the request of Mr. ROTH, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 1780, a bill to provide civil penalties for false claims and statements made to the United States, to recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

S. 1879

At the request of Mrs. KASSEBAUM, the Senator from Oklahoma (Mr. BOREN), the Senator from Iowa (Mr. JEPSEN), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of S. 1879, a bill to amend the Milwaukee Railroad Reconstructing Act and the Rock Island Transition and Employee Assistance Act to facilitate the purchase of lines of bankrupt carriers to provide for continued rail and for other purposes.

S. 1881

At the request of Mr. SASSER, the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Delaware (Mr. ROTH), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 1881, a bill to provide for the issuance of a commemorative stamp to honor the dedication of the Vietnam Veterans Memorial.

S. 1892

At the request of Mr. HART, the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of S. 1892, a bill to prohibit the U.S. Government from importing oil extracted in Libya.

S. 1896

At the request of Mr. BUMPERS, the Senator from Georgia (Mr. NUNN), the Senator from Nebraska (Mr. EXON), the Senator from Ohio (Mr. METZENBAUM), the Senator from North Dakota (Mr. BURDICK), the Senator from Arkansas (Mr. PRYOR), and the Senator from Colorado (Mr. HART) were added as cosponsors of S. 1896, a bill to amend the Internal Revenue Code of 1954 to repeal the special leasing provisions enacted by the Economic Recovery Tax Act of 1981.

SENATE JOINT RESOLUTION 121

At the request of Mr. CHAFFEE, the Senator from Illinois (Mr. PERCY), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Maine (Mr. COHEN), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Joint Resolution 121, a joint resolution to provide for the designation of the year 1982 as the "Bicentennial Year of the American Bald Eagle" and the designation of June 20, 1982, as "National Bald Eagle Day."

SENATE JOINT RESOLUTION 130

At the request of Mr. WARNER, the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Alabama (Mr. DENTON), the Senator from Georgia (Mr. NUNN), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of Senate Joint Resolution 130, a joint resolution designating February 22, 1982, the 250th anniversary of the birth of George Washington, a "Day of National Celebration."

SENATE RESOLUTION 238

At the request of Mr. BENTSEN, the Senator from North Dakota (Mr. BURDICK), the Senator from Wyoming (Mr. WALLOP), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of Senate Resolution 238, a resolution to retain the deductibility from personal taxes of interest paid on residential mortgages.

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH), the Senator from Maine (Mr. MITCHELL), and his name were added as cosponsors of Senate Resolution 238, supra.

AMENDMENT NO. 639

At the request of Mr. GLENN, the Senator from Michigan (Mr. LEVIN), the Senator from Delaware (Mr. BIDEN), the Senator from Washington (Mr. JACKSON), the Senator from Georgia (Mr. NUNN), the Senator from Arkansas (Mr. PRYOR), the Senator from Kentucky (Mr. FORD), the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from South Carolina

(Mr. HOLLINGS) were added as cosponsors of amendment No. 639 proposed to H.R. 4995, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 643

At the request of Mr. HOLLINGS, the Senator from Maine (Mr. MITCHELL), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mr. BUMPERS), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of amendment No. 643 proposed to H.R. 4995, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 644

At the request of Mr. HOLLINGS, the Senator from Maine (Mr. MITCHELL), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Alabama (Mr. HEFLIN), the Senator from Georgia (Mr. NUNN), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Ohio (Mr. GLENN) were added as cosponsors of amendment No. 644 proposed to H.R. 4995, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1982, and for other purposes.

AMENDMENT NO. 646

At the request of Mr. HEINZ, the Senator from Tennessee (Mr. SASSER), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of amendment No. 646 proposed to H.R. 4995, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1982, and for other purposes.

#### SENATE RESOLUTION 250—RESOLUTION RELATING TO THE MURDER OF SIX AMERICANS IN EL SALVADOR

Mr. KENNEDY (for himself, Mr. PELL, Mr. HATFIELD, Mr. DODD, Mr. CRANSTON, Mr. TSONGAS, and Mr. CHAFFEE) submitted the following resolution; which was considered, amended, and agreed to, as follows:

S. RES. 250

Whereas one year has passed since the brutal murder in El Salvador of four American missionaries in December 1980;

Whereas two American labor representatives were mercilessly slain in January 1981;

Whereas these violent acts were perpetrated against American citizens who were in El Salvador only to serve the people of that nation;

Whereas the efforts of the Government of El Salvador have so far failed to bring to justice the individuals responsible for these murders: Now, therefore, be it

*Resolved*, That the Senate:

Expresses its deep concern over the failure of the Government of El Salvador to bring to justice those responsible for the murders of the six Americans;

Urges the Government of El Salvador to use every legal means available to bring about a just and expeditious resolution of these cases;

Welcomes the Government of El Salvador's recent request for U.S. technical assistance in carrying out these investigations.

Urges the Administration to press for such a just and expeditious resolution.

# AMENDMENTS SUBMITTED FOR PRINTING

## IMMIGRATION EFFICIENCY ACT

AMENDMENT NO. 645

(Ordered to be printed and to lie on the table.)

Mr. MATHIAS submitted an amendment intended to be proposed by him to the bill (H.R. 4327) to amend the Immigration and Nationality Act, and for other purposes.

### RETURN OF STUDENTS AFTER COMPLETION OF THEIR EDUCATION

Mr. MATHIAS. Mr. President, I send to the desk an amendment to H.R. 4327, the immigration efficiency bill, that would correct an injustice in current law that works a tremendous emotional hardship on the children of people who work in this country for international organizations, such as the World Bank and the International Monetary Fund.

I want the record to show that I am fully supportive of H.R. 4327, and I urge its enactment as quickly as possible. We could insure its enactment if we were to adopt my amendment and send the bill back to the House without further amendment. I understand that the House is prepared to act expeditiously to get the bill to the President as quickly as possible, since time is of the essence.

Present immigration laws require that these children return to their parents' country after they complete their education, or if their parents die or retire. This is so even if they have spent most of their lives in the United States. Many of these children think of themselves as Americans and think of America as their home. The homeland of their parents is just another foreign country, and they often do not speak its language. I think we should reconsider our policy of forcing them to leave this country and return to an unfamiliar homeland, when they may have no family or friends there and will never make the adjustment successfully.

In the past few years I have seen many tragic cases with families broken apart by the operation of this unduly harsh law. Let me share with you some of these cases. A man who works for the International Monetary Fund in Washington, D.C., wrote me last year saying:

My daughter . . . (now 21) entered the United States . . . at age 9. She was in the Montgomery County Public Schools, but incompatibility of programs prevented her from getting into a university in the United Kingdom. She is now in her senior year at college in Oregon, and she will graduate in December. What is she to do then? We have no relatives to speak of in the United Kingdom, and I would not know how to advise her to find a job there. Officials say that she should marry an American, but this is unreasonable.

And listen to this story from a concerned parent:

All three of my sons (aged 19, 17, 14) have been here for 11½ years and lost their original national identity through the education process. They no longer speak or read Mandarin Chinese. They act and think as Americans. They face an uncertain future, and this causes all of us great heartache.

A troubled mother writes:

My daughter is now a freshman at the University of Virginia. Her father, who was Iraqi, is now deceased. She was born in Egypt, but has an Iraqi passport. She has no one in Iraq; she cannot live with my elderly parents in Egypt; she cannot live by herself in Egypt (culturally, it is simply not done); and she cannot remain legally in the United States. She has lived for over 17 years in this country.

While this provision of the law works particular hardships on children, it also causes emotional distress to adults who have over the years made the United States their real home while working for these international organizations. When employment with an international organization located in the United States ceases because of death or retirement, widows, widowers, and retired employees are, like their children, forced to leave the United States—no matter how long they've lived here.

The amendment I submit today would make it possible for employees of international organizations and their immediate families to remain in the United States, but only after many, many years of service and residence in the United States. I think such a law would serve the best interest of the United States, the international organizations, and the men, women, and children who live here.

United Nations Secretary-General Kurt Waldheim wrote to me last year and told me that a decision by the U.S. Government to extend such a privilege would represent ". . . yet another expression of the . . . humanitarian traditions of this great country."

My amendment would confer special immigration status on widows, widowers, retirees, and children who have resided in the United States for many years, should they seek such status.

In 1979, I introduced a bill—S. 1566—that was very similar to my amendment. That bill was incorporated into the larger Immigration and Naturalization Efficiency Act, S. 1763, and was favorably reported to the Senate floor by the Judiciary Committee. On the House side, the Immigration Subcommittee adopted a provision of the omnibus bill that dealt with the same issue as my bill, but it was dropped on the House floor because of procedural objections. I regret that the press of business during the last days of the 96th Congress prevented us from taking final action on these bills, but I am encouraged by the fact that the failure of action was prompted primarily by procedural problems not related to the substance of my amendment.

This year we are all trying again. My amendment would lighten the great emotional burden that now weighs on both the parents and children who have become "Americanized." I urge its speedy adoption by my colleagues, and I urge quick action on the larger bill. I ask unanimous consent that the text of my amendment be printed in the RECORD immediately following my remarks.

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

### AMENDMENT NO. 645

On page 30, of the engrossed Act, between lines 2 and 3, insert the following:

SEC. 20. (a) Subsection (a) (15) (G) of sec-

tion 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end thereof the following new clause:

"(vi) an alien who, as an officer or employee of any such international organization, has resided in the United States for a period of, or periods aggregating, at least ten years preceding the date of his retirement from the employ of such international organization, and the members of his immediate family;"

(b) Subsection (a) (27) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof a semicolon and "or"; and

(3) by inserting after subparagraph (G) the following new subparagraph:

"(H) an immigrant—

"(i) who is an unmarried son or daughter of an officer or employee of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669) and who—

"(I) is not more than twenty-five years of age on the date of application for admission to the United States, and who has resided in the United States as a member of the immediate family of such officer or employee for a period of, or periods aggregating at least seven years between the ages of five and twenty-one, or at least ten years, or

"(II) is at least twenty-six years of age on the date of application for admission to the United States, who, before attaining twenty-six years of age, has resided in the United States as a member of the immediate family of such officer or employee for a period of, or periods aggregating, at least seven years between the ages of five and twenty-one, or at least ten years, and who applies for admission to the United States not later than six months after the date of the enactment of this subparagraph; or

"(II) who is the surviving spouse of a deceased officer or employee of such an international organization, and who has resided in the United States as a spouse of such an officer or employee for a period of, or periods aggregating, ten years preceding the death of such officer or employee, and who applies for admission to the United States not later than one year after the death of such officer or employee or six months after the date of the enactment of this subparagraph, whichever is later; or

"(III) who, as an officer or employee of any such international organization, has resided in the United States for a period of, or periods aggregating, at least fifteen years preceding the date of his retirement from the employ of such organization and who applies for admission to the United States not later than one year after such date or six months after the date of the enactment of this subparagraph, whichever is later; or

"(IV) who is the spouse or unmarried son or daughter of a retired officer or employee described in clause (III), or the unmarried son or daughter of a surviving spouse described in clause (II), accompanying (or intending to join) such retired officer or employee or surviving spouse as a member of his immediate family."

On page 30 of the engrossed Act, line 3, strike out "Sec. 20." and insert in lieu thereof "Sec. 21."

### DEPARTMENT OF DEFENSE APPROPRIATION, 1982

AMENDMENT NO. 646

(Ordered to be printed.)

Mr. HEINZ (for himself, Mr. ROBERT C. BYRD, Mr. D'AMATO, Mr. FORD, and Mr. SASSER) proposed an amendment to the



bill (H.R. 4995) making appropriations for the Department of Defense for the fiscal year ending September 30, 1982, and for other purposes.

#### AMENDMENT NO. 647

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 4995, *supra*.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, December 2, until 12 noon, to hold a business meeting to discuss pending calendar business.

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

#### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, December 2, to hold a markup hearing on S. 1692, the ports development bill.

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

#### SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. McCLURE. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Mineral Resources of the Committee on Energy and Natural Resources be authorized to meet during the session on Thursday, December 3, at 9:30 a.m., to hold an oversight hearing on coal exports.

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

### ADDITIONAL STATEMENTS

#### ADDRESS BY SENATOR CHILES BEFORE THE WHITE HOUSE CONFERENCE ON AGING

Mr. HEINZ. Mr. President, as chairman of the Special Committee on Aging, I am privileged to serve with Senator LAWTON CHILES as our ranking member. Senator CHILES served as the previous chairman of the special committee and took a leading role in calling the attention of the Congress and the public to the serious problems faced by the social security system and to the opportunities that encouraging continued employment of older workers could foster.

Two days ago Senator CHILES addressed the White House Conference on Aging. I would like to call the attention of my colleagues to his remarks, which are focused upon the four issues of social security, health care costs, crime, and employment. I ask that the text of his speech be printed in the RECORD.

The speech follows:

#### ADDRESS BY U.S. SENATOR LAWTON CHILES

Thank you. I am honored to be here with the distinguished group of citizens. I'd like

to welcome you all to Washington from many different regions of the country. Each of you is part of a beautiful quilt—our Nation. I congratulate you on being selected to participate in this crucial conference—and I commend you for your leadership.

During the next few days, you will be the decisionmakers. Your recommendations will be taken seriously. And, I know that the process you go through will be watched carefully and reported on by the press.

I take very seriously this opportunity to share with you some of my own thoughts and concerns. I would like to take what may be a different approach than that taken by others who will address you.

I believe there has been a tendency by a lot of us to concentrate on listing the problems of older people with little or no mention of their potential. As a result the American public tends to view the older population as dependent and therefore a growing problem. This is such a misconception . . . we know that the majority of the older people in the United States are not dependent.

I am reminded of the comic strip Pogo that I used to read. The possum used to stand in the swamp and tell his friends, "We have met the enemy, and they are us!" We spend so much time concentrating on the problems of ten to twenty percent of the elderly that we lead the public to believe that all of our older Americans are the same.

I want to emphasize strongly that in no way am I suggesting that we ignore the ten to twenty percent who have problems. But I am gravely concerned that the other eighty percent will be overlooked, if you only concentrate your recommendations on the defendant. What expectations are we as a nation to have for, with, or about this other group of twenty-five to thirty million older persons?

My home State has the highest percentage of older persons in the nation . . . now approaching thirty percent of the population. Therefore, I get amused at times listening to people talking about "Can you imagine what it is going to be like in this country in the year 2030 when the percentage of elderly reaches twenty percent?" I don't have to imagine it, we have already passed it! And I am happy to report that we do not have inter-generational warfare or other such terrible occurrences.

Most of the issues brought to me by our more mature population in Florida are much the same as for the younger and middle aged populations. They are concerned about inflation, crime, energy costs, health care costs, unemployment, and the future of social security. I believe that if this country does not come to grips with these issues, not only will we do great harm to the general population, we will continue to force large numbers of our older population out of the independent group into the dependent group.

If I may be permitted a bad pun a few days after Thanksgiving . . . I'd like to talk turkey with you—about four of these issues which represent basic economic and personal security for all older Americans:

Social security—health care—crime—and a new national policy on work and retirement.

#### SOCIAL SECURITY

There is one overriding issue which—to my way of thinking—should hold the full attention to every single delegate and observer to this White House Conference on Aging—and that is social security.

Just as issues of income security were the key subjects during your community and State meetings while you were preparing for this national conference—making sure we preserve the solvency of social security has been a key issue in this session of Congress.

It has not been "business as usual" this year here in Washington. Almost all legis-

lative activity—in one way or another—has been directed toward spending cuts and achieving a balanced budget. I would venture to say that there is no one in this country who has not been aware of this fact.

I feel that it has been extremely unfortunate that the most important issue of maintaining the very integrity of the social security system has been snatched up and thrown into this budget cutting web.

We should not have had a crisis, but we almost did.

The facts are that—for some time, long before this year—we knew that some adjustments in social security would be needed to get the system over a tight spot expected in 1985 or 1986. There were a number of things we could do without much disruption.

I proposed a combination of interfund borrowing and a gradual phasing out—for future beneficiaries only—of the student and minimum benefit programs. Others have also wanted to temporarily add some general revenues to the system to get over this short term hump.

The numbers showed that interfund borrowing—that is, allowing the retirement fund to temporarily borrow from surpluses in the disability and health insurance funds—could come very near to taking care of the problem entirely. And I personally felt that social security could no longer sustain some of the additional benefits which had been added in later years—such as benefits for college students and the part of the minimum benefit which goes to workers who have paid little into social security.

As it happens, Congress has pretty much reached agreement on this kind of a solution to the—quote, unquote—crisis.

But we haven't gotten there easily.

Someone decided that this situation in social security could be used to cut the Federal budget. This administration sent Congress a proposal to cut social security benefits for everyone—and in amounts which were much more than necessary to take care of the problem.

Congress—and the Nation—soon made it clear that it would not agree to use social security to balance the budget.

But the climate was set. And it has been a battle all year over what we did agree on.

How to handle the minimum benefit, for instance.

There is a big difference between chopping off that social security minimum benefit for those who have been receiving this small amount for years—and deleting it in the future for those who have not yet retired.

The President wanted to cut it immediately for everyone. Many of us in Congress wanted to make sure that it was phased out only in the future.

The President's proposal won—every time we voted on the issue—even though the House and the Senate and even the President have now had a change of mind.

We—and thousands of elderly—never would have had to go through all this if social security had not been forced into that budget cutting process.

But, the solution to the problem is at hand. And once a final agreement on this short term solution is signed into law—it is my hope we will never have to address social security in such a crisis atmosphere again.

And this brings me to my major message to you today:

Congress will have to address it again—and I fear we will be forced to do it in another crisis atmosphere unless this White House Conference takes the leadership now.

My personal goal is to help us all face, as early as possible, the bigger—and really difficult—social security problem coming in thirty years.

That is when the so-called baby boom generation will begin to retire. And that is

when the lower birth rates we now have in this country will result in fewer active workers paying social security taxes.

As the social security system operates now, it simply will not be able to support this large a change in the age makeup of the population. When social security began, there were forty two active workers paying social security taxes to support every one retired worker. Today that ratio is about three to one. In thirty years it is expected to be about two to one.

We cannot escape this. No matter what happens to the economy—no matter how we may change our lifestyles—no matter who is elected President—those numbers are not going to change. The people are already here.

Does that mean that we eventually abandon the social security system? National opinion polls now show that two thirds of today's younger workers seem to think we will. That is unthinkable to me—and I am sure it is to you.

So, what are our options? When I consider this, my first thought is that no matter what adjustment we make—we have to decide right away. Too many people make life-time plans based on social security expectations to allow us to make any major changes without long and careful planning. The longer we have—as a nation—to prepare, the better chance we have of not hurting anyone.

Second, I consider the options we have to meet this challenge. I see three: (1) to reduce benefits, (2) to raise taxes paid by workers, or (3) to delay retirement.

Benefit cuts would have to be large—and taking such action would undermine the basic economic security that social security represents for retired workers.

And I just don't believe that workers could support much larger tax increases on top of those already coming.

So I chose the third option: to gradually phase in a three year increase in the retirement age from sixty five to sixty eight. By doing this a month at a time, beginning in the year 2000, the baby boom retirement bulge could be leveled out enough to meet benefit requirements.

But my own decision to make this proposal—and I must admit it has not been the most popular thing I have ever proposed—was not just based on numbers. I have talked to all the national experts—and to thousands of my own constituents—and I know that more and more people want to work beyond the age of sixty-five. So I also think that this direction is the most positive one we could take.

I am not asking this White House Conference on Aging to ratify this particular proposal. I have given you some of my own reasons for thinking we should move in that direction—you may have other perspectives.

But I am asking this conference to take a stand on this issue.

If you don't, I am afraid that we as a nation will have lost whatever chance we have to come to any timely agreement on strategies for change.

This conference is important. You have influence. There will not be another one for ten years—or there may not be another one at all. It seems clear now that this Congress and this administration may never agree on a way to make sure that social security—basic economic security for all retired workers in this country—is there for your children and grandchildren.

If you, as a group, do not take a stand—I am afraid no one will until it is too late.

#### HEALTH CARE COSTS

I know that is not the most welcome message. But I have another tough issue of immediate concern—another one which we all must face together. Finding a way to control the inflation in health care costs.

Last year this Nation spent two hundred and fifty billion dollars on health care. Ten years ago it was seventy five billion.

Ten years ago, Medicare paid seven and one half billion dollars to hospitals and doctors for services received by Medicare beneficiaries. Last year that amount was forty billion dollars.

That is a huge amount of money—but even so, it is less than half of what older Americans pay for medical care. Medicare actually only ends up paying for about forty percent of the total cost of health care for the elderly.

You all know who pays the rest. Some of it comes from other health insurance plans—but most of it comes right out of your own pockets. As long as the cost of health care continues to rise so rapidly, the amount you personally pay will go up too.

The biggest costs are in hospitals. When we drafted legislation to slow down hospital costs two years ago, we kind of got sidetracked by the hospitals. They told us they could hold down their cost increases to about three percent per year on a voluntary basis. But it looks like this year's increase alone is going to be about nineteen percent. I'm not sure what happened to the voluntary program. This is one area where I believe we should look again.

Now, I will admit that we have a problem here in Washington. It is a lot easier for us to look for ways to cut costs by slashing payments—and denying services—than it is to look for ways to cut costs through better services and better service delivery.

But I am convinced this can be done—and you can prod us into doing it.

For instance, we need to put much more emphasis on preventive health care—especially in Medicare. And I believe very strongly that we should also concentrate on providing more home care and more outpatient services—rather than continue to rely so heavily on institutional care.

I have watched the support for home care programs grow in Congress in recent years. It has been gratifying to see the changes in Medicare and Medicaid which we have achieved just in the last two years. The time is right for further action—especially in the States—and I hope this White House conference will become known for its recommendations in home and community care.

#### COMMUNITY SECURITY

I would like to turn to a third issue which a recent poll revealed as a high concern of many elderly—crime.

Street crime has risen sharply in this country. I know it affects the elderly—because I have heard terrible stories of elderly people barricading themselves in their homes—afraid to go out. Studies show that more than half of our Nation's elderly are afraid of being targets for physical assault and robbery.

I am concerned that not enough is being done to combat this crime, and I have introduced legislation to change this. But combatting crime itself will not alone solve the problems for those elderly who are afraid and isolated.

The problem is rooted in negative attitudes toward the elderly by too many of our young. Many children today don't have the contact with their grandparents and other older people that you and I had when we were growing up. It is too easy for them to view the elderly, especially in large cities, as easy targets. And the vicious circle draws tighter when these elderly isolate themselves even more.

That is just one reason why I believe it is so important to strive for a society where the young and the old have much more positive exposure to one another. I hope you agree with me and will keep this principle in mind in all you do at this conference.

#### OLDER WORKER POLICY

So far, I know I haven't delivered much good news. I warned you that I wanted to

talk to you about issue areas that I thought those of us in Congress would have to face in the very near future.

But there is one more very positive issue I would like to raise. I believe it is the most important challenge we face as a nation. It stands on its own—but it also offers part of the solution to the social security problem I discussed earlier:

I hope and dream that the 1980's will be the decade of the older worker.

A time when our society finally realizes that what older Americans want most is to continue to make major contributions—when we finally decide that we can no longer waste needed skills and talents.

When we prohibit retirement based solely on age—at any age. When we work actively with employers to help them develop new job opportunities for older workers. When we provide incentives to business and industry to retain and hire older workers. When we get rid of the social security earnings limitation. When we create new opportunities for full involvement through community service and voluntarism.

There is a lot of work that needs to be done. And the country is going to need more older workers. That's something that business and private industry must acknowledge and begin to face squarely.

Back when I first decided to run for public office, one of my closest friends recommended that I not run a negative campaign. He pointed out that it might be easy to fall into the trap of talking about what was wrong with my opponent and all the bad things he had done. Instead he suggested that I concentrate on positive aspects in the campaign, what potential there was to bring about favorable results and how I felt I could help in that process. I took his advice, and it was sound. As you move this week toward a recommended "aging policy" for this great country for the next ten years, I would offer that same advice to you. Pull out the positives, use your potential and that of the millions you represent. Set forth achievable goals, and program enhancements using the potential that exists and will exist as you are joined by millions of others over the next ten years.

You have the talent—the means—and, most important, the influence—to solve these problems.

Over the last forty or so years, we have put into place programs at the Federal, State, and local levels which enable our aging population to look forward to remaining independent in their communities. I have no apologies, or regrets for my support and sponsorship of such programs. I pledge to you my intent to continue to do so, and I look forward to receiving your recommendations.

#### THE WHITE HOUSE CONFERENCE ON AGING

● Mr. TSONGAS. Mr. President, currently representatives from all over the Nation are meeting here in Washington for the White House Conference on Aging. They are gathering to discuss the needs of our elderly population. They are discussing the Nation's responsibilities to its older citizens. They are highlighting the contributions the elderly have made and continue to make to our great Nation. They are identifying the changing roles of senior citizens in all walks of American life.

These citizens have gathered in good faith. They have come in earnest to educate and to learn. If we open our eyes and our ears we will have a glimpse of the future. If we are fortunate, we will



be a part of that future. But if it is to be the kind of future we want we must broaden and expand our views of the aging process. We must realistically assess the functions and the value of all our citizens.

We frequently hear references to the demographic shift that is taking place in our society. But while this shift is a well-known fact and the statistics are popular to quote, I question if we are taking it as seriously as we should. For television and newspaper ads are saturated with images of young people wearing designer jeans; while a growing segment of our population marches on towards old age. And the commercial image of aging reflect less and less the true picture of growing old in America.

Are we as a nation really preparing for the changes that are taking place in our society, particularly concerning aging? Are we cognizant of the lifestyles, the working lifestyles, that many of our senior citizens are opting for or are being forced into? Are we, as legislators working to meet the challenges presented to us by our elderly population? Are we encouraging them to rise to their fullest potential regardless of their age? I wonder.

I submit for the record an op-ed article which appeared in the Washington Post on November 30, written by Delia Kuhn. Ms. Kuhn succinctly addresses and identifies many of the deficiencies in current thinking on the expanding elderly work force. It is a timely piece and it is a practical attempt to connect our past images of growing old and the realities being faced by our senior citizens today.

If we do not begin to rationally reevaluate and redefine aging and the role of the elderly in our Nation it will be too late. We must act now, compassionately rising to the challenges of today and tomorrow.

The article follows:

OLD?

(By Delia Kuhn)

"Oh you're not old" is the instinctive response if you are getting along in years and allude to the fact. It's as though you are being assured "you're not dirty." But if you are not "old," then what are you? You are "elderly," you are "a senior citizen," you are—heaven forgive us—"mature," an honorable word that used to be reserved for those of all ages who earned it. Occasionally, someone is "older."

Has our language been robbed of a decent word? "Old" still has its uses. We are permitted old wine, old silver and china, old carpets and old furniture, to all of which age still adds value. And we can enjoy old pets, which suggest love. The ancient and honorable word has but one human use: the poor can be "old." Lacking so much else, they have at least that possession.

In his "New Dictionary of Quotations," published when he was 62, H. L. Mencken tells us that Horace, just before he died at 57, lamented that "Waning years steal from us our pleasures one by one; they have already snatched away my jokes, my loves, my revellings and my play."

Since Mencken, life expectancy has grown considerably, chiefly among females. A crude reminder greeted a shipload of American tourists not long ago. Arriving in Manila Bay, they rated a front-page story: "Yesterday the SS Carolina docked in Manila. On board are six hundred American widows whose hus-

bands died of heart attacks while earning the money to make their trip possible."

The idea that old people might become a serious public responsibility and an attractive market for private enterprise dawned in the '30s and burgeoned in the '60s. In the public sector, it created Social Security and Medicare; it shared in poverty programs, such as welfare and food stamps. In the private area, it spawned national membership organizations, old age communities, insurance schemes, small "senior citizen" privileges, countless group tours, television programs. The working session of a third White House conference on aging begins today.

A whole literature is targeted at the "elderly," specifically at the well-heeled. One series of pamphlets is called "Action for Independent Maturity." Start with You and Your new retirement home. Next, You and Your money. You and Your health. You and Your social life—elderly gentlemen have "friends," elderly ladies "dates." Finally, You and Your funeral. These publications block your view of the outside world. There is only one place to look—inward. Is this what you want?

Simone de Beauvoir disposes of this question in her angry book, "The Coming of Age." She recommends "a fairly committed, fairly justified life so that one may go on in the same path even when all illusions have vanished and one's zeal for life has died away."

To warn against an obsession with personal concerns is not to suggest that money is a bad thing. Millions of old people slide into real poverty when they "retire." Must they retire? We Americans are a working people. Leisure has not been a part of our basic culture. Can they afford to retire? Will they become a burden? What would they do?

Do I hate my work? If so, I'll try and change it. What are the chances of getting another job at 60? Forced retirement, with or without pensions, legal at 70, is spreading. Its victims find they have less money, less status, less interest in life. Taxpayers are discovering that they will have to support more and more old people who could be working. When irate stockholders rally against forced retirement, it will be good news.

Must the old be tossed into idleness and poverty so that young people can work? "It is simply not true that there is enough work in the United States," writes Dr. Robert N. Butler, a leading social scientist, in his excellent book, "Why Survive?" "The truth is that our need for goods and social services requires an expanded work force." Butler is for "loosening up our lives," now rigidly programmed into education for youth, work for middle life, idleness for old age. Learning, work and leisure must be available throughout life, he says. Work is, at any age, a deeply rooted and ancient source of community with the human race.

Another hold on life, perhaps even more essential to a tolerable old age, is love. But as families disperse, old people have less chance of remaining physically and emotionally involved with their own kin. And so it is perhaps lucky for the old that they need to love, even more than they need to be loved. Work and love keep alive one's affinity with the human race.

Leonard Woolf, 89, spoke for many of us: "I cannot disengage myself from the real world; I cannot completely resign myself to fate. It is in the pit of my stomach as well as in the cooler regions of my brain that I feel and think about what I see happening in the human ant-heap around me, the historical and political events that seem to me to make the difference between a good life and a bad, between civilization and barbarism." ●

#### THE WEATHERIZATION PROGRAM IN VERMONT

● Mr. LEAHY. Mr. President, I wish to submit for the Record a statement laud-

ing the efforts of six employees of Southeastern Vermont Community Action, Inc. (SEVCA), who are weatherizing the homes of Vermonters without pay because of budget restrictions.

I share with my colleagues in the Senate an example of dedication to public service which is seldom seen today. After being on a salary for 11 months, six employees of SEVCA are working without pay to continue a weatherization program for Vermonters. They are not being paid, but they should be.

The weatherization program has been plagued by budget cuts and funding problems at the Federal and State levels. The Department of Energy will not release weatherization moneys until January 1, 1982, and the department of social welfare refuses to release funds pending the final decision on the Health and Human Services budget. Consequently, as the cold December winds blow across Vermont, the money available to pay these men evaporates.

SEVCA has weatherized 331 homes so far this year, but it has also been forced to lay off 11 of its 22 workers. Now more men have been laid off, but they continue to work because they know how vital weatherization programs are to Vermonters. They know what budget cuts really mean. They know that people who cannot afford to stay warm will be cold and that their survival may even be threatened.

The contribution that these men are making is to be admired and appreciated by all Americans. Their efforts dramatize a problem which is becoming all too familiar—the underfunding of necessary programs. Their actions exemplify the spirit which has made me proud to represent Vermont in the U.S. Senate and their dedication should be an inspiration to us all. ●

#### RETIREMENT OF LIEUTENANT GENERAL PIXLEY, SURGEON GENERAL

● Mr. DIXON. Mr. President, at this time I would like to bring to the attention of the Senate the retirement of Lt. Gen. Charles Pixley, M.D. as surgeon general of the U.S. Army. On December 31, 1981, Lieutenant General Pixley will retire from 35 years of meritorious service to the Army and to his country. In the latter stages of his career, Dr. Pixley has taken upon himself very important responsibilities and fulfilled them as only a man of his great knowledge, patience, and most of all ability, could.

From February 1973 through August 1975, Dr. Pixley served as Director of Health Care Operations for the Army to the surgeon general, and with his direction and oversight many important programs vital to quality health care in the Army were instituted and carried out. Such things as quality assurance standards for hospitals, clinics, and regional laboratories became workable systems, as were alcohol and drug abuse prevention, patient administration and biostatistics, and medical international contingencies and operations programs.

After his tenure with health care operations, Dr. Pixley was named com-

mander of the William Beaumont Army Medical Center, in September 1975. With this job, he was charged with the arduous task of administering a \$28 million budget, 3,000 staff personnel, and 13 fully accredited graduate medical programs. As commander of WBAMC, Dr. Pixley achieved numerous professional advances which resulted in a magnification of the William Beaumont's facility's reputation as a teaching hospital, which was a definite positive show of Dr. Pixley's great administrative and medical capabilities. After proving his abilities at WBAMC, he was named superintendent of the academy of health services, U.S. Army.

Then, in October 1977, Dr. Pixley dedicatedly and selflessly accepted the position of most importance and responsibility in U.S. Army medicine: Surgeon General of the Army. This job brings great responsibility and requires utmost dedication and perseverance. As Surgeon General, Dr. Pixley was charged with the oversight of the worldwide health care of the U.S. Army, a budget of \$1.5 billion and the technical supervision of more than 89,000 medical professionals, allied health care providers, paramedics, and administrators. As he had done in every other position he had held in Army medicine, Dr. Pixley proved himself true to the task. He continues in this capacity, and will up to the point of his retirement on December 30.

General Pixley's brilliant military record and dedicated devotion in the service of his country represent significant achievements in the most cherished tradition of the U.S. Army, and reflect distinct credit upon him and the Army Medical Department. On behalf of the U.S. Senate I would like to thank Lt. Gen. Charles Pixley for his many years of superior service to the Army, to medicine, and to our country. ●

#### A FINE CELEBRATION OF THE IRISH

● Mr. MOYNIHAN. Mr. President, the American Irish have much history to celebrate, and it is for good reason that the American Irish Historical Society has been gathering for 84 years to take note of those proud traditions. This year's annual banquet was especially grand as the society elected to honor the President of the United States with its highest honor, the Medal of the American Irish Historical Society.

Two Presidents that evening delivered memorable addresses which I should wish to share with my colleagues. The first came from the master of the occasion, my dear friend Dr. Kevin M. Cahill, the president-general of the society. His remarks were succinct, but profound, sensitive, and insightful.

The other speech came from an American similarly proud of his Irish ancestry and who was the honored guest of the evening—Ronald Reagan. The President's address delighted an appreciative audience as he spoke sentimentally of his family's heritage.

Mr. President, knowing that my colleagues will enjoy both these speeches, I ask that the remarks of President Reagan and President-General Cahill

from the evening of November 6, 1981, be printed at this point in the RECORD.

The speeches follow:

#### AMERICAN IRISH HISTORICAL SOCIETY ADDRESS (By K. M. Cahill, M.D.)

Mr. President; Your Eminence, Cardinal Cooke; as a personal representative of the Prime Minister of Ireland we have with us Special Advisor to the Government, Mr. Alexis Fitzgerald and Mrs. Fitzgerald; representing our sister cultural societies in Ireland, Sir John and Lady Galvin, Frank and Eily Patterson of whom you shall hear shortly, previous Medalists and Presidents of our Society, Fellow members and your guests, Ladies and Gentlemen:

#### DREAMS, REALITY, TRADITION

Eighty five years ago a group of immigrant realists gathered, unheralded, in a cold Boston hotel room, and dreamed, not of the ancient past, but of a better future—for America and Ireland, and they began the tradition that we experience once again this evening.

Out of steage and fear and poverty they determined that the annual meeting of this Society should be held at a banquet, much like the Pilgrims celebrated their arrival in America—and their survival in a strange new land—with a feast of Thanksgiving. So, if we are able to dine tonight on five gourmet courses we do so as the descendants of those who taught us to share our bounty, and enjoy—with food and drink—the land that is ours.

Our Founders were obviously dreamers, and I suspect they would not be surprised to find us here on this great night. The Irish immigrant worked hard to see his dreams become reality—there are few ditches in this city he didn't dig, and the train tracks and canals that opened this nation were lubricated with American-Irish sweat and determination. But those men and women left behind—even in the throes of their poverty—dream-like cathedrals so the rest of the community would know of their faith and their heritage. From the dreams of the frightened hordes that fled the Irish Potato famine in 1845 came that great Irish expression of trust and confidence that epitomizes New York, the church of our beloved Cardinal, St. Patrick's Cathedral.

Today our dreams continue. I once courted my wife with the lovely lines of Yeats:

"Had I the heavens embroidered clothes,  
Enwrought with the golden and silver light,  
The blue and the dim and the dark clothes  
Of night and light and the half light,  
I would spread the clothes under your feet.  
But I, being poor, have only my dreams.  
I have spread my dreams under your feet  
Tread softly, because you tread on my dreams."

We still dream—as did our immigrant ancestors—of an even better life for our children, of an America that fulfills her potential for all, particularly for the poor and oppressed who bear the burden our fathers and mothers fought against. We dream of an Ireland in peace and prosperity, as American descendants of those who dreamed and worked so hard we have a tradition, and indeed an obligation, to help end the pain and suffering that now scars a land the Founders of this Society asked us not to forget.

I have spoken briefly of dreams, reality and tradition. I have fulfilled my mandate to deliver, once again, the required address by the President-General to this Society's annual banquet.

I suspect that I have inherited some of the well-known Celtic need to communicate, and if you feel I have rambled on a bit may I remind you that the records of our Society contain annual reports by my predecessors that clearly lived up to the highest expectations of an oral culture, for at least one

speech I know went on for several hours. But I equally suspect you came not to hear further details of our activities, and besides I have tried to summarize these in the Introduction to our annual book the Recorder.

You came to join me in honoring an American of Irish extraction who holds the highest office in our land. My version of his biography is in your Recorder, and need not be repeated now, but the Ballyporeen origins, and the rise from a humble home in Tampico to the White House is both the dream and the reality this Society celebrates.

It is a privilege to bestow on Ronald Wilson Reagan, President of the United States of America, our highest award, the Medal of the American Irish History Society.

#### REMARKS OF THE PRESIDENT AT THE EIGHTY-FOURTH ANNUAL DINNER OF THE AMERICAN IRISH HISTORICAL SOCIETY

The PRESIDENT. Thank you. Thank you very much.

Dr. Cahill, I thank you and all those who are responsible for this great honor. And I want to say that I happen to know that there is one among us here who has known also today the same joy and even greater, if possible, that I could feel, and that is Dr. Cahill himself who this morning was presented by Cardinal Cooke on behalf of the Pope the Grand Cross Pro Merito Melitensi (Applause). He is the first American to ever receive this award (Applause.).

Your Eminence, the other clergy here at the head table, the other distinguished guests, and one in particular that I might pick out and mention, Teddy Gleason of the International Longshoremen's Association (applause). And I mention him because on Sunday he is going to celebrate the 42nd anniversary of his 39th birthday. (Applause.)

Teddy, I have found that for some time it makes it much easier to greet each one of these annual occasions.

But I do thank you very much. There is the legend in Ireland of the happy Colleen of Ballisodare who lived among the wee people, the tiny people for seven years and then when she came home discovered that she had no toes. She had danced them off. I feel happy enough when I get home tonight I am going to count mine. (Laughter.)

Nancy is sorry that she could not be here, and so am I. She sent her warm regards and her regrets. Unfortunately, the last trip into town she picked up the bug.

Now, I am happy to say that is not a situation for me like the two sons of Ireland who were in the pub one evening and one asked the other about his wife. And he said, "Oh, she's terribly sick." He said, "She's terribly ill." And the other one says, "Oh, I'm sorry to hear that." But he said, "Is there any danger?" But he said, "No. She's too weak to be dangerous anymore." (Laughter.)

A writer for the Irish press who was based in Washington, a correspondent for the press there, stated to me the other day—or stated the other day about me that I have only recently developed a pride in my Irish heritage or background and that up till now I have had an apathy about it. Well, let me correct the record. That is not so. I have been troubled until fairly recently about a lack of knowledge about my father's history.

My father was orphaned at age six. He knew very little about his family history. And so I grew up knowing nothing more beyond him than an old photograph, a single photo that he had of his mother and father and no knowledge of that family history. But somehow a funny thing happened to me on the way to Washington (Laughter). When I changed my line of work about a year ago, it seemed that I became of a certain interest to people in Ireland who very kindly began to fill me in. And so I have learned that my great grandfather took off from the village



of Bally Poreen in County Tipperary to come to America. And that isn't the limit to all that I have learned about that.

Some years ago when I was just beginning in Hollywood in the motion picture business, I had been sentenced for the few years I'd been there to movies that the studio didn't want good, it wanted them Thursday (Laughter.)

And then came that opportunity that every actor asks for or hopes for and that was a picture that was going to be made and the biography of the late Knute Rockne, the great immortal coach of Notre Dame. Pat O'Brien was to play Rockne. And there was a part in there that from my own experience as a sports announcer I had long dreamed of, the part of George Gipp. And generously Pat O'Brien, who was then a star at the studio, held out his hand to a young aspiring actor, and I played Gipp. Pat playing Rockne, he himself will say, was the high point of his theatrical career. My playing the Gipp opened the door to stardom and a better kind of picture.

I've been asked at times what's it like to see yourself in the old movies, the re-runs on t.v.? It's like looking at a son you never knew you had. (Laughter) But I found out in learning about my own heritage, going back to Bally Poreen, that believe it or not what a small world it is, Pat O'Brien's family came from Bally Poreen. (Applause.)

But I've been filled in much more since. An historian has informed me that our family was one of the four tribes of Tara and from the year 200 until about 900 A.D., they defended the only pass through the Slieve Bloom Mountains, they held it for all those centuries and adopted the motto, "The Hills forever." And that too is strange because for the better part of nine months now, I've been saying much the same thing, only in the singular, "The Hill forever." (Applause.) Capitol Hill, that is. (Laughter.)

I do remember my father telling me once when I was a boy, and with great pride he said to me, "The Irish are the only people in the country in America that built the jails and then filled them." (Laughter.) I was a little perturbed even then at that tender age because at the sound of pride in his voice and from the way I had been raised, I couldn't quite understand why that was something to be proud of until I then later learned, which he had never explained to me, that he was referring to the fact that the overwhelming majority of men wearing the blue of the police department in America were of Irish descent. (Applause.)

You know, those weren't the only jobs that were open to the Irish. Back in the high day of Vaudeville, long before sound pictures drove it out, there were, very popular in this country, comedians who would reach great stardom in Vaudeville with a broad German accent. German comedians coming on "Ach and himmel Sie der."

What is little known in show business is that almost without exception, they were Irish. Their wit and humor that made them comedians they came by naturally and honestly. I was on a mission to England for our government some ten years ago. I should say to Europe, to several countries and finally wound up and the last country was Ireland.

On the last day in Ireland I was taken to Cashell Rock. I didn't know at that time that it is only 25 miles from Bally Poreen. But I do know that the young Irish guide who was showing us around the ruins of the ancient cathedral there on the rock finally took us to the little cemetery. We walked with great interest and looked at those ancient tombstones and the inscriptions.

And then we came to one and the inscription said: "Remember me as you pass by, for as you are, so once was I. But as I am, you too will be, so be content to follow me." That was too much for the Irish wit and humor of

someone who came after because underneath was scratched: "To follow you I am content, I wish I knew which way you went." (Applause and laughter.)

But the Irish, like many, a great many of the people and like my grandfather, great-grandfather, were driven to the new world by famine and by tragedies of other kinds. The Irish, they built the railroads, they opened the West wearing the blue and gold of the United States cavalry. There was John L. Sullivan, the heavyweight champion of the world, writers like Eugene O'Neill, clergy like Cardinal Cooke, and even—(applause)—physicians to the Pope like Dr. Cahill. (Applause.)

And it goes all the way back in our history. George Washington said, "When our friendless standard was first unfurled, who were the strangers who first mustered around our staff, and when it reeled in the fight, who more brilliantly sustained it than Erin's generous sons?" (Applause.)

And a century and a half later, who else than George M. Cohan would write of the Grand Old Flag, the Stars and Stripes and Yankee Doodle Dandy, with the line, I'm a real live nephew of my Uncle Sam." There must have been a divine plan that brought to this blessed land people from every corner of the earth and here, those people kept their love for the land of their origin at the same time that they pledged their love and loyalty to this new land, this great melting pot. They worked for it, they fought for it, and yes, they died for it. And none more bravely than Erin's generous sons.

Tragedy, as I've said, very often was the impetus that sent many to America. Today, as it's been said here already tonight, there is tragedy again in the Emerald Isle. The Cardinal prayed and His Holiness plead for peace when he visited Ireland. I think we all should pray that responsible leaders on both sides and the governments of the United Kingdom and the Republic of Ireland can bring peace to that beautiful Isle once again. (Applause.)

Once again, we can join John Locke in saying, "Oh, Ireland, isn't it grand you look like a bride in her rich adornment. And with all the penned up love in my heart, I bid you top of the morning." (Applause.)

No, I have no apathy, no feeling at all. I am just so grateful that among the other things that happened when I was allowed to move into public housing (laughter)—I had a chance finally to learn of the very rich heritage that my father had left me. And I can only say once again, with heartfelt thanks, I wear this and take it home, with a feeling of great honor, and say something that I know to all of you is as familiar as "top of the morning" or anything else. That is, "May the road rise beneath your feet, the sun shine warm upon your face, and the wind be always at your back. And may God, until we meet again, hold you in the hollow of his hand."

Thank you. (Applause.) ●

#### S. 842 AND ALASKA LANDS

● Mr. TSONGAS. Mr. President, I am sure that my colleagues remember well the struggle which this body engaged in during the last Congress over the ultimate resolution of the Alaska National Interest Lands Conservation Act. While many have hailed this act, and deservedly so, as our Nation's greatest conservation legislation in this century, I am sure my colleagues will remember that the bill was in fact a bipartisan compromise.

That compromise was not easily achieved. It took place over a period of weeks, during which virtually every

boundary of every conservation unit, as well as the difficult problems of energy exploration and development, mining access, future transportation routes, sport and subsistence hunting, State and Native land selection, and the survival of the southeast Alaska timber industry were closely examined.

In no other area of the Alaska lands bill was compromise more difficult for each side than in the case of the Forest Service wilderness proposals in southeast Alaska's Tongass National Forest. Here conservationists ardently fought for wilderness areas which have become familiar names: Admiralty Island, Misty Fjords, West Chichagof, and Strikine-LeConte. On the other side were the important considerations of providing for a stable timber industry in Alaska. The compromise did not come easily, but it was approved overwhelmingly by the Senate.

Now there is a major threat to the national forests and their wilderness resources. It is the so-called nationwide "release" legislation. In this Chamber, it is represented as S. 842, the so-called "RARE II Review Act of 1981." This bill has many flaws which I will not discuss today.

Central to it, however, is a provision prohibiting any national forest wilderness review and directing the Forest Service toward nonwilderness management of Forest Service lands in 40 States. Beyond amending the National Forest Management Act and the Resources Planning Act to accomplish that end, it amends three wilderness/"release" laws passed by the Congress last year, one of which is the Alaska Lands Act.

The compromise reached in H.R. 39, the Alaska Lands Act, provided for approximately 5½-million acres of wilderness on the Tongass National Forest. This was less than the amount recommended by the administration, and it was far less than the amount contained in the bill first passed by the House and in the wilderness amendment which was offered by myself and Senators ROTH and McGovern last year.

The compromise resulted in wilderness exclusions for mining in Misty Fjords and Admiralty Island, an exclusion from the Admiralty Island National Monument for the Shee Atika Native Corp., drawing back the wilderness boundary of the West Chichagof-Yakobi for timber purposes, and the deletion of the Karta and Duncan Canal wilderness proposals from the legislation in order to insure that the timber volumes of the Tongass National Forest would be high enough to provide for steady employment in the local timber industry.

And that was not all. To satisfy those who were concerned about the health of the industry, we added section 705. It provides an authorization that the Secretary of the Treasury "shall make available to the Secretary of Agriculture a sum of at least \$40 million annually, or as much as the Secretary of Agriculture finds is necessary to maintain the timber supply from the Tongass National Forest to dependent industry at a rate of 4,500,000,000 board feet measure per decade. Such sums will be drawn from receipts

of oil, gas, timber, coal and other natural resources collected by the Secretary of Agriculture and the Secretary of the Interior, notwithstanding any other law provided for the distribution of such receipts."

Beyond this, the Secretary was authorized and directed to establish a special program of "insured or guaranteed loans to the purchasers of national forest materials in Alaska to assist such purchasers in the acquisition of equipment and the implementation of new technologies which lead to the utilization of wood products which might not otherwise be utilized." The Secretary may determine the eligibility requirements for those loans, and the conditions of the loans. To carry out the loan program, there was an additional authorization of \$5 million directly from national forest funds receipts to be placed in a special revolving fund.

This is not all. To see that the timber industry in southeast Alaska is able to thrive, the Secretary of Agriculture was directed to prepare and transmit a study of opportunities to increase timber yields on the national forest system lands in Alaska. Section 706 provides that the Secretary of Agriculture shall monitor the timber supply and report annually thereon to the Committee on Energy and Natural Resources and its counterpart in the other body. And if at any time after the enactment of the law, the Secretary finds the available land base in the Tongass National Forest is inadequate to maintain the timber supply at a rate of 450 million board feet per year, he will inform the Congress.

Furthermore, it provides that 5 years from the December 1981 date of enactment, and every 2 years thereafter, the Secretary shall review and report to the Congress on the status of the Tongass National Forest and that this report should include the timber harvest levels in the forest since enactment and the impact of wilderness designation on the timber, fishing, and tourism of southeast Alaska.

But even this unprecedented assurance to the timber industry was not all. In addition, we include in the Alaska Lands Act a provision called the "release clause" (sec. 708) which effectively guarantees that wilderness advocates cannot delay the implementation of the RARE II review or the Tongass National Forest land management plan through dilatory lawsuits. This language which was urged on me by my colleagues from across the aisle was the same as that which also was incorporated in the Colorado wilderness bill last year and which was first incorporated in the California wilderness bill passed by the House in 1980.

Those bills set a standard for handling wilderness in RARE II release on national forest lands throughout the country. It was at the insistence of my colleagues that we included it in this compromise to give the timber industry in southeast Alaska the same assurances that the timber industry in the lower 48 negotiated following the completion of RARE II wilderness legislation. The same release provision was subsequently

incorporated in a New Mexico wilderness bill which passed the Senate and the House and was signed by President Carter in December.

Now, my colleagues should be aware that the so-called "RARE II Review Act of 1981," S. 842, would be the first major amendment to the Alaska National Interest Lands Conservation Act. It would provide that, in addition to all of the other privileges, guarantees and funding assurance for the timber industry in Alaska, the Forest Service may never again consider wilderness in its land use plans for even 1 acre of the Tongass National Forest or the Chugach National Forest, notwithstanding any other provision of law.

S. 842 as introduced is not explicit on this point. But it is there nonetheless. It is explicit in the companion measure introduced in the House, H.R. 4047. And it is provided for in the comments which the Reagan administration has sent to Chairman McCURE in his consideration of this bill in the Energy Committee. Let me quote to you from Secretary Block's letter of June 25:

It is our understanding that S. 842 would not modify or amend in any way the designations or the boundaries of any wilderness legislation previously enacted. However, the bill would apparently supersede the so-called release language included in certain of the legislation enacted by the 96th Congress to provide for permanent release. We believe it would be desirable to incorporate appropriate language in the bill to clarify this point, and provide for the same release of all the nonwilderness RARE II areas.

The language is:

Sec. 5. The Congress determines and directs that:

(a) National Forest System lands (1) not identified by section 3 as Lands Recommended For Wilderness or (2) not identified by section 3 as Lands Requiring Further Planning, including certain lands heretofore in primitive areas and wilderness study areas, and (3) not heretofore specifically designated by Act of Congress as wilderness or Intended Wilderness under the Alpine Lakes Area Management Act of 1976, shall, notwithstanding any other provision of law including section 708 of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2421), section 104 of the Act of December 19, 1980 (94 Stat. 3221, 3224), and section 107 of the Act of December 22, 1980 (94 Stat. 3265, 3270), be managed for multiple uses other than wilderness, unless otherwise directed by Act of Congress, and shall be deemed, for purposes of all present and future land management plans, and associated environmental impact statements, required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to have been given adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System.

There can be no doubt about the intended purpose of this bill. It would override any law which stands in its way. It would mandate that there could never again be any consideration of wilderness by professional foresters most capable of making such reviews. Furthermore, the Alaska Lands Act would be overridden on this most divisive compromise point.

I do not believe it is wise to reopen the Alaska lands debate at this time. Are we ready to take a major amend-

ment to the most difficult portion of the Alaska National Interest Lands Conservation Act less than 1 year after having worked out the compromise? Or, will we see whether the provisions that we wrote for the timber industry are adequate?

I, for one, do not believe any more needs to be given to the timber industry in Alaska. I stand ready to defend that act against such a major amendment. And it is my sincere belief that my colleagues from both sides of the aisle who participated in the compromise and who ultimately supported this package last Congress will continue to support it this year. If the southeast Alaska issue is reopened, it will not again be easily closed.●

#### HENRY PILLARD

● Mr. DIXON. Mr. President, I would like to call to the attention of my colleagues the splendid work done in my State—but for the benefit of young athletes from all over the world—by a gentleman named Henry Pillard.

Henry Pillard is the coach of wrestling at the Joliet Community College, in Will County, Ill. In that capacity, over a number of years, he has done particularly well what many teachers do: He has instilled in young people the values of hard work and honorable competition that are of such importance in helping them complete the difficult passage into adulthood.

In addition to that work, which has been of so much value to his local community, Henry Pillard has made a great contribution to the world of international amateur athletics, and to the ability of U.S. athletes to compete in that world.

Since 1977, the Amateur Athletic Union has held, and Henry Pillard has directed, the Joliet International AAU Wrestling Tournament.

It has come to be accepted as the premier international wrestling event held within the United States, and it brings top quality wrestlers from all over the world to Joliet to compete against our own wrestlers.

Those in the wrestling community are agreed that this opportunity to compete annually against the world's best wrestlers has made a great contribution toward improving the quality of American wrestling.

And in 1980, when the United States did not compete in the summer Olympic games, the Joliet International Tournament served as something of a surrogate event for American wrestlers, allowing them to compete at least once in that year with the best wrestlers from around the world.

Mr. President, in a comparatively short period of time, Henry Pillard has contributed a great deal to many people through his direction of this competition.

To the athletes, of course, and to the followers of amateur wrestling; to his own school, by elevating it to a position of considerable respect within the athletic community; and to the citizens of Joliet, many of whom open their homes



to accommodate the athletes of many nations who come to that town once a year.

The value of this cultural and athletic exchange cannot be underestimated, and so today I commend to my colleagues the efforts of Mr. Pillard and congratulate him on a job well done.●

#### A PLEA TO CEASE PERSECUTION OF ANDREI SAKHAROV AND HIS FAMILY

● Mr. MOYNIHAN. Mr. President, this morning's New York Times contains a letter to the editor authored by Lipman Bers, Davies professor of mathematics at Columbia University and signed by 24 members of the National Academy of Sciences—11 of whom are Nobel laureates. This letter, eloquent in its simplicity, is a plea to the leaders of the Soviet Union that they cease their persecution of Andrei Sakharov and his family.

The news from Gorky is no better today than it was last week. Dr. Sakharov and his wife continue their hunger strike with firm resolve. And with each passing day Dr. Sakharov's health is further imperiled. It would be so simple for the Soviets to bring this tragic matter to an acceptable conclusion. They need only permit an exit visa for one young woman in Moscow; they need only permit an anguished girl her basic human right. Mr. President, I ask that Professor Bers' letter to the editor be printed in the RECORD.

The letter follows:

#### THE SOVIET STATE VERSUS ONE COUPLE

To the Editor: We are deeply concerned about our admired colleague Andrei Sakharov, who, together with his wife, has declared a hunger strike in the Soviet Union.

This extreme act shows how desperate the Sakharovs are about the fate of Yelizaveta Alekseyeva, who is betrothed to Mrs. Sakharov's son Aleksei Semvionov. (Yelizaveta was, in fact, married by proxy to Mr. Semvionov in Montana last June.) Semvionov lives in Massachusetts, and Yelizaveta was refused permission to emigrate. The Sakharovs feel that Yelizaveta's life is being ruined in order to punish them.

What possible harm to the Soviet state could result from this young woman's emigration? We appeal to the Soviet authorities to let her go.

This appeal is being signed by me on my own behalf and on behalf of the following members of the National Academy of Sciences [the first 11 of whom are Nobel laureates]:

Nicolaas Bloembergen, Owen Chamberlain, Val L. Fitch, Paul J. Flory, Donald Glaser, Sheldon Glashow, Robert Hofstadter, Edwin McMillan, Burton Richter, Samuel C. C. Ting, George Wald, James D. Bjorken, Sidney D. Drell, Samuel Ellenberg, Herman Feshbach, Thomas Gold, Leon M. Lederman, Joaquin M. Luttinger, Herbert E. Robbins, Malvin A. Ruderman, Edwin E. Salpeter, Victor Weisskopf, John A. Wheeler, Chien-Shiung Wu.●

#### NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule 35 that I place in the RECORD this notice of a Senate employee who proposes to participate in a program, the principal ob-

jective 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 on Ethics has received a request for a determination under rule 35 which would permit Ms. Margaret Berlin, of the staff of Senator DOLE, to participate in a program sponsored by a foreign educational organization, Tamkang University in Taipei, Taiwan, from November 23 to December 2, 1981.

The committee has determined that participation by Ms. Berlin in the program in Taiwan, at the expense of Tamkang University, to discuss the political and legislative systems of the United States and Taiwan, is in the interests of the Senate and the United States.●

#### OLDER AMERICANS

● Mr. CHILES. Mr. President, I wish to share with my colleagues the recent address given by Senator HEINZ, the distinguished chairman of the Senate Special Committee on Aging, to the 1981 White House Conference on Aging. Senator HEINZ provided to the conference valuable insights on the challenges it faces in formulating policy recommendations to improve the lives and well-being of our older citizens. These are challenges the Congress faces as well and I believe that every Senator will benefit from a reading of Senator HEINZ' remarks. He points out that we must deal with difficult and perplexing questions in terms of the future of social security and the delivery of quality and cost-effective health care. I am also very pleased to note the Senator's emphasis on the important role the older American should and must play in continuing to contribute to our society and economy.

Mr. President, I ask that the text of Senator HEINZ' speech be printed in the RECORD.

The text follows:

#### SPEECH BY SENATOR JOHN HEINZ

It is a privilege to share this podium with not one, but two former colleagues, Dick Schweiker and my former House Colleague, with whom I worked so long and hard to create the House Select Committee, CLAUDE PEPPER. And it is a high honor, indeed, to address this great conference. The 1981 White House Conference on Aging could not convene at a more critical time, and the issues you must address are far more difficult than those that confronted your predecessor conferences.

The 1961 and 1971 White House Conference on Aging produced dramatic change on behalf of our elderly. The 1961 conference addressed urgent basic needs and resulted in the creation of two major programs to improve health care for older men and women. Today, 95 out of every 100 older Americans benefit from Medicare and some 4 million older people with low incomes benefit from Medicaid.

The 1971 conference looked beyond basic survival needs and urged services to strengthen the independence of older people in the home and community. The result, in part, was The Older Americans Act Amendments of 1973 vastly strengthening services and the addition of Title XX serv-

ices to the Social Security Act. In vesting virtually all service delivery responsibilities with States and local government, the initiatives of the 1971 Conference were years ahead of their time.

These Conferences literally pioneered public policy for older Americans. You are expected to chart no less ambitious a course, but you are here in much more difficult circumstances.

1961 and 1971 were times of relative economic plenty. Inflation was minimal. The labor force was growing and better paid each year. Productivity was increasing at 3 percent annually. The American standard of living was increasing each and every year. And it was politically popular, as well as morally right, to ensure that every American received a reasonable share of that real economic growth.

Today, we face a more hostile world. We have experienced no real growth for the last five years. We have just experienced for the third time in the last two years interest rates of over 20 percent, with all the unemployment and hardship that this implies. And we are in the midst of a deep recession.

And yet today, as this White House Conference on Aging begins, I want to suggest to you that this Conference perhaps holds the key to both the material and spiritual revitalization of America.

I believe you will agree that the central challenge to this Conference is not just to ensure economic security or adequate health care or housing services—important as these are—but to recommend and embrace policies designed to endow older men and women with more genuine opportunities for self-fulfillment.

Let me explain why I believe that meeting this challenge is the key to realizing a better America. Everyone here is aware that the age distribution of the population will be shifting dramatically over the coming decades. The financial difficulties social security faces in the future are a direct result of the expected larger percentage of older persons in our population. But the aging of our population alone does not fully define the challenge. First, we must understand the implications of these changes for our continued economic well being.

Our standard of living is the product of the number of people in the workforce times what the economists call "productivity" or "out-put per man hour," and then divided by our population.

The population of the U.S. is expected to increase 15 million in this decade and 10 million in the 1990s.

So the only way we can maintain or increase our standard of living, without unprecedented increases in productivity, is to continue to increase the size of our workforce. The largest single group of people in our workforce, comprising about 70 percent of those with jobs, are those who are 44 years of age or younger.

The striking fact is, that by the end of this decade, that group will stop growing and actually start declining in actual numbers.

What that means is that we, as a nation, will continue to grow and prosper in the next decade only if able bodied, healthy Americans, who today are in their late forties or fifties or even early sixties, have the opportunity and incentive to work and to fully and freely participate in our society.

I suggest, therefore, that the ability of this Conference to promote the greatest use of the talents, skills and experience of this future group of older persons will be vital to our Nation's continued standard of living—and our efforts to maintain and improve upon all we have tried to do for people.

The Special Committee on Aging has made a particular effort to examine the full implications of this significant change in many critical areas of public policy affecting the elderly.

As Chairman of the Special Committee, I have directed our efforts into three areas that I believe will be of special interest to this Conference.

First, and foremost, is economic security. When we speak of self fulfillment or increasing areas of choice for the elderly in the future, we cannot forget the role economic security plays in making choice possible. Through Social Security, we have established a solid foundation for young and old alike to achieve economic security in their later years. To assure these choices remain for the future, the basic benefit structure of Social Security must be maintained.

In the short run, Social Security has run into financing difficulty because the economy has failed to continue to grow. In the long run, a mounting deficit is expected because Social Security will have to support a higher proportion of retired persons on a smaller base of contributing workers.

I suggest that this Conference must be willing to face squarely all serious proposals for a solution. According to the conventional wisdom, there are three basic options—none necessarily exclusive of the other—but nonetheless only three: increase payroll taxes, reduce benefits, or finance the deficit through general revenues. None of these options are popular.

For example, some suggest financing the OASI deficit out of general revenues. But the problem is that we have no surplus of general revenues, only deficits. Sadly, we have had budget deficits in each of the last 12 years and in 23 out of the past 25 years. And the future outlook is no better. Any proposal along these lines must take these realities into account.

We need to look beyond the conventional wisdom for new and better ideas.

For example, a different approach to controlling Social Security costs is the Social Security Option Account, where all workers would continue to pay Social Security taxes, but those who chose to reduce their future Social Security benefits could contribute a portion of their wages to an IRA-type of Social Security Option Account. The results would be less future payments, the same revenues and a fiscally sounder trust fund.

There may, undoubtedly, be other and better options. We look to the wisdom of this Conference to make the kind of recommendations that will help us restore fiscal stability and confidence in the social security system.

The second issue of major concern is health care. Despite the vast improvements that have resulted from Medicare and Medicaid, many elderly people cannot afford the care they require—or they are unable to obtain the level of care they need. The health care system must be reformed to make it more responsive and less costly.

We must deal more creatively with the problem of cost. The cost of Medicare is doubling every four years, not because older people are getting more care or better care, but because the price of the same care has risen dramatically. Some people suggest that the way to hold down health care costs is to simply ask the elderly to pay a larger and larger share of the cost. Such simplistic suggestions will do virtually nothing to halt the runaway inflation in health care, but will penalize the poorest and should be rejected. Instead, we need to find effective means to thoroughly reform the health care system in a way that improves consumer choice and provides the incentive for the efficient delivery of quality health care.

One way to do this is by permitting Medicare to pay the cost of enrollment in Health Maintenance Organizations and other prepaid health plans that offer the same or better benefits as Medicare, but at no more or lower costs.

The other major health care issue of the future we must address is long term care. Public and private spending on Long Term Care was \$10 billion in 1975 and rose to nearly \$21 billion in 1980. It is expected to double again by 1985.

In part, our present reimbursement policies under Medicaid have produced a system that too often results in institutional placement that is unnecessary, expensive and which isolates people from their families and communities.

As this Conference examines more suitable delivery systems for continued care of the elderly in their homes, I hope you will look carefully at what we call "Title XXI," the proposed legislation to amend the Social Security Act to open up new options in Long Term Care.

I also hope you will give consideration to something I personally favor, namely, providing tax credits to families who care for chronically ill members at home.

Our health care system needs restructuring to provide alternatives and choices. It must become more responsive to the unique needs of our expanding older population. Restraining spiraling costs will help end the threat to the future of these important programs, and begin a new chapter of hope for older Americans.

The third major issue is the need to expand employment opportunities for older people. As I mentioned earlier, our failure to do so will not only jeopardize the financial underpinnings of the Social Security system, but strikes at our standard of living and our way of life.

Part of the employment problem is that we are plagued by barriers which discourage and deny older men and women the opportunity to continue working, such as age discrimination, mandatory retirement and inflexible employment practices.

We must strengthen our resolve to shatter these barriers. We must alter negative attitudes. And we must provide increased incentives for continued employment of those who today would normally retire.

We have witnessed the success of the Senior Community Services Employment Project under the Older Americans Act. We must move that successful concept into the private sector as well. Business, large and small, must be educated to see older workers for the valuable resource they are. They must be encouraged to expand options for older workers, including second career and retraining programs, job sharing, and part-time and flexi-time work schedules.

Finally, we must provide incentives to employees to continue to work. For example, the Social Security earnings limitation, as it stands today, represents an unfair and needless deterrent to older workers. Another incentive would be to substantially increase the "delayed retirement credit" by, say, doubling it to around 6 percent.

In sum, what I urge you to emphasize are strategies of choice, opportunity and self-fulfillment that will empower older Americans to act on their own behalf. Our society needs the talents, skills, and experience that older Americans want to contribute; to ignore this is to impoverish ourselves, young and old alike.

At the same time, we must make a commitment to be an equally difficult task. That is to destroy the stereotype that older people are somehow a burdensome, dependent, unproductive segment of our society.

How did we, as a Nation, allow this stereotype to develop? In the world of work, we have propagated the myth based on early retirement plans designed to make way for younger workers, and thereby fostered a view of all Americans, as they approach 60 or 65, as non-productive and not useful.

In the home, our increased mobility has divided families geographically, too often leaving older persons isolated and viewed as a burden rather than an integral and valuable part of an extended family.

And, in the political arena, I believe there are too many politicians who want the elderly to feel dependent on their largesse.

To be honest about it, my fear is that too many of our older people have accepted and internalized these attitudes.

More than 150 years ago, Daniel Webster said:

"Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its greatest interests, and see whether we may also, in our day and generation perform something worthy to be remembered."

I believe this Conference has the opportunity to perform something worthy to be remembered.

I believe that now is the time, once and for all, to shatter the hideous and debilitating stereotype of ageism that creeps into every facet of our lives.

In your collective efforts at this great Conference, I urge you to give particular emphasis to altering this attitude. For it is the perpetuation of this myth that has denied older Americans a meaningful role in contributing to the greatness of this Nation. And has denied to this Nation a rich and irreplaceable human resource.

The dreams and aspirations of older Americans have been and continue to be those of our country. It is the great challenge to this Conference to translate those hopes into a national agenda.

It is my hope that when the next White House Conference on Aging convenes in 1991, the participants will see the 1980's as a decade of decisive action which enabled older Americans to realize and claim their full measure of America's dream. ●

#### BUDGET CUTS

● Mr. HART. Mr. President, on September 23, 1981, I introduced legislation, S. 1655, to reduce the business tax deduction for meals and entertainment by 30 percent and earmark the savings for the school lunch program. Unfortunately, the Senate rejected this proposal when offered as an amendment 3 days later.

The case for this proposal was very strong in September. But it is even stronger now.

It is now estimated that 466 schools around the country have withdrawn from the national school lunch program despite the administration's assurances that this would not occur. According to Mr. Hoagland, former administrator of the Food and Nutrition Service, schools are now serving 2.8 million fewer meals this year than in 1980. This represents an 11-percent decline in the total average of daily meals served.

I have received letters from around the country describing the harsh impact of these cuts and warning that any further cutbacks will force even more schools to withdraw. In Boulder County, Colo., for example, participation is down 15 to 20 percent, substantially increasing the cost of each meal. This school district, like hundreds of others around the country, is on the verge of discontinuing its school lunch program.

Mr. President, schoolchildren do not, and never will have the political influence of corporate America. They do not



vote, and they are not represented by well-monied lobbyists. Yet, over 40 national organizations, representing educators, consumers, labor, and nutritionists have now publicly endorsed S. 1655. Together, these groups represent well over 5 million Americans. This list includes:

- Agricultural Marketing Project.
- American Federation of State, County and Municipal Employees (AFSCME).
- Americans for Democratic Action (ADA).
- Association for Community Organizations for Reform Now (ACORN).
- Bread for the World.
- Bridge, Inc.
- Center for Community Change.
- Center for Science and the Public Interest (CSPI).

- The Children's Foundation.
- Communication Workers of America.
- Community Nutrition Institute.
- Congress Watch.
- Consumer Coalition for Health.
- Consumer Federation of America.
- Consumer's Union.
- The Cooperative League of America.
- Delta Sigma Theta Sorority.
- Friends Committee on National Legislation.
- Food Research Action Committee (FRAC).

- International Ladies Garment Workers' Union, AFL-CIO.
- International Task Force on U.S. Food Policy.

- Maryland Food Committee.
- National Anti-Hunger Coalition.
- National Association of Community Action Agency Executive Directors.
- National Catholic Conference for Interracial Justice.

- National Education Association (NEA).
- National Farmers' Union (NFU).
- National Hook-up of Black Women.
- National Sharecroppers' Fund.
- National Urban League.

- Project on Food Assistance and Poverty.

- American School Food Service Association (ASFS).

- National Association of Social Workers.

- Working Group on Domestic Hunger and Poverty, National Council of Churches.

- Mennonites Central Committee.

- United Cement, Lime, Gypsum and Allied Workers International Union, AFL-CIO.

- Department of Human Welfare, United Methodist Church.

- United Telegraph Workers, AFL-CIO.

- Women's Legal Defense Fund.

- World Hunger Education Service.

- Women, U.S.A.

Congress established the national school lunch program in 1946 with an explicit commitment to "safeguard the health and well-being of the Nation's children." After 35 years, that commitment is now in serious jeopardy. This year, for the first time, we have seen regulations proposed to compromise the nutritional value of school lunches in the name of cost-savings. As we all know, the public outcry forced the administration to withdraw those proposals. Now, as the President reviews a second set of revised school lunch standards, we must be clear that we cannot accept any compromise

of our longstanding commitment to our children's nutrition.

My proposal represents a simple, rational way to restore full funding to the school lunch program without having any impact on the Federal budget. There are many arguments in behalf of S. 1655, but the strongest is simply that our children's lunches should take priority over fancy business meals and corporate football tickets.

Mr. President, school teachers probably know more about the importance of adequately nourished students than we, as legislators, ever will. The November issue of the National Education Association Reporter includes an excellent article about the school lunch crisis. I commend this article to my colleagues and ask that it be reprinted in the *Record* at this point.

The article follows:

#### FEDERAL BUDGET CUTS TAKE A BITE OUT OF CHILD NUTRITION

The facts and figures vary from district to district, but the general picture looks the same. NEA members in schools across the country report that school lunch prices have soared this fall to make up for the sharp drop in federal subsidies, and that fewer students are buying.

Unable to make ends meet, schools in Seattle, Washington; North Platte, Nebraska; and Pulaski County, Arkansas, were among the first of several hundred to drop out of the national school lunch program altogether. Many more will follow in the months ahead if today's bleak trend continues.

Flossie Henderson, a Normandy, Missouri, language arts teacher, says, "School lunches at our junior high went from 50 cents last September to 95 cents this fall. The portions have been cut too—and the students aren't buying."

Reports from Ohio, Pennsylvania, and other states indicate that participation in the hot lunch program has declined in many schools from 60 percent of all students last year to less than 10 percent this year.

What's behind this growing crisis are the recent federal budget cuts—cuts that sliced deeper into school lunch subsidies than into most other federal programs. Congress cut the child nutrition budget by one-third—which was less than the Reagan Administration had requested.

Earlier reductions, effective last January, had raised the maximum student charge for reduced-price lunches from 10 cents to 20 cents. This September it doubled again, to 40 cents.

What's more, families have to be poorer now than they did last year for their children to qualify for the reduced price. This means that many students who bought a 10-cent lunch last fall are expected to pay full price—75 cents or more—this year.

The federal government is also requiring a lower family income than before for students to be eligible for free lunches. These changes are forcing thousands of "working poor" families out of the school lunch program. And the October 1 cuts in food stamp allotments make it unlikely that they will be able to make up the lost nutrition either at home or in bag lunches.

Free and reduced-price milk, which has been available to all schoolchildren since 1954, is now limited to those schools not participating in the school lunch or breakfast program.

Most severely cut have been the subsidies for full-price lunches. In a time of rising food and labor costs and tight state and local budgets, many schools' food service programs were already running deficits last year. The lower subsidies leave schools with little choice but to raise the lunch price—or drop out of the program.

A year ago the price of school lunch for

paying students averaged about 60 cents nationally. That average has risen by 25 cents this fall, with some high schools now charging as much as \$1.50.

Hiking prices, districts know, is counterproductive. The rule of thumb is that for each penny the price goes up, student participation drops by 1 percent. Virginia's affluent Fairfax County raised prices by 15 cents in September; 19 percent of the paying students stopped buying.

As higher prices drive paying students out of the program, school food services will lose their traditional economies of scale—escalating their costs still further and making bankruptcy a real possibility.

The Administration's emphasis on ending "handouts" for middle-class students while targeting school lunch subsidies toward the "truly needy" ignores two basic facts. First, the National School Lunch Program has always been an across-the-board nutrition program, not a welfare program. And second, even the lowest-income students will be deprived of their free lunches unless they attend a school that can afford to continue operating a lunch program!

A recent National School Boards Association sampling of two school districts in each state found 28 percent were planning to eliminate their lunch programs entirely, 33 percent were limiting menus, and 25 percent anticipated closing some kitchens.

In September the U.S. Department of Agriculture (USDA) offered a "solution" for districts financially squeezed by the federal cuts; simply let schools serve cheaper meals! Congress had told USDA to review existing regulations with an eye toward finding ways to save districts money "without impairing the nutritional value of the meals."

But in its proposed new regulations, USDA ignored the myriad possible ways to reduce equipment, manpower, storage, planning, and other management costs that equal the cost of food. USDA addressed itself only to paring food costs—the one budget item where trimming directly penalizes kids.

To qualify for subsidies under the National School Lunch Program, lunches must provide one-third of the Recommended Dietary Allowance (RDA) for protein and 11 vitamins and minerals—a goal not always met even in good times, according to a recent General Accounting Office study. The effect of USDA's proposed new regulations would have been to cut this requirement to one-fourth of the RDA.

The more ludicrous of the proposals—such as allowing ketchup and pickle relish to count as vegetables, and cake or cookies to count as bread—drew outrage from the press and general public. "We know that balancing the budget won't be easy," one newspaper editorialized, "but surely the nation—awash in government-supported surpluses of grain and dairy products—can afford a full glass of milk and a whole piece of bread for every child."

In comments filed with the Agriculture Department, NEA's Office of Government Relations urged that the regulations be withdrawn or substantially revised. "Teachers are in a unique position to know the effects of nutrition on children in their daily activities," the comments stated. "They know that undernourished children in the classroom are less alert, slower to learn, less productive, and more prone to behavioral problems."

The Administration relented after three weeks and ordered the proposed rules withdrawn. NEA hailed the decision but termed it at best a limited victory, pending the outcome of further USDA review.

The school lunch program is still in jeopardy, NEA President Willard McGuire warned, calling the drastic cuts in federal funding "a tragic retreat from our country's traditional concern for the welfare of its youth."

That retreat is ironic in light of the Reagan Administration's emphasis on building up America's national defense. Congress cre-

ated the National School Lunch Program in 1946 as "a measure of national security." The program was a direct response to the high incidence of nutrition-related health problems that had kept young men out of military service in World War II.

Its secondary purpose was to stabilize farm prices through government purchase of agricultural surpluses (the school lunch subsidy remains a combination of cash reimbursements and surplus commodities).

The U.S. has grown to depend on this locally administered national program to nourish its young people. As of this spring, some 94,000 schools were participating, serving 27 million lunches a day, of which 55 percent were full price, 7 percent were reduced price, and 38 percent were free.

The school lunch program—one of the most successful nutrition programs in the world—has enjoyed bipartisan congressional support for years, partly because it benefits children across the board, in every congressional district. As many teachers have discovered, even children from more affluent homes are not always well nourished.

Federal funding levels remained fairly low until about 10 years ago, when free and reduced-price programs became mandatory, and the school breakfast program was created. The breakfast program which served about 3.5 million children in 30,000 schools last spring, has now been hit with federal subsidy reductions similar to those that have devastated school lunch. Because it is a smaller program, affecting fewer students, the breakfast program is an even more likely target for shutdown at the local level.

Cafeteria workers will be among those hardest hit as students and entire schools drop out of the national lunch program. Many school kitchen employees are among the "working poor" who seem to be bearing the brunt of the federal cutbacks on so many other fronts as well.

Estimates are that for every 100 meals lost, one job is eliminated. The layoffs have already started.

The Littleton, Colorado, school district, for example, has begun serving simple lunches wrapped in paper two days a week and has cut 28 food service positions. Other districts in Colorado and elsewhere are experimenting with centralization—cooking at one site and then transporting lunches to surrounding schools. Many other districts report switching to convenience-food programs with disposable utensils.

Schools that opt out of the National School Lunch Program and start offering à la carte meals are not required to feed students who can't afford to pay full freight.

With fewer students participating in the school lunch program, teachers nationwide can already see the results. "We have a lot of kids who got their one balanced meal of the day in the school lunch," reports Delavan, Wisconsin, high school social studies teacher Bob Fitzsimmons. "Without it, a lot of them aren't getting the proper nutrition, and it makes it more difficult to teach them."

Reports from Maine and elsewhere indicate that many children who bring bag lunches are now eating them before school—in lieu of their discontinued breakfast program. They then face the rest of the day with no meal.

Students going through a school day on an empty stomach have a hard time caring about English literature, or fractions. Baltimore County, Maryland, elementary art teacher Shirley Aldinger points to yet another result of the federal subsidy cuts: "Cafeterias are starting to sell sugared drinks, potato chips, and other junk food again, to supplement their revenues. This garbage has a real negative effect on kids' behavior."

While billed as "saving tax dollars," the cutbacks may actually cost the government money in the long run. Hungry, malnour-

ished students do less well in school, achieve lower levels of employability, are more likely to end up on welfare, and have higher health care costs later on.

In many ways, attractively priced school meal programs are more essential now than ever, due to—

Inflation, which is making it harder and harder for many families to provide children with nutritious meals.

The ever-increasing number of families with two working parents, whose schedules sometimes preclude cooking breakfast at home or packing well balanced bag lunches.

The infrequency of students going home for lunch, because of distance or the absence of a parent at home during the day.

The lack of models other than the school lunch for teaching children healthy eating habits.

The fact that most lunch foods commercially available—and heavily advertised—to children tend to be high in calories, fat, sugar, and salt but low in nutritional value.

Under strong pressure from the soft drink and food lobbies and from proponents of simplifying federal regulations, USDA has indicated it may relax its monitoring of the sale of competing "junk food" in school cafeterias and vending machines during lunch hours. Any limits on school sales would then be left up to state and local authorities.

The school lunch crisis could become still worse. In his late-September address to the nation, the President indicated he would like Congress to cut yet another half-billion dollars from the lunch program this year, wiping out the remaining subsidy for paying students.

While the administration busily takes food off the plates of schoolchildren in order to balance the federal budget, government subsidies for tobacco, sugar, and many other commodities remain firmly in place. ●

#### AMBASSADOR BROCK ON NEGOTIATIONS ON SERVICES

● Mr. INOUE. Mr. President, the United States is the world's leading exporter of services, or "invisibles." This sector consists of economic outputs which are primarily intangible, deriving their main value from intellectual capital or labor factors.

The United States has become a service sector economy, with approximately 72 percent of total nonfarm labor employed in services and 66 percent of the gross national product generated by service industries. Productivity in the service sector is also growing faster than in manufacturing and helps to curb the inflationary pressures in our economy.

This sector is the most dynamic part of our international trade. Even though our merchandise trade has lagged within recent years as foreign countries have surpassed us in many manufacturing industries and as energy prices have skyrocketed, services enabled us last year to enjoy a surplus in our balance of payments.

According to the latest figures produced by the Committee on Invisible Exports in London, the United States accounted for 20 percent of total world trade in services, but even this significant share is slowly and steadily declining.

Our success in the export of services has been hampered by the growth of barriers, some of which are due to foreign countries' industrial regulation but others of which are the result of protectionist actions designed to shield domestic industries or enhance their firms'

competitiveness. The Office of the U.S. Trade Representative has compiled an inventory of trade barriers in the service sector, but even this list is incomplete since barriers are erected daily.

It is my hope that this issue can be placed on the agenda of the Ministerial Meeting of the GATT, which is scheduled for autumn of next year. It is important that foreign nations realize that the U.S. Government is seriously determined to reduce service sector protectionism bilaterally and multilaterally.

The failure to solve the imbalance that has grown up in the international trade in services could very well lead to our taking reciprocal actions against countries which do not grant us the same kind of commercial opportunities in their markets that their firms enjoy in ours.

Recently Dun's Business Month printed an interview with U.S. Trade Representative Ambassador William Brock about the international trade in services. Ambassador Brock has provided commendable leadership in raising this issue in international fora and with foreign government. I ask that the article be printed in the RECORD.

The article follows:

#### U.S. DRIVE TO HIKE TRADE IN SERVICES

While the United States may be becoming less and less competitive in manufactured goods, it has a marked edge in the selling of such services as banking, insurance and technical advice. The problem is that many of our trading partners have erected many nontariff barriers to service imports, which make it extremely difficult for U.S. firms to do business. That's why Ambassador Bill Brock, President Ronald Reagan's Cabinet-level Special Trade Representative, has made reducing barriers to the export of services his top priority.

Brock, 50, was chairman of the Republican Party prior to his appointment to the top trade job last January. Previously, he had been a Senator and a Congressman from Tennessee. In this discussion with Executive Editor Gerald R. Rosen, Brock cites some of the difficulties the Administration faces in breaking down these barriers.

Many people in the banking, insurance, engineering and other service fields contend that the barriers to the export of services are far greater than they are to the export of goods. What's your view?

They're right. But I'm not so sure that all of these barriers are intentional. Some of them have evolved because of the way business is conducted in various countries. Nevertheless, it's abundantly clear that the barriers to services are not only serious but growing. And that's of enormous concern to me.

What particularly bothers you?

The fact that the United States is a service economy. Two-thirds of our employment is in services. And, most important, we have an enormous lead over most nations in virtually all service areas. So barriers to service exports can seriously hamper our international trade position.

Hasn't the problem of barriers to services been discussed and negotiated in the many trade agreements that the United States has signed during the post-World War II era?

The answer is no, incredible as that may seem.

Why not?

In our international negotiations, we have always dealt with trade as if it were something tangible, like an apple, an orange or a pair of shoes, and we haven't considered the reality that trade in services is just as important—if not more so—than trade in goods.



Wasn't the issue raised in the many years of negotiations that led to the much-heralded 1979 Trade Agreements Act?

There was some discussion. But, in the end, very little was done.

Since the landmark 1979 Trade Act is now law, what do you propose to do about the services issue?

In the 10 months this Administration has been in office, we have tried to change attitudes about the services issue and get some discussion going. We have raised the question with the OECD (Organization For Economic Cooperation and Development), the GATT (General Agreement on Tariffs and Trade) and the European Economic Community to prepare them and us for the complicated discussions that must lie ahead.

What has been the reaction of our trading partners?

There was almost no reaction early on. Few of them had focused on the problem and they did not realize the extent of it. But things are changing. I raised the issue at the OECD ministerial meeting in Paris a few months ago and for the first time the Japanese government endorsed the initiative and was supportive. That's an enormous and important change.

Is there support from any other major nation?

The British also are in favor of addressing the services issue. After all, it's in their interest. They are very competent in many of these fields.

What about the French?

Let's say the French tend to be a bit difficult on these issues.

Is there any interest on the part of the Third World?

A great deal. Take South Korea. Most people don't think of the Koreans as being engaged in services. But the fact is that they are deeply involved in construction and engineering. There are Korean construction firms all over the Middle East. And doing a very effective job. I might add.

Could you cite a major barrier to the export of some typical services?

One of the biggest is the fact that so many services—banking and insurance, for example—are regulated by government, and properly so. I might add. This often makes it very difficult for a foreign company to get through the bureaucratic maze.

Is this a problem for foreigners seeking to do business here?

It can be. Take the insurance business, which is regulated by the states. That means that there are fifty jurisdictions that a foreign firm must cope with.

What do you tell our trading partners when they complain?

I don't accept it as an excuse. If they can sell insurance in Africa, they can figure out how to do it in California. It's just a matter of making the effort.

Do you foresee another major trade agreements act that will deal with the services issue?

Frankly, I don't. I think that we will have to deal with our major trading partners on a bilateral basis. It will take years, but I hope to accomplish a great deal on this front by the time this Administration leaves office. ◊

#### THE WORLD CRISIS: THE TASK FACING THE UNITED STATES

◊ Mr. HELMS. Mr. President, on October 8, before the highly knowledgeable audience of the District of Columbia Chapter, Military Order of the World Wars, Dr. Charles H. Malik, one of the world's great classical scholars, gave a most illuminating address on the current world situation and what is required of the United States in meeting it successfully.

One of the constructive points made by Dr. Malik as the "key to world peace" was the reunification of Germany.

Another was the Monroe Doctrine concerning which he stated that America "seems to have forgotten" it.

A third was the necessity for restoring the "balance of power" in Europe as "a vital pillar of world peace".

Mr. President, I would stress that Dr. Malik speaks with the background of a vast professional, scholarly, and governmental experience. Because the previously indicated address should be of unusual interest to the Senate and executive branch, especially members and officials engaged in the formulation of U.S. foreign policy, I ask that it be printed in the RECORD.

The address follows:

#### THE WORLD CRISIS: THE TASK FACING THE UNITED STATES

(By Charles Malik)

The Jacques Maritain Distinguished Professor of Moral and Political Philosophy at The Catholic University of America, in Washington, D.C.; Distinguished Professor of Philosophy, Emeritus, at the American University of Beirut, Lebanon; former President of the General Assembly, the Security Council and the Economic and Social Council of the United Nations, and former Chairman of the Human Rights Commission of the United Nations; former Foreign Minister of Lebanon and Ambassador of Lebanon in the United States.

At the meeting of the Military Order of the World Wars (District of Columbia Chapter), at the Army-Navy Club, Washington, D.C., on October 8, 1981, at 12:00 noon.

In matters of the highest moment, especially when events are in process of formation, one can put forward in public discourse only fundamental propositions. The cutting edge of detail must be left to private consideration. I shall here in general abide by this rule, and that in the briefest possible terms.

#### I

Over the long haul China is the most important issue. China was penetrated spiritually three times in her history: by Buddhism from the South, by Islam from the West, and by Marxism from the North across the steppes of Siberia. The latest penetration appears to be the more far-reaching of the three. Which proves that despite her wall China is not impenetrable nor self-sufficient spiritually. In her very stagnation China has always been searching. Some timid people have excused their ineffectiveness so far on the ground that China is a world apart and had better be left alone. Nobody is ever left alone, especially today, and if you do not step forth and fill the spiritual vacuum somebody else will. The West with all its spiritual and material riches can only blame itself if China lives today under the banner of Marx, that misshapen version of the West. Beyond economic and political relations, beyond the exigencies of world geopolitical balance, which could, and doubtless will, change from generation to generation, the mind of China must be opened to the authentic values of the West, the values of freedom, man and the spirit. This is one of the most pressing tasks of those who really care about the ultimate things. There is a most fateful race already in progress between Marx and the values of freedom so far as the soul of China is concerned. In this race Marx could turn out to be a mere passing veneer.

#### II

At present the interests and ambitions of the Soviet Union in Europe, Asia, the Middle East, Africa and Latin America pose greater danger of friction and clash with the West than do the interests and ambitions of China

in those regions. Only the argument of strength, militarily, economically and above all morally, here makes a dent; only prudent fearlessness and unwavering fundamental conviction here avail. Short of satisfactory agreement on disarmament, adequate, massive preparedness becomes imperative. Such preparedness, far from meaning necessarily war, should serve as a restraint on inordinate ambition and a deterrent to war.

You may control existing armaments, you may dismantle them altogether, but what you cannot control is the inventiveness of the human mind. How can any armaments agreement prevent the several million scientists and technicians in the Soviet Union and the several million scientists and technicians in the United States and Europe from thinking, researching, experimenting, inventing in total secrecy? And one crucial discovery or invention thus arrived at could render obsolete enough of the existing critical devices to alter the world balance of forces substantially overnight. Because of the transcendental importance of creative research I would increase the appropriations for research and development fivefold, for the future will be determined, materially and militarily, by theoretical research more than else.

The ultimate issue therefore is not arms control, but how to touch and change the heart, the spirit, the will, the fundamental attitude from suspicion to trust, from hatred to love, so that the heart and will then will themselves control and direct the inventiveness of the mind. The state of the heart and will between nations submits to totally different laws from what obtains in devising the most secure defense systems and negotiating the most ironclad disarmament pacts. And only when a community of heart and purpose is established on the basis of mutual respect between the Soviet Union and the West can you trust what is going on in secret in the thinking and inventing of the mind, and can you then really feel secure. But man is seen differently, human destiny is understood differently, the purposes and values of existence are interpreted differently, between the two worlds. We thus see here again that the real ultimate rub is spiritual and not political or material.

To aid in the promotion of understanding and trust contacts should never be discontinued, cultural exchanges should be maintained, economic agreements mutually advantageous should be pursued, and if they weary you with their patience and forensic ability you should outweary them yourselves.

#### III

In Asia, so far as the proper world balance that conduces to peace is concerned, China and Japan are crucial. You may not blame the Japanese because they are industrious and ingenious; far from murmuring against them because they more than stood their ground in world competition, the West should admire and emulate them.

In Africa, Ethiopia has not received the attention it deserves, nor may the superlative strategic importance of South Africa be overlooked despite the country's grave internal problems. Every country is plagued with its own quota of such problems, and no country and no people can unhyppocritically cast stones on others in these matters. The one thing needful here is not to be squeamish—for any reason—in letting South Africa fulfill its proper role in world strategy, and to foil any attempt by adversaries to exploit the internal difficulties of that country for their own advantage. International existence is full of such national holes.

#### IV

The balance of power in Europe remains a vital pillar of world peace. Review all history and you will find that this has always been the case. There can be no peace in the world, there can be no security for the United States, if Europe should drift into such a state of vulnerability as to have to become

neutralized. The neutralization of Europe is but a prelude to its absorption by the East. No matter what role allurements or fears or failures or sheer human folly may play in this extremely delicate, but absolutely fateful affair, I believe the Atlantic community will either hang together or hang apart. The principal burden of Winston Churchill's Iron Curtain speech in Fulton, Missouri in 1946 was the impossibility of lasting world peace so long as Europe remains partitioned between the Soviet Union and the West. The crux of the partition of Europe is the partition of Germany. Two Germanys at the heart of Europe can never mean except perpetual discord and instability in the old continent. If European unity is an indispensable key to world peace, as Churchill asserted, the key to that key is the unification of Germany. Finally, of all possible abandonments, in the past and in the present, history would never forgive the United States if at this juncture the United States should for any reason abandon the people of Poland.

V

On Latin America I will only relate one story. A man in Europe who knows the game of power politics very well told me once: "I have stopped reading all American magazines!" I said: "Why?" He said: "I will resume reading them only after Cuba is liberated!" America seems to have forgotten the Monroe Doctrine. People elsewhere find it unbelievable, nay even worse than unbelievable, that America, with all her resources, material and moral, allowed Marxism-Leninism to take root at her doorstep, and from there to spread in Latin America and elsewhere throughout the world.

VI

The United Nations is called all sorts of names today. A respected writer has recently called it "a monument to imbecility," "an exercise in hypocrisy," "a gaudy realm of make-believe," "a dumbshow and a mummery." Some truth there may be in all this. But the United Nations was not so at the beginning, and for the first fifteen years of its life. What happened, then? Whatever happened, the United Nations was, and is, a free-for-all. In any contest in a free-for-all the loser is simply outsmarted. Let a fully grounded and honest investigation be made, and you will find that there was no inherent reason why in this match the United States should have been tripped up by its adversaries.

VII

On the Middle East I wish to make eight observations in the tersest possible terms:

(1) The one stable feature of all countries in the Middle East is the essential instability of every one of them. Only sixty years ago none of these states existed as it is today, and even during this short period innumerable has been the turmoil that each one of them has sustained; and nobody knows how they will look like, I will not say sixty, but ten or twenty years hence. The ultimate ground for this instability is something to be gone into separately. Part of this ground is the astounding fact that the endemic problem of minorities has never been honestly faced, let alone acknowledged, by the leadership of those countries. But the problem of minorities is itself grounded in the deeper problem of essential historical discontinuity. In the Middle East where history itself started, history is broken up again and again. These two, essential historical discontinuity and therefore essential instability, determine everything in the Middle East. Enormous practical consequences from the point of view of fundamental policy, flow from this observation.

(2) I do not see how the present chaos in Iran is not going to be taken full advantage of by the Soviet Union. Propinquity, both in terms of place and of culture, between Iran and the realms immediately to the North, places the United States and the

West in general at a decided disadvantage as to who is going to have the upper hand, politically and culturally, in that country in the future. These are ultimate facts for which the United States need not blame itself: it can only ponder them to see how they may be surmounted.

(3) The Middle East is much more communally softened up and infiltrated than wishful thinkers in the West know or imagine. Your greatest handicap so far has been that you deal for the most part with governments and individual leaders but not with peoples. Nor, I am afraid, can you help that. You will be amazed to find out what the peoples, the masses, in the Middle East think. Nor may you take comfort from the thought that the prevailing native ideology is anti-communist; this is not true. The character and magnitude of this problem has not been fully comprehended. I wonder if ever the Government of the United States made a serious study of the kind of literature being read daily by the youth of the Middle East and Latin America. The mind of these peoples is being impregnated, not with your values of man and freedom, but with some of the darkest impulses in human nature, and with promptings of hatred hailing from your sworn enemies. Where the mind of youth is turning—this would be a principal concern of all high statesmanship today.

(4) Now that Iran's future is doubtful and perhaps out of control, and the entire area heavily infiltrated, the Eastern Mediterranean emerges as more vital for the defense of the Middle East than ever before. The Gulf can only be secure if its rear, the Eastern Mediterranean, is secure. To hold the Middle East, or as much of it as possible, the Near East must first be held. But a significant gap yawns in the Eastern Mediterranean, consisting of Syria and—by partial extension—Lebanon. Policy should now concentrate on how to close that gap. Nor may the numerous defaults of the past with respect to Africa be repeated now in the North, with all the swirling going on these days about Egypt and the Sudan.

(5) Lebanon is a sick country. It cannot heal itself. An expert physician is needed from outside. The United States has been sympathetic and has helped considerably, but the patient is still lying on his bed and his condition is still critical. The sickness is not yet unto death but it could become so. Many countries have disappeared, and so the question arises: Why should Lebanon be saved? Because great stakes are involved in the death of the patient. First, because an independent and sovereign state would disappear, being absorbed or partitioned by its neighbors, and that would upset the political and moral balance in the Middle East. Second, because the only free, open, democratic and genuinely pluralist society in the Middle East, the society of Lebanon, would be assimilated into the norm of Middle Eastern societies which are neither open nor free nor democratic nor pluralist, and that is not exactly in the best interests of the free world. And third, because the only free and secure Christian community in the Middle East, which has always been in communion at once with Rome and Constantinople, and has managed to preserve, more or less, its freedom and integrity for centuries, would perish, a loss wholly not foreordained. If only people would stop to ponder responsibly and calmly these three fateful stakes—the perishing of a state, the perishing of a unique society, and the perishing of a unique community—I am confident they would be set on fire to try to save Lebanon. What is needed now, in a most urgent manner, is that the abundant good will that has been displayed so far from many sides, especially in the United States, Canada, the Vatican, Latin America, France, Saudi Arabia, and elsewhere, first be coordinated, and then translated into

resolute policy bearing immediate fruit, lest the patient die.

(6) The Palestinian question should be addressed: Everybody agrees on that. But there is no agreement on how it may be resolved. If the universe of discourse with its hackneyed clichés which have prevailed so far should be persisted in, then I'm afraid there is no resolution to this question. But if you consider that in the great land bridge stretching between Asia Minor and the Valley of the Nile five peoples (the Syrians, the Lebanese, the Jordanians, the Palestinians and the Israelis), four states (Syria, Lebanon, Jordan and Israel), and three great world religions (Judaism, Christianity and Islam), coexist, and that it is an absolute historical necessity for all these peoples, states and religions to live and interact with one another under some order of peace in this one land bridge—if only you keep this picture firm in mind, then great vistas of hope, precisely with respect to the Palestinian question, and not only with respect to that question, would trace themselves on the horizon of your thought.

(7) It is vital that the friendly relations that have always obtained between the United States and Saudi Arabia since the days of the great Abdul-Aziz and the great Faysal be maintained and strengthened. Nor must any wedge be allowed, for any reason, to be driven between the two governments and peoples. And this not only in the interests of the two countries, but of the entire area and world peace.

(8) Every single problem and condition in the Middle East today, every single prospect in that area, is unfathomably complicated by the subtle or open clash between Washington and Moscow. Let nobody think that he can negotiate with anybody in the Middle East as though Moscow were absent. Moscow disposes of eyes and ears and hands in relation to every country or movement or development and every decision to be taken in the Middle East. Moscow seeks actively to be in on every such decision. And when she is excluded, she will at once plan to retaliate somehow somewhere, whether in the country itself affected by the decision or elsewhere.

VIII

If a billion Chinese are now required to study the English language for eight years, and if that language has become the lingua franca of all mankind—an event that never happened before to any language—can the English-speaking peoples measure the infinite responsibilities before God and history that fall upon their noble tongue, as to the spiritual and moral and intellectual values, and the kind of hope, that that language should convey to the entire world? You have no idea what is required of you to see to it that the English language, your language, fast becoming the universal language of mankind, be charged today with the right kind of message, in terms of fundamental ideas, moral values and intimations of beauty and grace.

Ladies and gentlemen, I should be ashamed of myself if I stopped here. I should be unworthy of you if I stopped here. I should be unworthy of the truth.

And what is the truth? The truth is that the principal task facing America is the internal one. I have no doubt that, having regard to America's immense material, technological, political and moral resources, America will, in time and in her own free way, put its economic house in order. The same for her defense requirements.

It is her intellectual, moral and spiritual house on which I want to dwell for a moment.

I respectfully say to the media: For God's sake, have pity on the infirmities of human nature; you appear to be bent on titillating and taking advantage of them. I am thinking in particular of the so-called "sexual revolution" and of man's insatiable craving for



comforts and things. Far from helping to liberate man, sex could destroy Western civilization. The tragedy here is that the victims, once firmly held in bondage, would not be able to help themselves. They would keep silent about the collapse, or rationalize it, or even contribute to it, and that against their better judgment. I trace this scourge for the most part to the cult of Freud.

The family is in deep trouble. But for obvious reasons one cannot talk much about it. And yet it is always exactly the things that for obvious reasons one cannot talk much about that are the most important things. May I beg you to do something about the family—for your sakes, for the sake of your civilization, for the sake of the world, because so much these days depends upon your example. And if you can do nothing, at least pray that God intervene.

Many cultures abroad have been suffering for centuries from trouble both in the family and in matters sexual. The example of family decay and sexual laxity in the West is not helping them at all. They tell the West in their heart: You see, you are catching up with us! What should be the case is for you to be able to tell them: When will you catch up with us, in matters, not only material and technological, but intellectual, moral, spiritual?

The life of community and fellowship, without which stability of character cannot form, must somehow be restored despite the havoc wrought by technological civilization.

The university and the school are in trouble, whether or not they acknowledge it. The radical divorce of intellect from character, of mind from spirit, of reason from faith, of efficiency from virtue, of the excellence of idea and technique from the perfection of the total human person, of the use of thought from the being of the thinker—this too can destroy Western civilization. The secularism, relativism, rationalism, scientism, humanism of the university must somehow be addressed and redressed. Nothing above, nothing beyond, nothing other than, mind and man?

Cynics, operators, manipulators, balancers, abound everywhere. I do not fear the cynics, but I fear them when they start practicing their cynicism on themselves. And must the balancers and manipulators be allowed to carry on their craft with no attention being paid by them to the quality of what they balance and manipulate?

x

I doubt that policy makers in the United States have given serious thought to the kind of intellectual fare being fed into the minds of the youth of the world, including the youth of America. I doubt that they devoted one single long week end to going exclusively and exhaustively into the kind of philosophy, of outlook, of fundamental attitude that is being proclaimed and promoted in the media and in the halls of learning of the great universities. But on this philosophy, outlook and attitude, more than on any politics and any economics, depends the future of mankind.

It should not be said by some competent judge a hundred years from now that exactly when youth was avid for the truth—the truth of man, the truth of freedom, the truth of destiny—Western civilization was weighed in the balance and found wanting. And this when you possess the truth in abundance more than any civilization, now and in the past!

You cannot allow the mind of youth to be so vacant as to fall a prey to the predatory wiles of the enemies of God, freedom and man. But that is alas exactly what is happening.

Can a civilization that sums up in its own being at its best the Greek passion for reason and knowledge, the Roman attachment to justice, law and order, the Judaic self-

dedication to the One True God, the Christian event of sacrificial love and mercy, and the distinctive zest, and adventure, and discovery, and sense of freedom, and individual independence and initiative, and boundless confidence, and perpetual search, so far garnered from the great American experience—can such a civilization fear anything except the erosion of its faith in itself? Fill the mind of youth with half the truth you already possess, and then go home and sleep in peace. But why should you stop at only half—why don't you go all the way and fill it with the whole?

He will inherit the earth, or better earth still, who believes in something true and eternal. He is worthy of survival, and more than mere survival, who is prepared to share with others the eternal he believes. But he must really believe to be able really to share. Nor can you share with anybody anything over which you stammer. Your belief must ring in your minds, in your deeds, in your life, in your society. The ultimate crisis today is one of faith—faith in the basic values of the great positive tradition. If only you really believe what you already fundamentally are, you will move mountains.

Culturally, intellectually, spiritually, existentially, you have behind you four thousand years of cumulative tradition—not just two hundred years. In wealth and scope, in light and truth, and in creativity, there is nothing like it in all history. It measures, weighs and judges all other traditions. And if others venture to judge it, they will soon discover that they are judging it by its own norms.

I say you have this tradition "behind you"; the truth is that you have it "before you"; because what is constitutionally at your base is already before you for the having.

And what has this tradition yielded, in terms of worth and value and meaning and being? It has yielded fundamentally six things: man and freedom, truth and law, spirit and love. Man in his essential dignity; freedom as the end of all endeavor; truth as something there to be ardently sought and securely grasped; law as above the caprice of men; spirit as wholly underivable either from the slime of matter or the compulsion of circumstance; and love in the dictum, God is love.

These eternal values must be rediscovered, rebelled, relived, reappropriated, relived, reaffirmed, reproclaimed. There is no progress away from them: There is only perpetual return to them. They are all integral to the deepest and most lasting in your tradition. They are already you and you are already they. Therefore it is supremely true to say: Be only what you at your most authentic already are.●

#### GENERAL REVENUE FINANCING

● Mr. DOLE. Mr. President, I applaud the action of the White House Conference on Aging Committee on Economic Well-Being in going on record overwhelmingly against the general fund financing of social security. I believe that general fund financing of this most important social program is equally unpopular in the Congress. Furthermore, there is almost no support for it on the Finance Committee and, I understand, little if any among members of the Ways and Means Committee.

General revenue financing of social security has been considered and rejected since the program was enacted in 1935. It would unlink benefits from the workers' earnings and tax payments. It would obscure individual taxes and make the cost of the program more difficult to control. Public confidence in the system

could well be eroded, rather than enhanced.

Under the current system, most workers perceive their benefits as a matter of right acquired by the payroll taxes deducted from their paychecks. The "earned" character of the benefits and the "earned right" to those benefits are basic principles on which the social security system was founded and in large measure account for the support of the American public for this program.

Introducing general revenue financing into social security would weaken the longstanding tie between what a worker earns and the benefit he receives and would run the risk of weakening workers' acceptance of the system.

General revenue financing of part or all of social security could also have the undesirable effect of leading to means testing of benefits. The nature of the program may be changed radically from a social insurance program to a welfare-based program.

The payroll tax method of financing social security has long been associated with a commitment of fiscal responsibility.

To this point, Congress has always had the determination—in fact has required itself by virtue of the payroll tax—to look at the cost side, as well as the benefit side of the equation whenever social security matters have been considered. This fact is a cornerstone of the fiscal soundness of the system.

Using general revenues to alleviate either the short- or long-term social security financing problems would be a grievous and potentially costly mistake. General revenues translate into higher taxes or increased deficits. Such an approach is simply not responsible at this point. It threatens the character of the benefits and undercuts the sense of fiscal discipline with which we must act to restore and maintain the integrity of our social security system.

Another point which must be made is that there are no general revenues available. Social security expenditures already account for 28 percent of all Federal expenditures. Allowing even limited infusions of general revenues will increase that percentage and further expand that portion of the budget considered untouchable and uncontrollable.●

#### NATIONAL ADOPTION WEEK

● Mr. METZENBAUM. Mr. President, November 22 marked the first day of National Adoption Week—a week that is designed to promote adoption as a positive and loving way of building families.

Mr. President, the act of adopting a child is, indeed, a very wonderful thing. Nothing is quite as precious as the love of a family. And certainly, there is nothing quite as wonderful as a family that willingly opens its arms to a homeless child, to feed, care for, and love that child, a child that otherwise might well go through life never knowing the love of parents and siblings. Those of us who have known that kind of feeling—and most of us are fortunate to have known it—cannot imagine having that void in our lives. In my opinion, any family that takes into its home an adopted child and extends that kind of

unconditional love has conducted one of the most humane acts possible.

Mr. President, each year thousands of unplanned pregnancies result in babies who are put up for adoption. Although the Government has not kept statistics since 1975, recent reports place the number of adoptions at around 100,000 per year. In fact, the number of adoptions has declined steadily in this country since 1970 when a record 175,000 children were adopted. And since 1960, the number of children in foster care has doubled to approximately 500,000. Earlier this year, the New York Times reported that fewer than 20 percent of the children available for legal adoption in New York's publicly assisted agencies were actually placed. The Washington Post reported that the District of Columbia's foster care system is overburdened and understaffed.

In July, I sponsored legislation designed to encourage families to adopt children by permitting adoptive families to claim the costs of adoption as a tax deduction. My legislation takes note of the fact that at least 20 major companies have in recent years begun to assist their employees with the costs incurred in adopting children. IBM, for example, has had an adoption assistance program since 1972, and has averaged approximately 350 to 400 claims per year. Another major company, the Smithkline Corp., paid employees \$400 per adoption at the time it began its program. It now pays \$1,000 and intends to increase the amount until it equals the cost of a normal obstetric delivery.

The issue here, Mr. President, is providing homeless children with homes. Yet presently, we have a tax code that actually discourages families from adoption. Adoption assistance is considered regular income for tax purposes, and so companies providing it must incur the costs of social security taxes and an extra paperwork burden. That should not be—and my bill corrects the inequity by excluding adoption benefits from employees income.

Mr. President, I ask that an article on adoption in *Business Week* be printed in the *Record*. And I also ask that all Members of the Senate join with me in recognizing National Adoption Week, and that we all commit ourselves to a new national policy of encouraging families to take into their homes adopted children.

The article follows:

#### WHEN COMPANIES HELP PAY FOR ADOPTION

An increasing number of companies provide employees with benefits to help them adopt children—just as they provide maternity benefits. But the Internal Revenue Service regards these benefits as taxable income. Now an effort is being made in Congress to have them treated as nontaxable on the grounds that present IRS policy discriminates against adoptive parents.

Three bills are pending in the Senate to make certain adoption expenses deductible, and one of them, sponsored by Senator Howard Metzenbaum (D-Ohio), would also exempt employee benefits. The Treasury adamantly opposes the measures, but employee-benefit officials from industry say they are overdue.

"To subject this benefit to the income tax unfairly penalizes people who are merely trying to create loving families," said Robert B. Bogart, managing director, corporate human

resources, American Can Co., in testimony on Oct. 16 before the Senate subcommittee on taxation. The Greenwich (Conn.) company recently added an adoption benefit, effective in 1982, that will pay up to \$2,000 for each adoption of a child under 18.

#### UNPLEASANTLY SURPRISED

According to Hewitt Associates, employee-benefit consultants based in Lincolnshire, Ill., more employers would grant adoption benefits as an option of flexible benefit programs if such benefits were not taxable. Such benefits typically range from \$500 to \$2,200. They are a small expense to companies because adoptions are not common; according to the National Committee for Adoption, only 34,000 of last year's 109,000 adoptions involved adults and unrelated children.

But employees who want to adopt appreciate what help they can get. Eric B. Perez, manager of business strategy analysis at Xerox Corp., in Stamford, Conn., was one of the first to use his company's adoption plan, which pays up to \$1,000 per adoption, after it was inaugurated in 1979. Perez spent more than \$4,000 to adopt a two-year-old boy from the Philippines through the International Alliance for Children Inc., in New Milford, Conn. "I was very grateful to Xerox for making \$1,000 available," he says. So far, Xerox has spent close to \$100,000 on 118 adoptions.

Some companies have been providing adoption benefits for more than 10 years. For example, the plans at S. C. Johnson & Son Inc. and at Foote, Cone & Belding Communications Inc. date back to 1970. Foote Cone's plan is among the most generous—it pays an adoption fee equal to the cost, now around \$2,500, of a normal delivery in a local hospital. International Business Machines Corp., which has had a plan since 1973, pays 80 percent of eligible charges, up to \$1,000 per adoption.

A 1980 Hewitt report listed 14 companies that provided adoption benefits, including Pitney-Bowes, Hallmark Cards, SmithKline, and Syntex. Since then, says Hewitt, four more companies have joined the list and eight other client companies are considering it. Control Data Corp. plans to announce an adoption plan shortly.

Goodwill and equity are not the only reasons for an adoption program, says American Can's Bogart; it is also part of a company's social responsibility. "Industry can make an impact," he says. And Bruce Mueller, employee-benefits director of Foote Cone, reports that inquiries about his company's adoption benefit encouraged several other employers to offer adoption plans during the past year. "The fact that lots of big companies are coming in can be the most effective force in encouraging adoption," he says.

These arguments fail to impress John Chapoton, Assistant Treasury Secretary. "We do not believe that the tax system is the appropriate vehicle for providing federal aid for adoptions," he told the subcommittee. He opposes exemptions for employer plans on the grounds that the IRS is not equipped to administer them and that they would "further erode the tax base by exempting from tax yet another element of compensation."

#### 158TH MONROE DOCTRINE ANNIVERSARY

Mr. HELMS. Mr. President, today, December 2, is a significant date. It is the 158th anniversary of the proclamation by President James Monroe in his annual message to the Congress on December 2, 1823, of what is historically known as the Monroe Doctrine.

Proclaimed at a time of grave crisis in the history of the Americas when the holy alliance of European nations was continuing to restore Spanish domina-

tion over its newly independent American colonies and Russian imperialism was extending its domain southward from Alaska almost to San Francisco, it was successful in protecting the Western Hemisphere.

Mr. President, because since 1959 so many North Americans seem to have forgotten the Monroe Doctrine, I shall enumerate its three major points:

First. Opposition by the United States to any future European colonization in the Americas.

Second. Abstention by the United States from involvement in European internal political affairs.

Third. Opposition by the United States to any extension of European systems to any part of the Americas.

Monroe, in preparation of this doctrine, did not act alone, but only after extensive consultations with his cabinet and predecessors. Madison strongly approved it and Jefferson described the doctrine as "our compass" that points the course for our country through the "ocean of time" then opening.

Mr. President, in view of today's mounting crisis in the Central American, Caribbean, and other areas to the South, it is time that we restudy the Monroe Doctrine and take steps for its universalization. ●

#### TENNESSEE CITIES AND GENERAL REVENUE SHARING

Mr. SASSER. Mr. President, Federal aid to cities and counties in Tennessee and the Nation has been significantly cut back as a result of the Omnibus Reconciliation Act of 1981. Localities in Tennessee and elsewhere are struggling to keep vital local services going while still holding local property taxes down.

But now the administration has come along and recommended a 12½ percent reduction in the general revenue sharing. That means \$5 million less in general revenue sharing for cities in Tennessee.

Federal revenue sharing is the one Federal program that goes to local governments without any real strings attached. Yet, this program too has now ended up on David Stockman's chopping block. Indeed, I have no doubt that Mr. Stockman would like to phase out the entire program by 1984.

The impact of a phaseout of this essential Federal aid program would be very harmful to many Tennessee cities.

If the general revenue sharing program is totally eliminated, city property tax rates would go up an average of 55 percent and businesses located in Tennessee cities would see overall tax levies increased by some \$28 million.

Mr. President, in these times of fiscal austerity we need a strong revenue sharing program, and I would hope that the administration reconsiders their decision to make severe cuts in the program.

Mr. President, I ask that a table showing the impact of general revenue sharing reductions on Tennessee cities which appeared in the November, 1981 issue of *Tennessee Town and City* be printed in the *Record*.

The table follows:



[From the Tennessee Town and City,  
November 1981]

TENNESSEE CITIES AND GENERAL REVENUE  
SHARING

City	Property tax increase necessary to replace GRS*	Percent increase in the rate
Alcoa	.30	17
Arlington	1.40	93
Ashland City	.31	28
Bartlett	.26	13
Baxter	.75	50
Belle Meade	.05	7
Bells	.80	45
Benton	.05	8
Camden	1.50	150
Carthage	.76	35
Centerville	1.50	91
Chattanooga	.33	12.5
Clarksburg	.65	40
Clifton	1.00	50
Collegedale	.09	45
Colliersville	.25	12.5
Columbia	1.08	50
Cookeville	.48	40
Cornersville	.60	66
Cowan	1.13	40
Dayton	.50	50
Decatur	.68	90
Dyer	.75	37.5
Eagleview	.10	20
East Ridge	.20	15
Elizabethton	.80	24.8
Englewood	1.38	50
Estill Springs	.75	20
Fairview	.36	100
Franklin	.50	33
Friendship	4.00	200
Gainesboro	1.22	61
Gallatin	.64	33.4
Gatlinburg	.16	33
Gleason	.81	38
Goodlettsville	.13	59
Gordonsville	.22	18
Greenback	0	0
Greeneville	.93	25
Greenfield	.90	60
Halls	.57	25
Hartsville	2.50	100
Henderson	1.30	81
Hendersonville	.29	32
Hohenwald	.97	72
Humboldt	.30	13
Huntingdon	1.43	84.2
Jefferson City	1.45	78
Jellico	2.20	100
Johnson City	.77	25.2
Kimball	.40	100
Kingsport	.36	14
Kingston	.24	13.7
Knoxville	.70	11
LaFollette	2.00	115
Lakesite	.25	33.3
Linden	1.32	132
Loretto	1.30	168
McKenzie	.83	42
Manchester	.70	29
Maryville	.59	19
Memphis	.41	12
Milan	.90	43
Monterey	1.25	57
Moscow	2.00	200
Mount Pleasant	1.75	83
Murfreesboro	.62	21.37
Nashville	.45	10
New Johnsonville	.50	33
Newbern	.92	41
Newport	1.00	22.3
Norris	.78	14
Oak Ridge	.27	8.8
Oblon	3.24	62
Paris	1.05	100
Parsons	1.75	50
Portland	.70	30
Pulaski	1.28	64

	Property tax increase necessary to replace GRS*	Percent increase in the rate
Red Boiling Springs	.11	6
Rockwood	1.10	45
Scotts Hill	1.00	100
Sharon	.60	25
Shelbyville	.8186	41
Soddy-Daisy	.51	54
Somerville	1.30	104
South Fulton	1.00	66
South Pittsburg	1.45	100
Sparta	1.91	71
Spring Hill	1.00	100
Springfield	.94	34.8
Sweetwater	.70	54
Tennessee Ridge	.25	25
Trenton	.76	69
Tullahoma	.63	14.41
Union City	1.11	33
Watauga	1.06	250
Waynesboro	3.72	55.05
White Bluff	.60	60
White Pine	1.50	125
Winchester	1.39	39.7

\*General revenue sharing.

BIRMINGHAM'S NATIONAL  
VETERANS DAY

● Mr. HEFLIN. Mr. President, on November 11, 1981, our Nation showed the respect we have for freedom and for the individual contributions of our fellow man with the observance of "National Veterans Day."

I was privileged to be in Birmingham, Ala., at that city's 35th annual observance of that holiday. The sincerity and the success of the activities in Birmingham earlier this month, as well as for the previous 34 years, serves as a tribute to one man—Birmingham's director of National Veterans Day activities, Raymond Weeks.

Thirty-five years ago, Raymond Weeks had a dream—a dream of one day when our entire country could unite in a ceremony honoring the unselfish service our veterans have given to America. His work to make his dream a reality has earned Mr. Weeks recognition as the "Father of National Veterans Day," and the job he has done for 35 years on the local level has been so outstanding that numerous other observances have been modeled after the one in Birmingham.

That is typical of Raymond Weeks. His life has been one of constant service on behalf of others—in the military, in civic organizations, in the Alabama State Legislature. Whenever the opportunity or need arose, he has given of himself, all the while maintaining constant involvement with his first love—National Veterans Day in Birmingham.

This year's activities included speeches by the distinguished actor, director and war hero, Douglas Fairbanks, Jr.; the Secretary of the Army, John O. Marsh, Jr.; the Commander of the first U.S. Army, Lt. Gen. Donald E. Rosenblum; and the National Commander of the Disabled American Veterans, Sherman E. Roodzant. At this time, it is my pleasure to submit for the Record the remarks of these men.

The material follows:

SENATOR HOWELL HEFLIN INTRODUCTION OF  
DOUGLAS FAIRBANKS, JR. NATIONAL VETERANS  
DAY, 1981

Ladies and gentlemen: Tonight we are here to honor Douglas Fairbanks, Jr.—stage and screen star, producer, director, author—and distinguished war hero.

While he has starred in more than 70 movies and numerous stage productions, Mr. Fairbanks is being honored tonight for his distinguished military career—a career that earned him international recognition for his leadership, his skill as a military tactician and strategist and, above all, his courage.

Mr. Fairbanks enlisted in the United States Navy in 1941, before the Japanese attack on Pearl Harbor. During World War II, he fought in the Atlantic, Arctic, Mediterranean, Adriatic and Aegean Seas and in the North African, Italian, Yugoslavian, French and Great Britain campaigns. During the amphibious assault on Italy in September 1943, Mr. Fairbanks exhibited such courage that he was awarded the Silver Star Medal. "During the occupation of an island in the area," the citation reads: "He courageously led a landing party ashore and, although exposed to enemy rifle fire, established essential picket positions, thereby contributing materially to the accomplishment of a vital mission."

For his courage in the amphibious invasion of southern France on D-Day, Mr. Fairbanks earned the Legion of Merit Medal. The citation reads: "On the morning of August 17, 1944, when two hostile vessels attacked a group of smaller craft, he courageously led the ships of his unit into action and, aggressively directing the combat operations with expert seamanship against heavy odds, greatly aided in the ultimate sinking of the two vessels. By his brilliant leadership and steadfast devotion to duty throughout this vital period, Lieutenant Commander Fairbanks contributed materially to the successful invasion of a highly strategic area."

Mr. Fairbanks rose to the rank of commander in 1945 and was the only American officer chosen by Admiral Lord Louis Mountbatten to be one of his famous "Mountbatten Commandos."

For his wartime service in the military and his significant contribution to the allied victory in Europe, Mr. Fairbanks was knighted "Sir Douglas" by Britain's King George the Sixth in 1949 and was named "Knight Commander" of the most excellent order of the British Empire.

Mr. Fairbanks has received numerous diplomatic and military awards and honors from a number of nations, including England, France, the Netherlands, Belgium, Italy, Brazil, Chile, Greece and Korea.

Mr. Fairbanks served as special advisor to Presidents Franklin D. Roosevelt and Harry Truman. President Roosevelt appointed him Presidential envoy to Brazil, Argentina, Uruguay, Chile, Peru and Panama.

It is indeed a great privilege and a distinct honor to introduce to you a distinguished actor, director, author—and a real-life American war hero, Douglas Fairbanks, Jr.

DISTINGUISHED NATIONAL VETERANS AWARD  
(Presented to Captain Douglas E. Fairbanks, Jr., USNR (Ret.) For the Year 1981)

Presented Annually By The Combined Veterans Organizations To The American Citizen Who Has Done Most To Distinguish Himself As A Veteran During The Current Year Throughout The United States.

This The 11th Day Of November 1981.

HOWELL HEFLIN,  
Chairman 1981 Award Committee.

SOME PREVIOUS RECIPIENTS

Gen. Mark Clark, U.S. Army (1956).

Gen. Lucius Clay, U.S. Army (1957).

Gen. Alfred M. Gruenther, U.S. Army. Head of American Red Cross (1959).

Gen. James A. Van Fleet, U.S. Army (1961).  
 Gen. Mathew B. Ridgeway, U.S. Army (1963).  
 Gen. David Sarnoff, Chairman, R.C.A. (1965).  
 Gen. Lauris Norstad, U.S. Army, Commander in Chief, NATO (1968).  
 Col. Roscoe Turner, USAFR (1967).  
 General of the Army Omar Bradley (1970).  
 Lt. Gen. James Doolittle, USAF, M.M. (1971).  
 Brig. Gen. James Stewart, USAFR (1972).  
 Col. Charles A. Lindberg, USAF (Ret.) (1973).  
 Adm. Thomas Moorer, USN, Chairman, Chiefs of Staff (1974).  
 Astronaut Neil Armstrong, USNR (1975).  
 Gen. W. C. Westmoreland, U.S. Army, Chief of Staff (1976).  
 Brig. Gen. Paul Tibbetts, Jr., USAF (1977).  
 Adm. Arleigh Burke, USN, Chief of Staff, Joint Chief of Staff (1979).  
 Gen. Louis Wilson, USMC, Commandant of USMC (1980).

#### ACCEPTANCE OF AWARD ADDRESS

(By Capt. Douglas E. Fairbanks, Jr., USNR (Ret.))

Your Excellency, Governor James, Senator Heflin, Congressman Smith, Your Honor, Mayor Arrington, Mr. Weeks, Mr. Golden, Admirals, Generals, and all sorts, kinds and sizes of Distinguished Guests, Ladies and Gentlemen:

That "Introduction" delivered by Senator Heflin was the best obituary my wife ever wrote! As she is a Virginian, she did an admirable job of exaggeration in order to play down my Darnyankee origins!

Some people have expressed surprise that an actor—primarily a film actor at that—would get himself involved in so many different things. But you'd be surprised—perhaps—to know how far afield the interests of some film actors nowadays can take them! Even "Veteran" actors!

#### Veterans!

We are all of us only too well aware that "veteran" is another word for "survivor," and that both words have built into them a considerable acknowledgment of luck. Speaking for myself, I can assure you that I feel doubly lucky tonight. First, because I can identify myself with you all as a veteran (on the other hand, whether you will still be surviving after all this evening's festivities and my words are concluded, is very much open to question).

Secondly, and more seriously, though, because of my gratitude for the gesture, I wish you could know how grateful—how very grateful—and a bit humbly embarrassed too—I feel standing here, thanking you for this most highly valued award. There is a tremendous weight and resonance of character and experience to be felt in just facing this audience. To be ushered into this present company, and into the ranks of honor that you not only represent, but embody, fills me with unwordable gratitude and, of course, pride.

Emerson observed that every hero—if I may use that word to make a point—is apt to become a bore at last. Well, I hope not, and I certainly do not intend to suggest that the mold I spring from is in any way heroic! Far from it! For instance, my own experiences often reminded me that if you are on a ship under attack, and you want to run away, where are you going to run to? No, grateful as I am to receive this award (and I haven't the slightest intention of giving it back!), I know only too embarrassingly well that awards are most often given to someone who merely represents or symbolizes a service which has been earned by many. It has been cruelly but often truthfully said that war seldom kills off the right people. I recall, in the Navy, we sometimes used to say that if somebody managed to get his

ship sunk by enemy action, or sustained enough casualties, he was decorated. But if he won out, and saved his ship and had no casualties, he wouldn't get any recognition at all!

In the case of my own family—who were the only ones who ever really gave a damn anyway—the matter has never arisen. My wife, my children, and my grandchildren would not, will not, so much as dream of my not being thoroughly deserving of anything I've ever received—for anything! Of course, they might not know what that "anything" was for. But that wouldn't matter! They're so broad-minded! They take an unconventional view of many things. For instance, my eldest daughter, when a small child during the war, thought all dark blue uniforms with bright buttons were Naval officers—and, one day, walking with mother, she saw a policeman in the distance, she called out, "Oh, Mummy, look! There's Daddy!"

In any case, if my family want to say that Daddy won the war single-handed, I have absolutely no intention of disabusing them of the idea. In fact, I might even encourage them! I must admit, that, in my time, I have been known to make up such exaggerated stories that any resemblance between my yarns and the actual facts is very often purely coincidental. (I suspect that there are others here among us tonight that could possibly admit to the same indulgence.)

But on this really solemn occasion I must temper my deep and honest thanks for your wonderful award by acknowledging that, by rights, it should be—if possible—shared with every one of the teams with which I served—in whatever service, in whatever battle, in whatever campaign, and in whatever theater of war, and/or peace! And, of course, in a different way, with all of you as well.

Mark Twain said that war talk by men who have been in war is always interesting.

I'm not so sure about that, but even allowing for the fact that most recollections of the "good old days" are due either to bad memories or good lying, we here certainly can still remember with great vividness our own feelings and "sense impression"—whatever our jobs were—that are now years, and, for some, even decades, old.

We meet here tonight at a time when America seems at last to be recovering two things we had, well, not exactly lost, but rather mislaid for a few years—or thought out-of-date: It is an appreciation of, and a faith in, our country. We are, it seems, taking a new, fresh look at our homeland with new, fresh pride—this time accompanied by a becoming modesty instead of tub-thumping arrogance; we look with a new deep sense of belonging not just to our township or state alone, but to our whole continental vastness and our own people in it. Less and less do we regard ourselves as merely belonging to a large club that somehow provides several unique advantages for its members.

A few years ago, many thought patriotism was "for the birds," an out-of-date cliché reserved for sloppy sentimentalists, or for certain extremists to justify their own power or pomposity, and, in many cases, their excesses or aggressions, or for the philosophy "To Hell with the rest of the world! I'm alright, Jack." Today, though, we find ourselves realizing afresh that if you don't feel a love of roots, of hills, valleys, rivers, skies and coastlines, of people, habits, customs, of your own people, clan or compatriots, you love nothing. You aren't capable of it.

Time, of course, has never, can never, move backwards. We are—we and the rest of the free world hope and pray we are—an ever increasingly responsible and statesmanlike nation. We were, once upon a time, a "promising" nation, then a "strong and equal" nation, and now we are a world power, and even—terrifying enough (for this moment in history at least)—a superpower! This means that while assuming the burdens of such an

awesome responsibility we can afford to be quietly confident without needing the added inspiration of the trumpets and the drums—except, of course, for celebrations such as we are enjoying on these particularly special days. After all, we are justifiably proud of our efforts in two great world wars.

We can also now be mature enough to admit that we may possibly have done less well in some subsequent combats—challenges which may have been more limited in scope but just as big in their emotional and physical impact on those directly involved. But from a long-range point of view, they were really not much more than "set backs" which every great power must experience in the course of time. After all, the greatest powers and the most potent and influential cultures in all history—starting, say, five or six thousand years ago with the Egyptians, and the Chinese, then on to the Greeks, the Romans, and finally the British—they shook the world—but they did not win every battle—not by any means! Nor, indeed, every war!

They didn't even come close to doing so! And when they lost, it was not because of any lack on the part of the individual fighting man, but usually because of misjudgments in policy and/or command decisions; or a failure of confidence in a cause or a leader, or an objective, and, oh, for numberless other reasons. But they prevailed for a long time—and their heritage to posterity is indelible! Why? Because the nations or civilizations that did survive over the longest periods were those who were best equipped with the spirit and faith to respond to the challenges of their particular time.

In other words, no nation, any more than any individual, is, or ever has been, forever invincible. But the human spirit is very much so!

Our own Thomas Jefferson said something to the effect that a nation's greatness does not depend on the abundance of its agriculture, the wealth of its industries, nor the size of its armaments, but rather on the quality of human being it produces!

I suggest that we Americans have proven to be of that "top-quality" regardless of the ups and downs of our national fortunes. But it is in the area of our relations with the rest of the world that I'd like to make another point—a point which I feel is apropos and worthy of your notice: The point is, to my mind, whether we do not often perhaps overreact to our potential adversaries and underdevote attention to the problems and anxieties and worries of our friends? If so, let us first briefly analyze our possible potential adversaries, the Soviets:

The object of Soviet policy is, obviously and understandably, to, as it were, "Finlandize" it. In their constant but transparent efforts to achieve this, they are, we must admit, consistent and often effective operators. But I suggest that to deal with a rival—any rival—one must first of all understand his reasoning, his motives, how and why he thinks as he does, acts as he does!

One thing that marks the Russian mentality is—even more than their formal but corrupted attachment to Marxism—their centuries-old fear of what may happen on their borders! They have many countries already within their Empire (but which they call their "Union") and they have put many other countries behind what Churchill so aptly named their Iron Curtain. They have done this partly for ideological reasons but also from fear. Having been invaded and occupied several times, the ordinary, non-political Russian also knows war, knows what it feels like on a massive scale.

This understanding must not, of course, blind us to the cynical and ruthless policies of their rulers—policies which intervene in the affairs of totally alien countries and which, despite numerous treaties, insist on maintaining armed forces far in excess of any conceivable eventuality—and all the



while their own people are short of nearly everything (even vodka!).

When the Soviets claim they must spend vast sums on their military organizations, this dangerous phobia of theirs must be seen as not just a phase of political expansionist ambition but also as a part of the Russians' pathological fear of the Germans and the Chinese on or near their borders. When the old Russian diplomat Zhukov asked: "How would you like to get up every morning and see 800 million Chinese peeping in your window?" he wasn't just being rhetorically witty. And when the Russians, referring to the Germans—and their other reasons for wanting to keep them divided—ask Americans: "How would you feel if your country was twice invaded in 16 years by Germans—and all the land between New York and Chicago laid waste by them?" one can gain an additional perspective of Russian—as opposed to purely Marxist-Soviet political and military thinking and feeling.

This being said, however, I would urge us all to resist a tendency to regard our most conceivable adversaries as being 12 feet tall, or that they are "supermen" of some sort. For a time, we looked the same way, to some extent, at the Nazis and the Japanese in World War II, and now we seem to be doing it with the Russians. But the Soviets have, in fact, made a number of tremendous mistakes. Their own harsh actions a few years ago in discontented Hungary and Czechoslovakia have haunted the ordinary Russians for years, and have contributed—up to today at any rate—to the Soviet's reluctance to invade and tame a brave Poland. Afghanistan is proving to be a ghastly mistake, not only in Afghanistan itself, but in the opinions of much of the rest of the so-called Third World, where the Soviet invasion has given rise to intense and sustained anti-Russian feeling.

To most recent observers of the world scene, Marxism, like many other things on this only planet we can live on, seems in disarray, to be losing the most ground as a political and economic philosophy. It has lost much of its ideological steam and is rolling up quite a string of failures, while the supposedly decaying "capitalistic" world, or even the free "democratic socialist world" in much of Western Europe, although having serious troubles too, is at least demonstrating very clearly the needed flexibility and resourcefulness and technological initiative that the Marxists have accused us of being too moribund to master.

But this is certainly not a moment for self-congratulation. It is, on the contrary, a very dangerous moment. When a nation's leaders suspect that their internal problems are getting out of hand, some have been known to divert their people's attention from domestic issues and almost force a fresh allegiance to the country's central power by starting foreign adventures or frightening their own people with stories of external threats. We can—and hopefully we will—make it incontrovertibly clear that the western alliance does not seek to destroy Russian power nor to achieve nuclear superiority. We do seek—no, more than that—we insist on a parity of power—or, in other words, a massive reduction by all parties of the threats of war. This present state of affairs cannot be allowed to continue as it is today. No one must ever have reason to press that dreaded button.

Now, to our allies: Some Western Europeans—the younger generations mostly—believe they are caught between the rivalries of Soviet Russia and the U.S., and are trying to hedge their bets. They are afraid the two super-giants will indeed wipe them out. Therefore, not being fully informed—and hence only half-understanding us on the issues—they feel a need to somehow keep the peace with everyone—particularly those countries who have oil and/or weapons. At this point in time these young Euro-

peans are from countries neither as strong nor as rich as we are, nor as they once were themselves, but whose intelligence, experience and abilities are certainly equal to ours—and perhaps, in some cases, superior.

As individuals, we all need friends. So do we as a nation. Therefore, with reference to our allies in the free world, we need and would hope for their willing and collective advice and consent to what we do abroad (which, don't let's fool ourselves, we ought not to be too proud to consider). And, further, for them to join us, and we them, insofar as we are all able, in commonly agreed upon plans for our mutual defense. Our true understanding of their attitudes is every bit as important as their reactions to ours.

For instance, we must sympathetically remember and understand that in two world wars we came in late, and even though we efficiently and bravely tipped the balance of victory toward our side, their losses of life, property, wealth, everything, have been far, far greater than ours; and that though they value their freedom no less than we do ours, they quite naturally harbor a real fear of more wars being fought—for any reason—on that same ground. We may think they are foolishly blinding themselves to the Soviet threats—and to our misunderstanding our own counter-intentions—but really all they dread, and hope to avoid, is being again a horrible battlefield, slaughterhouse and graveyard.

Looking at what could happen, from their point of view, seeing and listening to what the two giants do and say, it is hard to blame them. After all, we in the U.S. still feel the wounds of another war fought here at home 116 years ago—and with "conventional" weapons!

Certainly, there is much to learn from the huge public protests made recently in free, democratic, and allied Western Europe. In West Germany, for instance, anti-nuclear fears are more virulent than ever. And any sign of American "big-talk," of threats or of an insensitivity to these young, emotional and frightened sentiments, could eventually threaten the political and military stability of all our NATO-allied countries.

Hence, it becomes even more ominously clear than ever that it would be a great mistake for us to equate our foreign policy with just our wealth and material "weapons strength" alone! Every bit as important is to realize that true strength is as much dependent on attitude as anything else, and it is therefore essential—I think—for us to undertake, at the earliest moment, as a matter of priority, with patience and sophistication, and self-confidence, with understanding and sensitivity, the far more delicate, but just as necessary, political negotiations required to maintain peace, and to demonstrate, without fear and beyond a doubt, our confident intention to persuade friends and adversaries alike to, as it were, "cool it!"

In short, as we have apparently frightened people by threatening to at least equalize the Soviet's immense military superiority—hoping thereby to deter them from adventuring abroad—we could, I believe, similarly offer to match them in reducing and limiting—on an equal basis—our weaponry.

It is really quite vital to keep before us the fact that Western Europe is the linchpin of Western Free World Security (and in this context, the word "Western" is intended generically to include, of course, Japan and our Commonwealth allies like Australia, New Zealand, the free countries of Asia, and so on). This generalization should of course also include the absolute necessity for achieving a lasting stability in the Middle East—and for its people to realize their ultimate, imperative need to live with each other in peace!

Meanwhile, I hope we will soon be able to provide the masses of young, intelligent, decent Western Europeans with honest and convincing reasons why their idea, or hope,

of "neutrality" is a most dangerous thing for them at this time; that such a policy could encourage the Soviets to be more than ever inclined to dominate or control them; and that they are sadly wrong in ever trying to think that such a life "wouldn't be too bad!"

We are not ashamed, and ought not to be, of wanting to help keep the peace by being stronger than we are now—and of persuading our allies of the same thing. Or, at least, to demand no less than equality with the Soviets. It would be ironic if, by becoming "neutral," with the Soviet's military superiority as it is now, Western Europe were to surrender the freedoms the Poles are trying so hard to win. Foreign policies can successfully evolve only after attitudes, confidence, commitments and power are all in balance.

The present, as we know it, has its roots in the past, and with the common interest we share with our allies in a free world, the reward will be, we hope, our common survival and prosperity.

Reminiscence is no small part of these Veteran's Day observances and will always be so as the years go on. They have become one of our proudest traditions. We are only just beginning to appreciate, or remember, what indispensable things traditions are. Those traditions which manage to survive do so because we instinctively know they are more than just ceremonies or reminiscence. More precisely, traditions are a colorful means of measuring our present against our past, and of acknowledging, by re-enactment, a proud contribution to the sum of the national character. Traditions renew ideals, provide us with a more secure sense of continuity, and thereby inspire us to emulate, respect and perpetuate them so that those who follow us can carry on—and build their future on them.

As veterans, we are a brotherhood not only of ourselves but of all who have served our nation in whatever way they could and have thereby added new riches to our inheritance. Now, our confident hearts are being lifted again, not just by our material blessings but by the common recognition of our spirit, and by that patriotism which reveals itself as shared responsibility.

Well over 300 years ago, John Milton wrote: "I think I see in my mind's eye a noble and puissant nation, rousing itself as a strong man after sleep, and shaking its invincible locks." That, Ladies and Gentlemen, is how I feel, that we all feel, about ourselves! And so, with that in mind, I offer again my most heartfelt thanks, and I respectfully raise my glass to the sacred memory of our common past, to those present and absent friends, to all veterans, and members of your organization—and to each and every one of you—and yours. Thank you.

THE WHITE HOUSE.

Washington, D.C., November 5, 1981.

Mr. DOUGLAS FAIRBANKS, JR.,  
National Veterans Day in Birmingham,  
Birmingham, Ala.

DEAR DOUG: Nancy and I are proud and delighted to send our congratulations and best wishes as the National Veterans Day organization presents you with the National Veterans Award.

For over forty years, you have contributed to the well-being of our nation in war and peace. Your distinguished service in the United States Navy during World War II was in the finest tradition of American Armed Forces.

Of course we have known for a long time what an outstanding citizen you are. Our friendship goes back many years, and it has always been one both Nancy and I treasure.

With warm personal regard and, again, our congratulations.

Sincerely,

RON.

## REMARKS BY HON. JOHN O. MARSH, JR.

Of all the creatures of the earth, it is only man that has a sense of history. It is this gift which causes us to assemble here today.

In the town where I grew up as a youngster, in the Valley of Virginia, on a small plot of ground, at the intersection of Liberty and Main Streets, is a beautiful monument to those men of Harrisonburg and Rockingham County who gave their lives in World War I. It is a sculptured figure of Liberty mourning her dead.

Carved around the base of the monument are the words:

"They tasted death in youth that Liberty might grow old."

In the 1930's, I can remember in the classrooms on this day, the moment of silence as we paid tribute to mark the 11th hour, of the 11th day, of the 11th month when the Armistice was signed to end the war which was to have ended wars—to make the world safe for Democracy.

Now, over 60 years later, we know that the world has not been made safe for Democracy and wars have not ended. We gather here in Birmingham to pay homage to all of our veterans, not just those of World War I.

Normandy—Midway—Korea—South Vietnam—these were places of violence and valor, far removed from the peaceful and prosperous state of Alabama.

It was an English poet who captured the solemnity of this moment, when the tempo of a nation slows to honor its dead:

"The tumult and the shouting dies,  
The Captains and the Kings depart;  
Still stands Thine ancient sacrifice,  
An humble and a contrite heart.  
Lord God of Hosts, be with us yet,  
Lest we forget—lest we forget!"

And it was a Canadian soldier, who would be buried in the Fields of Flanders, of which he wrote, who reminded us, the living, of our commitment to our countrymen who fell in battle.

Perhaps we have become too sophisticated and the words seem too old-fashioned or hackneyed. We do not want to be reminded of the obligation of the soldier-poet who says to us:

"Take up our quarrel with the foe;  
To you from falling hands we throw  
The torch; be yours to hold it high.  
If you break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders Fields."

The purpose in being here today is twofold.

It is commemorative. It is commitment.

Commemoration of this day shall not be complete until such time as this Nation honors all of its veterans of all of its wars. You have done this in Birmingham.

In our public parks, in the hallways of our schools, at the campus, and in the town squares, in the court houses and in the churches, are the plaques, tableaux and statuary which have become community reminders to those who fell in other wars. However, too often there is no shrine to those who served and died on the battlefields of Vietnam. This should trouble our National Conscience. It should be set aright. They made no less a sacrifice for the cause of freedom.

In our time, the formula for a peaceful world is directly related to U.S. defense. A defense that deters war—a defense that causes any would-be aggressor to realize the foolhardiness of an attack on any U.S. interest.

As President Reagan recently stated at Yorktown:

"... of equal concern to me is the uncertainty some seem to have about the need for a strong American defense... Military inferiority does not avoid a conflict, it only in-

vites one, and then insures defeat. We have been trusted with freedom and must ensure it for our children and for their children. We're rebuilding our defenses so that our sons and daughters never need to be sent to war."

We do not seek empire, nor do we seek to force our will on others. Our record after both World Wars is testimony to that.

But, because we are not an aggressive nation, our potential adversaries nevertheless should not forget one of our early flags, carried by our successful Revolutionary forebearers. It was a pine tree displayed on a white background. Around the base of the tree was coiled a rattlesnake and printed across the bottom of that banner were the words, "Don't tread on me."

As we set ourselves to the task of strengthening America's defenses, let us remember that we have much to do. That it will not be done in a day. That it will require sacrifice. Yet, we must get on with it, and we shall get it done.

Let us speak to this commitment.

The world in which we live has three dimensions:

It is a world of crisis.

It is a world of change.

It is a world of ideas.

We live in a troubled world. We live in a world of precarious peace, a peace which is maintained only by U.S. strength. And, to the extent that the U.S. appears to be weakened, peace is weakened. It is only the U.S. leadership of the Free World and U.S. power that safeguards an uneasy truce.

A hasty global overview points to the difficulties of our times. There are seven major geographic areas of concern today:

1. Europe—Where NATO forces are counterposed to prevent aggression by the Warsaw Pact. Our attention is also riveted on the events in Poland.

2. Africa—That continent is the scene of great instability and political cross currents, but is vital to the West because of its resources;

3. The Middle East—Which at times appears to be a tinderbox of conflict. This volatile area is the source of enormous energy supplies;

4. Southwest Asia—Where we find 85,000 Soviet combat forces in Afghanistan;

5. Northeast Asia—Where U.S. forces, along with our Korean allies, safeguard the Korean Peninsula;

6. Southeast Asia—Which is still gripped by oppression; and

7. Latin America—Where we see growing unrest and instability in our own Hemisphere.

To meet these threats of violence, U.S. forces are organized on the basis of the Total Force Concept whereby the regulars, the Guard and the Reserve are co-equal partners.

It is vitally important that we give greater emphasis to the National Guard and the Reserve. In the Army in the coming year you will see greater attention to these essential civilian components.

Soviet power is awesome. Their intercontinental strategic arsenal includes 7,000 nuclear warheads—almost 1,400 of which are in their Intercontinental Ballistic Missile Force and over 900 of which are placed aboard Soviet submarines.

Like their land and sea forces, their air power is a formidable force—strategically and tactically.

A new Soviet blue water navy is appearing on the world's oceans. This naval force is designed to project Soviet power around the world.

The Soviet ground forces have now grown to more than 180 divisions. We have 24 divisions, eight of which are in the National Guard. They have about 47,000 tanks. We have 11,000. We find similar ratios in most other types of essential equipment.

While we have reduced our ability to produce equipment, they have increased theirs.

By any reasonable test, the Soviets have far more than they need to defend their own frontiers. The fact is they have the capability to launch such an attack and project military power beyond their borders.

I have spoken of the military role as we view this threat to our security. But what can others do? Specifically, what can the friends of the Armed Forces and the United States Army do?

I appeal to you this afternoon for special help in educating ourselves on matters that concern the Defense Establishment and the Army. You can tell this story to our fellow citizens who do not have the same level of knowledge or interest about defense matters as you do.

It is the story of:

The threat we face, and

What needs to be done in:

Manpower;

Readiness;

Modernization;

Sustainability.

These needs are not easy and they have a price. Our changing times add to the challenge.

We live in a world of change impacted by technology, by communications, by transportation, by exploration into outer space. It is a world being changed by exploding populations and emerging nations.

However, the world is not changed by armies nor by machines. It is changed by ideas.

The world of ideas and hope is America's world. Its preservation requires dedication and sacrifice from each of its citizens. It requires your skills, your efforts and it requires your time.

You are our greatest resource. You are America's hope for the future.

The last line of the Declaration of Independence is a commitment:

"And for the support of this Declaration, with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred Honor."

We must make this pledge.

President Reagan at Yorktown said:

"... The freedom we enjoy today has not always existed, and carries no guarantees. In our search for an everlasting peace, let all of us resolve to remain so sure of our strength that the victory for mankind we won here is never threatened."

Perhaps some historian at some future milestone will write—Here passed a small group of Americans, who in their time explored the reaches of outer space and raised the curtain on a new age of discovery.

Through science and medicine, they sought to conquer famine and disease, and helped alleviate human suffering by finding ways to lessen pain.

Through quiet strength and reason, they made less shrill the voices of prejudice and hate.

They paid Liberty's price of eternal vigilance, yet became neither oppressor nor oppressed.

To a land troubled by drugs and crime—by poverty and loss of destiny—they brought a measure of purpose and order as well as personal dignity.

They helped restore the beauty of the earth and safeguarded the elements of our planet vital to all forms of life.

They were a people who willingly bore the burdens of defense. Whose forces kept freedom's lonely vigil and were the guardian of their Nation's values.

And, to a world torn by war, they renewed again the hope of peace.

These things they were able to do because they possessed not only the knowledge, but the will to do them—and believed they could.



Let me leave a charge with you today which was the charge that Washington made to the delegates to the Constitutional Convention. At a time when it appeared the Convention would fall into disarray and the sacrifices of the American Revolution have gone for naught because of differences that developed in the Convention between regions over differences of political philosophies and economic concerns, Washington, the President of the Convention, charged the delegates as to their task with these words: "Let us raise a standard to which the wise and the honest can repair. The event is in the hands of God."

Let us raise that standard today.

COMMENTS BY: LIEUTENANT GENERAL  
DONALD E. ROSENBLUM

Mayor Arrington, Congressman Smith, General Merrill, Raymond Weeks, Members of John C. Persons Chapter AUSA.

#### AMENITIES

I am delighted to be here today, as we pause to honor the veterans of all the wars in which we have fought. I think it's most appropriate that we reflect on our heritage, and the role our veterans had in forging it. And John McCrae helped us do that when he wrote after World War I:

In Flanders fields the poppies blow  
Between the crosses, row on row,  
That mark our place; and in the sky  
The larks, still bravely singing, fly  
Scarce heard amid the guns below.

We are the dead. Short days ago  
We lived, felt dawn, saw sunset glow,  
Loved and were loved, and now we lie  
In Flanders fields.

Take up our quarrel with the foe:  
To you from falling hands we throw  
The torch; be yours to hold it high.  
If ye break faith with us who die  
We shall not sleep, though poppies grow  
In Flanders fields.

I know that no one in our country is more aware of the significance and history of Veterans' Day than you people gathered here in Birmingham. And certainly we all know that Veterans Day began as Armistice Day, a holiday set aside to celebrate the ending of World War I and to honor those who had fought in the battles of that war.

On the first anniversary of the signing of the Armistice over 60 years ago President Wilson set the tone for this annual observance when he said:

"To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in this country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the nations."

And I can recall as a young boy that at 11 a.m. on each Armistice Day everything stopped as we paid our respects to those who had fallen in the war to end all wars.

But we know peace didn't last. World War II soon followed and of course the Korean Conflict came after that. After each of these conflicts America treated her veterans as the heroes they were.

Then came the longest and most unpopular war in our history. In 1965, American troops became engaged in a type of war Americans did not fully understand. For the most part, soldiers fought in small units against the Viet Cong Guerrilla. For the first time, the horrors of war were brought into American homes for families to see on television in living color. The withdrawal of American troops from Vietnam was completed in March 1973. Our soldiers came home without the ticker-tape parades and confetti that showered their predecessors.

But observances such as this, here in Birmingham serve as excellent reminders to the rest of the nation that the veterans of all of our wars served with dedication and courage. They understood the need for sacrifice... of leaving loved ones behind. They knew the loneliness of being on a troopship with thousands, bound for an undisclosed destination. They, too, experienced blood, sweat and tears—sleepless nights, and mud and rain in their chow.

Above all, it was their patriotism and resolve displayed in the fight for freedom that commanded the respect of their fellow Americans. They knew that just desire alone would not guarantee the existence of freedom. They knew that desire must be coupled with the will and capability to win the battle... and win it quickly.

It is appropriate today for us to say to the Nation's war veterans, "Thank you for all you have done for America." But, as I was giving some thought to what I would say today it occurred to me that virtually everything a grateful people can say about our veterans has been said before. Indeed, what more can we say?

Perhaps the most appropriate way to honor the finest veterans the world has ever known is to rededicate ourselves to the cause for which they so valiantly fought—freedom. And let me tell you, there are no short cuts to maintaining our Nation's freedom.

The dangers of being unprepared to defend our freedom are great. History shows that each time we've become involved in a war, it's been because somebody thought the United States would not or could not fight. Although we are currently enjoying a period of peace, we are constantly reminded of just how fragile that peace is by such events as the recent assassination of Anwar Sadat and the subsequent tensions between Egypt and Libya.

And we cannot ignore the fact that the Soviet Union is building a military force beyond the need for defense of their borders. These forces are, indeed, a threat to peace and freedom. The Soviet Union has modernized its forces to the point that many of their weapons and equipment are now equal to or superior to our own.

In view of all this it's gratifying to note the new national spirit that is rebuilding America's defense capability. This new spirit of America is the same as the spirit of victory which gave our Nation its freedom after the last major battle at Yorktown in 1781. That spirit pulled us through hard times, and it will pull us through again, if the situation should arise.

It is healthy to reflect occasionally on our past deeds and our history as a Nation and find a measure of pride and feeling of achievement.

But to do full service to the cause for which our veterans fought, we must be united in our will to travel the long road ahead.

It is a road with many junctions and crossroads requiring decisions as to our direction for the future. Perhaps we are at one of those crossroads today—and if we are, we must as a Nation and as individual citizens choose our destiny—and we must choose it wisely. And moreover, once we have made our choice we must move boldly forward—we must believe in ourselves; if we don't—no one else will.

For America to move forward and remain secure it will take the efforts of all of us, in the tradition of the Veterans we're honoring today. And the members of the AUSA have a special mission—we've got to speak out and tell the story of the Army—Active, Guard and Reserve—and the need for public support to insure a strong national defense.

I know those of you here today are already active in supporting the defense of our Nation and because of this have found yourselves subject to criticism upon occasion. And

I also know that when you've given your all, criticism hurts and there is a subsequent reluctance to stand up again. And the most vocal critics are usually the nonparticipants, the sideliners who haven't what it takes to shoulder responsibility and assume leadership.

Well, Theodore Roosevelt had an answer for those critics. He said,

"It is not the critic who counts, not the man who points out how the strong man stumbled and fell, of where the doer of deeds could have done them better.

"The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat and blood; who strives valiantly, who errs and comes short again and again... and spends himself in a worthy cause; and at the best knows in the end the triumph of high achievement, and who, at the worst if he fails, at least fails while daring greatly..."

This has always been the spirit of the American people and particularly our Veterans.

To be credible and respected our Army needs your support. That handful of ragged and rugged Americans who from the very day of our Nation's birth courageously carried its battle streamers forward, are testaments to the courage of all Americans—Then and now. Those Americans with frozen and bloody feet at Valley Forge were not summer soldiers or sunshine patriots, for they were the mainstay of a fledgling Army that established the American precedent. Ten major conflicts and 167 battle streamers later, their sons and daughters continue to carry those same battle colors forward; and the feet that bled 2 centuries ago at Valley Forge are the same feet that trudged across Europe and the Pacific, that struggled up and down the rugged hills of Korea, and slogged through the rice paddies of Viet Nam.

To insure we continue with a tough and dedicated soldier in the First US Army I have charged the leaders with 3 things. We will have disciplined, trained, physically fit soldiers and units.

Discipline—follow orders of officers and NCOs willingly. Pride in themselves—in their units—in their profession. Trained to the Army standards.

Physically fit—look like soldiers and build intestinal fortitude.

We will meet these standards and continue the effort to build a combat ready Army which is credible to the citizens of our Country and to potential adversaries.

In my view Veterans Day is not just another day for speeches, music and parades. It is a day to honor those for their efforts in preserving and upholding America's heritage and ideals. Beyond that, however, it is a day to rededicate ourselves, renewing our strength to meet successfully any requirements which be before us. There are burdens which must be borne, but the Country's Army—your Army—has willingly borne them before... And we will not flinch from the task now.

Thank you.

#### REMARKS OF SHERMAN E. ROODZANT

"It was the nakedness of Bryce's left calf-bone that bothered me. Every strip of flesh and muscle had been torn away, so that the solitender bone looked like a broken ivory stick."

That ghastly description of a war wound came from the pages of Philip Caputo's Vietnam combat novel. A Rumor of War. The scene is haunting. It's brutal. But it's a scene that's been repeated countless thousands of times in the wars America has fought.

Such scenes echo the pounding of German artillery as it turned the trenches of World War I into rivers of precious American blood. They echo the crashes of Japanese Kamikaze

planes that transformed the decks of American ships into fields of flame.

And, they echo the firing of communist machine guns, as they mowed down young Americans on the banks of Korea's Yalu River. Over and over again, the horrifying scenes of disabling injury have been repeated in the nine wars and other military actions our country has been forced to fight.

Tomorrow, on Veterans Day, 1981, we ask all of our nation's citizens to remember the courageous men and women whose blood paid the price for peace.

We call on our country's people to understand that war is seldom like the movies on TV—films that focus on the glory of war. The sudden arrival of death or permanent disability is not clean or fine or glorious. War is ugly.

It may have its fine moments, to be sure. It may bring out the very best in our country's young men and women. But those are side effects of war—not the reality of combat.

The reality of war is like Caputo's description of a shattered leg bone. In another period of history, it was the horror of a Confederate soldier crawling across the forest floor toward death, as described in one of Stephen Crane's stories.

War is young Americans being slaughtered and maimed. It's other young Americans mopping from their faces the sweat of fear . . . fear that their number will come up next. These are the men and women who have paid the price for peace, and peace isn't cheap.

Veterans Day is their day. And you can be sure America's 30 million living veterans recall the blood and sacrifice that Veterans Day commemorates. They gave greatly of themselves, risking death and disability, to purchase peace for their country.

America's veterans—particularly its 2½ million disabled veterans—have paid dearly to preserve our freedom, prosperity, and independence from foreign domination.

The Birthright we Americans enjoy . . . a heritage most of us take for granted . . . was bought with anguish and pain.

A million and a quarter of our finest young men and women sacrificed their lives to defend our right to choose our own leaders at the ballot box. Countless thousands will never again enjoy peace of mind because of mental wounds they suffered while fighting to assure that all of us can worship as we wish.

Millions left arms, legs, or other parts of their bodies on the battlefield to insure every American's liberty to say exactly what he or she believes . . . because freedom of speech is a right earned by the patriots who founded the United States.

America's veterans had to interrupt their lives to answer their country's call to duty. They left their jobs and families behind to risk death and disability on the field of battle, in the air, or on the sea.

They did it because they treasured freedom, something that means more here in the United States than anywhere else in the world.

Today, too many young Americans view military service as a responsibility to be avoided at almost any cost. But, like those who serve today, we who have served know differently. We know it is not an easy task to be a soldier, a sailor, an airman or a marine when our country is at war.

As we look at today's world, we understand that it isn't easy to wear the uniforms of our Armed Forces even during peacetime. Just in the past few months, two Soviet-backed countries have attacked American aircraft.

Our military officers and bases have become targets for terrorist assaults. And, at least

five times this year, communist troops have instigated fire fights with American forces stationed on the demilitarized zone separating North and South Korea.

I bring this up because the organization I represent—the Disabled American Veterans—is in the business of representing all of those who become disabled in the defense of our country.

And I believe the DAV has a clear obligation to look out for the interests of those who would become disabled if our nation had to go to war again.

To me, the facts are clear. Thousands upon thousands of American troops would come home disabled if our country got into a tangle with another superpower such as the Soviet Union.

The unpredictable factors that are necessarily a part of war make it difficult for military planners to estimate the actual number of casualties we'd face. But, even if use of nuclear weapons could be avoided, casualty figures would still be staggering.

How would our country respond if suddenly faced with a tidal wave of combat-wounded troops, coming home in need of immediate medical attention? Sadly, no one knows. Since the end of the Vietnam War, America has lacked adequate plans and policies for medical treatment of casualties in the event of a new war.

Deeply concerned about this, the DAV has backed legislation to improve the medical staffing of our Armed Forces. We've backed additional legislation to make sure the VA has the medical capacity to do its part as the military medical system's primary back-up in the event of war or national emergency.

And we've stood behind legislation that would allow the VA and the Defense Department to share their medical resources now. As a preparation for the demand that a new war would place on both medical systems, such a sharing arrangement is indispensable.

I don't want to see another war. No rational person does. But, as the members of this audience are well aware, there's international tension and instability all around the globe today. The possibility of war . . . and the possibility of American troops being drawn into the fighting . . . are always there.

If another war involving U.S. troops breaks out, we must be prepared to take care of those who would come home disabled. To do anything less would be unconscionable.

America owes a sacred debt to those who have purchased peace through immense sacrifices. Our country owes this debt to those who will make those same sacrifices if we have to go to war again. And we in the Disabled American Veterans—the DAV—are determined to make sure America never forgets that debt.

Over the past few years, however, we've faced an increasingly bitter battle in defending the rights and benefits earned by those who pay for America's liberty with their blood, health and mental well-being.

Times have been particularly tough due to the overwhelming demand for cuts in government programs.

The Veterans Administration health care system has been starved for the funding and staffing it needs to provide quality medical treatment to sick and disabled veterans.

Programs designed to place disabled and Vietnam era veterans in decent jobs are being shredded. And these programs were never really large enough to put a very big dent in the problems disabled veterans face in today's tight job market.

Many veterans have actually lost their entitlement to benefits they earned through the sacrifices their country asked them to make during our wars. And thousands upon

thousands of veterans have been turned away at the doors of undermanned VA medical facilities.

Fortunately, the DAV and veterans' organizations have been able to fight off many of the most damaging proposals thrown at veterans' programs in recent years. For example, with the help of Congress, we blunted an assault made on our programs last winter by David Stockman and his powerful Office of Management and Budget.

But such accomplishments have never come easily. And today, defending veterans' programs from such callous attacks is getting harder year by year . . . even month by month. But we in the Disabled American Veterans will not waver in the heat of these attacks.

We will battle to defend the rights of those who pay the price for peace. We will struggle to improve America's system of veterans' benefits and services.

As the pressure for cuts in these programs mounts, we will remind the American people of what Theodore Roosevelt said about the debt owed to disabled veterans. "A man who is good enough to shed his blood for his country," said our 26th President, "is good enough to get a square deal afterward."

It has always been difficult for disabled veterans to get the "square deal" Roosevelt was talking about. It's more difficult now than ever before. But let's remember that young man I talked about in the beginning of these remarks . . . the one who lost his leg in Vietnam.

Should this veteran or any veteran disabled in the defense of America be denied treatment by the medical system Congress created to serve their needs? Should any veteran be turned away from a job he or she can do because of a disability suffered while defending our country?

Should educational and rehabilitation programs designed to help disabled veterans get a foothold in life be curtailed after they gave so much to make a good life possible for the rest of us?

Certainly not . . . but all of these things are happening to veterans' programs in America today. We in the DAV believe that those who pay the price for peace deserve better treatment than that. Thank you. ●

#### RECESS UNTIL 9 A.M. TOMORROW

Mr. STEVENS. Mr. President, is there an order for convening tomorrow morning?

The PRESIDING OFFICER. There is an order for convening at 9 o'clock.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 7:44 p.m., recessed until tomorrow, Thursday, December 3, 1981, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate December 2, 1981:

##### DEPARTMENT OF STATE

Paul H. Nitze, of Maryland, for the rank of Ambassador while serving as head of the U.S. delegation to the Intermediate Range Nuclear Force Negotiations.

Fred M. Zeder II, of Hawaii, for the rank of Ambassador during the tenure of his service as Personal Representative of the President to conduct negotiations on the future political status of the Trust Territory of the Pacific Islands.



## EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, December 3, 1981, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## DECEMBER 4

9:30 a.m.

## Finance

## Savings, Pensions, and Investment Policy Subcommittee

To hold hearings on S. 829, increasing annuities payable to survivors of Tax Court judges in accordance with certain salary increases, S. 1607, providing a minimum interest and dividend exclusion for each individual, S. 1645, permitting funds in an individual retirement account to be invested in collectibles, and on the substance of S. 1855, revising certain IRS provisions relating to the taxation of State judicial plans which are the regular, exclusive, mandatory plans for service as an elected State judge.

2221 Dirksen Building

## Governmental Affairs

## Energy, Nuclear Proliferation and Government Processes Subcommittee

To hold hearings on Federal regulatory enforcement policy.

3302 Dirksen Building

10:00 a.m.

## Joint Economic

To hold hearings on the employment/unemployment situation for November.

5110 Dirksen Building

11:30 a.m.

## Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building.

## DECEMBER 7

10:00 a.m.

## Judiciary

To resume hearings on S. 995, providing for contribution of damages in anti-trust price-fixing suits.

2228 Dirksen Building

## Joint Economic

## Agriculture and Transportation Subcommittee

To hold hearings on the economic effects of transportation on U.S. agricultural products, focusing on agriculture exports.

5110 Dirksen Building

1:30 p.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.

6226 Dirksen Building

2:00 p.m.

## \*Banking, Housing, and Urban Affairs

To hold hearings on Senate Resolution 209, S. 1859, Senate Concurrent Resolution 40, S. 971, S. 1609, and S. 1691, measures revising certain provisions of the Federal Reserve Act relating to the structure and membership of the Federal Reserve Board.

5302 Dirksen Building

## DECEMBER 8

9:00 a.m.

## \*Commerce, Science, and Transportation

To hold hearings on S. 1879, providing the Interstate Commerce Commission with authority to review good faith purchase applications which have been rejected by the trustees of the bankrupt Rock Island Railroad.

6226 Dirksen Building.

## Governmental Affairs

To hold hearings on debt collection procedures in the health professions student loan program, focusing on high delinquency rates.

5110 Dirksen Building

9:30 a.m.

## Energy and Natural Resources

Business meeting, to resume markup of S. 1484, promoting the development of oil shale resources by revising the authority to lease lands containing oil shale deposits, and other pending calendar business.

3110 Dirksen Building

## Environment and Public Works

To hold oversight hearings on the Endangered Species Act (Public Law 96-159).

4200 Dirksen Building

## Labor and Human Resources

To resume oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.

4232 Dirksen Building

## National Ocean Policy Study

To hold hearings on the status of Atlantic bluefin tuna stocks.

235 Russell Building

10:00 a.m.

## Governmental Affairs

To hold hearings on the nomination of Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service.

3302 Dirksen Building

## Rules and Administration

To hold hearings on Senate Joint Resolution 95, providing for the construction of the Franklin D. Roosevelt Memorial in the District of Columbia, and S. 1638, establishing a national memorial to Franklin D. Roosevelt on Roosevelt Island, New York City.

301 Russell Building

## DECEMBER 9

9:30 a.m.

## Select on Indian Affairs

To hold oversight hearings on programs for older American Indians, and to hold hearings on S. 1890, allowing the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin to use up to 20 percent of the funds in their land claims trust accounts to recover certain indirect costs.

357 Russell Building

10:00 a.m.

## Energy and Natural Resources

Business meeting on pending calendar business.

3110 Dirksen Building

## Judiciary

To hold hearings on S. 1030, revising certain provisions of the Gun Control Act (Public Law 90-618) relating to the licensing of manufacturers, dealers, and importers of firearms and ammunition, and prohibited activities concerning firearms.

2228 Dirksen Building

11:00 a.m.

## Labor and Human Resources

To hold hearings on the nomination of Lilla B. C. Tower, of Texas, to be Director of the Institute for Museum Services.

4232 Dirksen Building

2:00 p.m.

## Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building

## Joint Economic

## Monetary and Fiscal Policy Subcommittee

To hold hearings on Federal Government policy as it relates to the defense industrial base.

6226 Dirksen Building

## DECEMBER 10

9:00 a.m.

## Energy and Natural Resources

To hold hearings on S. 1867, to increase the acreage limitations and abolish the residency requirements of the Federal reclamation laws.

3110 Dirksen Building

## Judiciary

## \*Criminal Law Subcommittee

To hold hearings on S. 613, amending the Federal Criminal Code to revise the scope of, and penalties under, the Hobbs Act, prohibiting interference with commerce by threat or violence.

2228 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation  
Business meeting, on pending calendar  
business.

235 Russell Building

## Environment and Public Works

To resume oversight hearings on the En-  
dangered Species Act (Public Law 96-  
159).

4200 Dirksen Building

## Labor and Human Resources

To resume oversight hearings to exam-  
ine affirmative action regulations of  
the Office of Federal Contract Com-  
pliance Programs, Department of  
Labor.

4232 Dirksen Building

## Select on Intelligence

## Budget Subcommittee

To hold closed hearings on intelligence  
matters.

Room S-407, Capitol

10:00 a.m.

## Governmental Affairs

Energy, Nuclear Proliferation and Gov-  
ernment Processes Subcommittee

To hold oversight hearings on activities  
of the Department of Energy.

3302 Dirksen Building

10:30 a.m.

## Judiciary

## Juvenile Justice Subcommittee

To hold hearings on current conditions  
of correctional institutions.

6226 Dirksen Building

## DECEMBER 11

9:00 a.m.

## Energy and Natural Resources

To continue hearings on S. 1867, to in-  
crease the acreage limitations and  
abolish the residency requirements of  
the Federal reclamation laws.

3110 Dirksen Building

10:00 a.m.

## Environmental and Public Works

Business meeting, to resume markup of  
proposed amendments to the Clean  
Air Act (Public Law 95-95).

1202 Dirksen Building

10:15 a.m.

## Finance

Taxation and Debt Management Subcom-  
mittee

To hold hearings on S. 696, providing  
that certain State or Federal organiza-  
tions operating as libraries which  
serve the public be treated as tax-  
exempt public charities, and S. 1883,  
conforming the net operating loss car-  
ryback and carryforward rules for the  
Federal National Mortgage Associa-  
tion to that available for other finan-  
cial institutions.

2221 Dirksen Building

## DECEMBER 16

9:30 a.m.

## \*Veterans' Affairs

Business meeting, to mark up S. 349,  
providing for limited judicial review of  
the administrative action of the Veter-  
ans' Administration, and for reasona-  
ble fees to attorneys representing legal  
counsel for veterans.

412 Russell Building

10:00 a.m.

Commerce, Science, and Transportation  
Aviation Subcommittee

To hold oversight hearings on training  
and testing programs for air traffic  
controllers.

235 Russell Building

## Energy and Natural Resources

Business meeting, to consider pending  
calendar business.

3110 Dirksen Building

## JANUARY 13, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To hold hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to pro-  
vide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## JANUARY 14, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To continue hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to pro-  
vide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## JANUARY 20, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to pro-  
vide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## JANUARY 26, 1982

9:30 a.m.

## Labor and Human Resources

## Labor Subcommittee

To resume hearings on S. 1541, amend-  
ing the Employee Retirement Income  
Security Act (ERISA) by simplifying  
both reporting and disclosure require-  
ments, and the process for employers  
to provide retirement income to em-  
ployees, and providing incentives for  
employers to provide pension benefits  
to employees.

4232 Dirksen Building

## JANUARY 28, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to pro-  
vide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## Labor and Human Resources

## Labor Subcommittee

To hold hearings on S. 1785, increasing  
the penalties for violations of the  
Taft-Hartley Act, requiring immediate  
removal of certain individuals convicted  
of crimes relating to his official po-  
sition, broadening the definition of

the types of positions an individual is  
barred from upon conviction, increas-  
ing the time of disbarment from 5 to  
10 years, escrowing a convicted offi-  
cial's salary for the duration of his  
appeal, and clarifying the jurisdiction  
of the Department of Labor relating  
to detecting and investigating criminal  
violations relating to ERISA.

4232 Dirksen Building

## FEBRUARY 4, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1716, amend-  
ing the Voting Rights Act of 1965, to  
provide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## FEBRUARY 10, 1982

9:30 a.m.

## Labor and Human Resources

## Labor Subcommittee

To hold hearings on S. 1748, exempting  
certain employers from withdrawal  
and plan termination insurance provi-  
sions of title IV of the Employee Re-  
tirement Income Security Act  
(ERISA).

4232 Dirksen Building

## FEBRUARY 11, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to  
provide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## FEBRUARY 18, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to  
provide for the application of preclear-  
ance provisions to all State and politi-  
cal subdivisions, and provide for sub-  
mission of any changes under the pre-  
clearance provisions to the appropri-  
ate U.S. district court.

2228 Dirksen Building

## FEBRUARY 23, 1982

11:00 a.m.

## Veterans' Affairs

To hold hearings on legislative recom-  
mendations of the Disabled American  
Veterans.

Room to be announced

## FEBRUARY 25, 1982

9:30 a.m.

## Judiciary

## Constitution Subcommittee

To resume hearings on S. 1761, amend-  
ing the Voting Rights Act of 1965, to  
provide for the application of preclear-  
ance provisions to all States and politi-  
cal subdivisions, and provide for sub-



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mission of any changes under the pre-clearance provisions to the appropriate U.S. district court.

2228 Dirksen Building

9:30 a.m.

\*Banking, Housing, and Urban Affairs

**CANCELLATIONS**

**DECEMBER 4**

To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of titanium.  
5302 Dirksen Building